This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault

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document clearinghouse in the world. The research efforts here are
responsible for the declassification of MILLIONS of pages
released by the U.S. Government & Military.

Discover the Truth at: **http://www.theblackvault.com**

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

September 11, 2018

MR. JOHN GREENEWALD JR.
SUITE 1203
27305 WEST LIVE OAK ROAD
CASTAIC, CA 91384

FOIPA Request No.: 1396722-000
Subject: NAGELL, RICHARD CASE

Dear Mr. Greenewald:

Records responsive to your request were previously processed under the provisions of the Freedom of Information Act (FOIA). Below you will find informational paragraphs relevant to your request. Please read each item carefully.

☑ A search of the Central Records System maintained at FBI Headquarters indicated that records responsive to your request have been sent to the National Archives and Records Administration (NARA). Since these records were previously processed under the provisions of the Freedom of Information Act, we are providing you a copy of the previously processed documents.

Please be advised if this release of previously processed material does not satisfy your information needs for this request, you may make a request to NARA at the following address, using file number 64-HQ-48933 Serials 24, 64, 66, 70 and 72 as a reference:

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Enclosed are 715 pages of previously processed documents and a copy of the Explanation of Exemptions. This release is being provided to you at no charge.

Documents or information referred to other Government agencies were not included in this release.

Please be advised that additional records potentially responsive to your subject may exist. If this release of previously processed material does not satisfy your information needs for this request, you may request an additional search for records. Submit your request by mail or fax to – Work Process Unit, 170 Marcel Drive, Winchester, VA 22602, fax number (540) 868-4997. Please cite the FOIPA Request Number in your correspondence.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: https://www.foiaonline.gov/foiaonline/action/public/home. Your appeal must be postmarked or

electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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Total Deleted Page(s) = 45
Page 8 ~ b6; b7C; b7D; b7E;
Page 15 ~ b6; b7C;
Page 16 ~ b6; b7C;
Page 17 ~ b6; b7C;
Page 18 ~ Duplicate - 91-HQ-18339-Serial 13;
Page 51 ~ b6; b7C;
Page 52 ~ b6; b7C;
Page 55 ~ b6; b7C;
Page 58 ~ b6; b7C;
Page 59 ~ b6; b7C;
Page 60 ~ b6; b7C;
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Page 55 ~ b6; b7C;
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Page 59 ~ b6; b7C;
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DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-14-2015 By: J89J28T90

OPTIONAL FORM NO. 10
5010-104-01

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 10/2/62

FROM : LEGAT, MEXICO CITY (64-New) (RUC)

SUBJECT: RICHARD CASE NAGELL
FOREIGN MISCELLANEOUS

ENCLOSURES

There are enclosed herewith eight (8) copies of a letterhead memorandum dated and captioned as above.

SOURCES

The official of the American Embassy to whom subject voluntered the information reported in the enclosed memorandum is SA HENRY C. JOHNSON, who, however, appeared in his cover capacity of Assistant Legal Attache.

The information regarding subject's appearance in the Protection and Welfare Section was furnished by Mr. GOODWIN SHAPIRO, Chief of that Section.

The information concerning subject's appearance in the Passport and Citizenship Section of the Embassy was furnished by Vice-Consul [redacted] of that Section.

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The Embassy official who furnished the information concerning subject's appearance at the Office of Veterans Affairs of the Embassy is [redacted] Veterans Affairs Attache.

CLASSIFICATION

In view of information reported regarding subject's veiled threats to possibly defect to an Iron Curtain country, the enclosed letterhead memorandum is being classified "~~Confidential~~."

REC-8

MCI-25

(5) - Bureau (Encls. 8)
(1 - Liaison Section)
(1 - Los Angeles)(Info)
(1 - San Francisco) (Info)
1 - Mexico City
HCJ:ij
(6)

b7E

~~CONFIDENTIAL~~

COPIES

Sufficient copies are being furnished the Bureau so that information copies can be furnished the Los Angeles and San Francisco Offices in view of possible present or past investigative interest in subject in those areas.

Subject stated that he had been contacted by Special Agents at Los Angeles for information concerning hoodlums, but stated he had been unwilling to give them information because "I could have my head blown off," for giving such information. He also stated that he had been interested in what the FBI could do for him in the matter of collecting the money allegedly due him from the State of California, but was advised that there appeared to be no Federal violation involved and for that reason no action could be taken. He stated that he thought the U. S. Government as represented by the FBI had let him down because of this.

(U) One copy of the enclosed memorandum is being disseminated locally to the Embassy [redacted] on a circulation basis and another copy is being disseminated locally to the Protection and Welfare and Passport and Citizenship Sections on a circulation basis. (2)

b7E

~~CONFIDENTIAL~~

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

CONFIDENTIAL

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

October 2, 1962

RE: RICHARD CASE NAGELL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Above named individual appeared of his own volition at the American Embassy, Mexico City, on September 28, 1962, and volunteered the following information concerning himself:

Although he declined to furnish a local residence address for himself in Mexico City, he stated he could be contacted through a friend named [redacted] whom he said he contacts every day. He also exhibited his Tourist Card Number 152087, which listed his address as 4037 Leeward Avenue, Los Angeles, California. This card showed that it had been issued at Los Angeles on August 17, 1962, and that NAGELL had entered Mexico through Ciudad Juarez, Chihuahua, on August 24, 1962. The card also reflected that he established his identification by exhibiting United States Passport Number C526729.

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b7C

He related that he had formerly been employed by the Department of Alcoholic Beverage Control of the State of California as a Special Investigator. He stated that as a result of his investigation of some large cafes and bars in the Los Angeles area, one of which he named as the Mauna Loa, and some controversy which he had had with officers of the Los Angeles Police Department during the course of his investigations, he had been suspended on June 8, 1962, and later, on June 22, 1962, had been dismissed.

12-3-81

CLASS. & EXT. BY SP4 BTJ/IW
REASON-FCIM II, 2.4.2 2
DATE OF REVIEW 10 2-82

DECLASSIFIED BY SP-8/BTJ/IW
ON 9-2-81

- 1 -

5668 SLO/GCL
10/6/98 (FK)

~~Confidential~~ CONFIDENTIAL
~~Group 1~~
~~Excluded from automatic downgrading and declassification~~

CONFIDENTIAL

He mentioned that on July 15, 1962, "while making a meet" between Malibu and Oxnard, he had been shot in the chest. In connection with this latter incident, he exhibited a brief newspaper clipping which mentioned that he had refused completely to identify his assailants or furnish information which would assist the police in identifying and locating the person or persons involved.

He stated further that on August 6, 1962, he had withdrawn his request for a hearing so that he could get the money which he alleged was due him from the State of California, consisting of $800.00 retirement contributions and $300.00 for unused accumulated leave.

He stated that he felt he had been "let down" by the United States Government, both in the United States and during the time he had been in Mexico. He stated that representatives of the United States Government could have assisted him in obtaining his money from the State of California, but were only interested in soliciting from him information concerning hoodlums and other lawless elements, for the giving of which information he "could get his head blown off." He stated that he felt he had been let down by the United States Government in Mexico because nothing had been done by the Embassy in regard to his requests to have it assist him in collecting this money, which he alleged was due him from the State of California. He said that he himself had sent letters to California asking for payment of this money.

By way of further background, he claimed to have served in the United States Army from August 5, 1948 (then 18 years old) until October 29, 1959, and had held the rank of Captain between the ages of 22 and 29. He stated that he had received an honorable discharge and had been wounded three times in the Korean War. He stated that he made the major mistake of his life when he did not re-enlist and continue in the Army. Besides combat duty in the Infantry, he worked as an Investigator in the Counter Intelligence Corps.

He mentioned that he spoke Japanese fluently and had been married to a Japanese woman, who he said was divorcing him in California. He also complained in this connection that the California Courts had awarded the custody of their children to her.

CONFIDENTIAL

TIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI FD-171 11-14-62 DATE: 11/8/62

FROM : SAC, LOS ANGELES (44-799)

SUBJECT: RICHARD CASE NAGELL
FOREIGN, MISCELLANEOUS

RE: Legat Mexico City letter dated 10/2/62 to Bureau.

For the information of the Bureau, subject of referenced communication is identical to the victim in Los Angeles case entitled "UNSUB; LAPD; RICHARD C. NAGELL - VICTIM, CIVIL RIGHTS" Los Angeles file 44-799. The Bureau is directed to Los Angeles report of SA EUGENE I. TUGGEY, JR., dated 7/31/62, concerning the Civil Rights allegation.

In addition, information was volunteered by NAGELL concerning criminal activities he became aware of through his employment with the Alcohol Beverage Committee, State of California. This information was volunteered by NAGELL and no promises whatsoever were made to NAGELL in connection with any of the interviews conducted with him.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-91 BY SP-8BTJ/dw

REC-21 44-48933-2

13 NOV 13 1962

EX.-120

(2) - Bureau
1 - Los Angeles
EIT:eac
(3)

53 NOV 27 1962

Fm-3 (Rev. 12-13-56)

FBI

Date: 12/17/62

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL AIRMAIL (Priority or Method of Mailing)

REC-32

TO: DIRECTOR, FBI

FROM: SAC, JACKSONVILLE (105-new)

SUBJECT: RICHARD CASE NAGELL, aka
Joe Cramer, Joe Kramer
SECURITY MATTER - C

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP-8 BJ/lw

On 12/15/62 captioned individual telephonically contacted the Jacksonville Office and requested that he be interviewed by Special Agents of the FBI who are acquainted with Domestic Intelligence Matters.

RICHARD CASE NAGELL was located in the cocktail lounge of the Townhouse Restaurant, Phillips Highway, Jacksonville, Florida, on 12/15/62. He was taken to the FBI automobile where he was interviewed. He advised that he had served as a captain in the U.S. Army and had been involved in intelligence investigation for the CIC for approximately 7 years. He said he served in Japan over most of this period of time and married a Japanese woman named [redacted] from whom he is presently divorced. He advised that during 1957 and 1958 he became acquainted in Japan with one [redacted] He said this person was a member of the Cabinet Research Office (CRO), a rightist organization. He said this person is presently in the United States, place unknown, and deems him detrimental to the safety of the internal security of the United States. He said in either 1958 or 1959 he directed an anonymous letter to the FBI in Washington, D.C., relative to the above information concerning [redacted]

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ENCLOSURE ATTACHED

64-48933-4

REC-32

15 DEC 19 1962

EX-120

FILE IN 64-48933

5 - Bureau (Enc. 1) (RM)
1 - WFO (Info) (Enc. 1) (RM)
1 - Los Angeles (Info) (Enc. 1) (RM)
1 - Miami (Info) (Enc. 1) (RM)
2 - Jacksonville
WPK:nrb
(8)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

55 JAN 14 1963

He stated he was discharged honorably from the U.S. Army on 10/29/59 and subsequently became employed on 12/14/59 by the State Beverage Department in Los Angeles, Calif. He said in June, 1962, he was accused of taking a $20,000 bribe by the State Beverage Department and was released from his employment on 6/3/62 for refusing to answer questions. He stated he talked to the FBI in Los Angeles re the possibility of his dismissal being a violation of his Civil Rights.

MAGILL advised that he went to Washington D.C. where he resided until recently. He stated while in Washington DC he had been approached by an individual whom he felt was either a Special Agent of the FBI or a Soviet Espionage Agent. He said he met this person in a bar in Washington D.C., located at 811 14th Street NW, Washington D.C. He said this person talked of Domestic Intelligence and also talked of giving him an intelligence assignment. He said the more he thought this matter over he was positive that this individual works for the Soviets. NOT SPECIFIC

He said that in September, 1962, he was invited to attend a reception at the Russian Embassy. He could not identify the individual who invited him to the reception. He advised that he contacted the Central Intelligence Agency at either Langley, Virginia, or Elwood, Virginia, and used the name of JOE CRAMER or KRAMER during this contact with CIA. He said he told them of the above information and wanted some advice as to whether to go through with such an assignment. He said he was to meet this individual who was to give him the assignment at the above-mentioned bar on 14th Street, and in order to be recognized, he was to place three nickels on the bar in line with a dime placed directly over the middle nickel. He said the CIA told him that since this matter involved domestic rather than foreign intelligence he should refer this information to the FBI.

He stated he went to the above bar and there was contacted by the same person and was told to go to Miami, Florida, to a bar and wear a red sweater, where he would be contacted relative to an assignment.

It is to be noted that during the entire interview with NAGELL, he was noted to be in an inebriated condition and was very vague in answering questions. He was unable to identify by name any of the individuals he discussed and was also unable to furnish a physical description of any of these individuals. In addition to being slightly inebriated he also gave the impression to the interviewing agents of being mentally unbalanced. b6 b7C

NAGELL stated he is presently residing at the Holiday Inn, Jacksonville, Florida, and would be there for the next few days. He said he is presently driving a 1959 Ford which bears California license MYU 890. He said he has no living relatives except his former wife, who resides at [redacted] Los Angeles, California, and his sister, [redacted] Elmhurst, New York.

NAGELL is described as white, male, age 32, born 8/5/30, Greenwich, New York, red hair, brown eyes, 6'1", 180 pounds, marital status divorced, military service Captain, U.S. Army, SN 02028346.

NAGELL advised that he believes in connection with his contacts that he is actually working for the Soviets. He could furnish no information as to a specific assignment given him other than that he was to go to Miami and sit in a bar which he is unable to identify and wait to be contacted by a Soviet Agent. He said he spoke Japanese and Russian fluently and is well versed in the Spanish language. He said he was shot in June, 1962, but refused to discuss any of incidents surrounding the shooting. He said his auto has several bullet holes in it. He furnished a photograph of himself.

On 12/17/62 efforts were made to locate NAGELL for reinterview; however, it was determined that he had checked out of the motel and left no forwarding address.

JK 105-new

The Bureau is requested to check the Indices of the Bureau concerning NAGELL and furnish any pertinent information of value contained therein.

No investigation is being conducted in this matter in view of the non-specific information furnished by the complainant.

Copies of this airtel are being furnished Los Angeles, Miami, and WFO for information concerning NAGELL.

A photograph of NAGELL is also being forwarded herewith to the Bureau and also being furnished the above-mentioned offices.

The indices of the Jacksonville Office contain no information re NAGELL.

4-22 (Rev. 1-22-60)

Federal Bureau of I[illegible]tigation
Records Branch

_____, 19___

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524 CONFIDENTIAL X
- [ ] Forward to File Review
- [ ] Attention _____
- [x] Return to [illegible]

Supervisor Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [x] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject [illegible]

Birthdate & Place _____

Address _____

Localities _____

R# _____ Date 10-15 Searcher Initials [illegible]

Prod. _____

	FILE NUMBER	SERIAL
	1 [illegible]	
	[illegible]	
X	14-2[illegible]	

DECLASSIFIED BY SP3 BJ/sw
ON 6-16-98

CONFIDENTIAL X

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

12/19, 1962

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [x] Attention [redacted]
- [x] Return to [redacted] 6451 [redacted] 2194

b6
b7C

Supervisor Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [ ] All References (Subversive & Nonsubversive)
- [x] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject Richard Case Nagell
Birthdate & Place _____
Address _____

Localities _____

R# _____ Date 12/19 Searcher Initials SMG

Prod. _____

	FILE NUMBER	SERIAL
MF	64-48933	
	Richard C. Nagell	
I	44-30134	
	Richard Nagell	
	NR	
	R. C. Nagell	
	NR	
	[redacted]	
	6-16-98 SP3 BJ/SW	

BUREAU

Re: RICHARD CASE NAGELL, aka
SECURITY MATTER - C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-2-91 BY [illegible]

Empty [illegible]
[illegible] 4/65

64-48933 4

ENCLOSURE

ENCLOSURE

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-14-2015 By: J89J28T90

OPTIONAL FORM NO. 10
5010-104-01

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 1/25/63

FROM : SAC, MIAMI (105-0-3999)

SUBJECT: RICHARD CASE NAGELL, aka
Joe Cramer, Joe Kramer
SECURITY MATTER - C

Re Jacksonville airtel to Bureau dated 12/17/62, regarding interview with subject who was slightly inebriated at the time of interview who gave the impression of being mentally unbalanced.

On the evening of 1/24/63, subject called the Miami Office identifying himself as JOE KRAMER and insisted that an agent contact him at Northeast 1st Avenue and 5th Street, Miami, for important information.

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At 9:41 PM, 1/24/63, SAs WILLIAM D. NEUMANN and [redacted] interviewed KRAMER who was sitting in his 1957 Ford hardtop, black and white in color, and bearing California license MYU 890.

Subject was very reluctant to furnish any information but identified himself as RICHARD CASE NAGELL, a former Special Investigator for the Liquor Control Office, State of California, Los Angeles Office, and a former Captain in the United States Army with experience in intelligence work with the CIC.

Subject stated he wished to be advised if he was given a pistol with a silencer and possibly some microfilm by sources - Cuban, Russian or both - from Mexico City through a Cuban in Miami - if he would be permitted to return these items to his contact so he could be of further use to the United States Government. Subject stated he did not want to cooperate fully with the United States Government or anyone else. He gave the

5 - Bureau (AM RM)
1 - Jacksonville (Info) (AM RM)
1 - Los Angeles (Info) (AM RM)
1 - Washington Field (Info) (AM RM)
1 - Miami
PJN:mjh
(9)

FEB 7 1963

9-2-81
1-25-83

impression that he was better at determining what the enemy is up to than the agencies regularly handling these matters, except the FBI. He stated the FBI is the only agency that has treated him well.

Subject stated within the next few days the individual with the gun would contact him and he would immediately contact the FBI, provided the gun could be returned to him in time to make the delivery to whomever he had to deliver it. When pressed for details subject was very evasive and vague.

No promises were made to the subject and the espionage statutes and the registration act together with other laws were explained to him and he acknowledged he was fully aware of their provisions.

Subject stated he was discharged from the Liquor Control authority in California under false charges of accepting bribes. Immediately thereafter, he left for Mexico because he was disgusted with the United States. In August or September, 1962, he met a man from Maryland in Mexico City who introduced him to individuals whom he believed may have been soviet agents. He refused to give descriptions, names or other details. When questioned on specific points he became mysteriously evasive.

Subject claimed he had the names of all Americans involved in activities against the United States in a safe deposit box, the key to which he gave to a close friend in the event of his death.

When subject was questioned concerning the details of possible microfilm he might deliver, he stated that maybe there would not be any microfilm, and that was a conclusion on his part that microfilm would be delivered with the pistol. He also stated he did not know what the gun would be used for but since he was not stupid he thought it might be used to kill someone with. Subject tore off the corner of a $10.00 bill and offered it to the interviewing agents to be used as identification in contacting him when he would later call the FBI for a meeting. He suggested that the corner of the $10.00 bill be shown to a bartender in a bar that he would name and then a waiter could let him know that a friend wanted to see him.

~~CONFIDENTIAL~~

The agent stated this would be unnecessary and he agreed to call the office 1/25/63.

(U) Subject was highly critical of the operations of the Central Intelligence Agency in Mexico, but trusted the FBI and claimed he had contacts with FBI Agents in Mexico City, Los Angeles and Jacksonville. (C)

Subject furnished his driver's license which gave his address as Box 76121 Sanford Station, Los Angeles, California. His date of birth on the license is 8/5/38 and the address to notify in the event of emergency was 3751 6th Street, Los Angeles.

Subject also furnished background data which is contained in referenced communication regarding his service in the United States Army.

Late in the interview, subject reluctantly furnished his temporary address in Miami which is Room 303, Holiday Inn, 2500 Brickell Avenue.

Subject is described as a white male, brown eyes, brown hair (license shows red hair), 6'11", 180 pounds, large nose and a scar between his left eye and temple. Subject stated he was wounded in Korea and had three Purple Hearts.

Subject stated he is constantly under surveillance, that he has not been under the care of a psychiatrist and that he might return to Mexico City.

The above information has been furnished the Bureau and the offices listed in the event the subject should contact them so that they would be aware of the subject's background and his modus operandi.

No further investigation being conducted.

Two extra copies for Bureau are for possible use of the Legat, Mexico. (SDW)

1 - Branigan
1 - Bland
1 - Thompson
1 - Mullins

SAC, El Paso

1/16/64

Director, FBI

1 - Wacks
1 - Laboratory
1 - R.D. Cotter

RICHARD CASE NAGELL, aka
ESPIONAGE - X

Reurlet 1/3/64 forwarding notebook taken from Nagell at time of his arrest which includes names of purported CIA agents as well as numerous other individuals including Veterans Administration officials, U.S. Congressmen, various restaurants, and others (some of whom are recognized as being known communists or procommunists).

Relet suggests possibility subject may be engaged in some type of intelligence activity, possibly on behalf of CIA. Relet further notes that subject has "hinted" that he may have been attempting to go to Cuba and that his robbing of State National Bank of El Paso was "due to the direction he had taken towards going to Cuba." Relet further indicates subject was formerly a Captain in the Army and claims to have been trained in the Army's counterespionage school.

Bureau feels security aspects of this matter should be handled separately from criminal angles and that prompt action should be taken to resolve whether or not subject, in fact, has been involved in some form of subversive or espionage activities.

Immediately submit current report captioned as above outlining subject's background and setting forth all pertinent information which might have a bearing on Nagell's activities of a subversive nature. Include pertinent excerpts from subject's notebook and set out appropriate leads for other field offices to identify individuals mentioned therein where addresses are known. Where addresses are not known or where foreign residences are involved, request Bureau handle in cover letter. b7E

This report should also set out in detail circumstances under which notebook was secured as well as any interviews conducted with subject regarding contents of notebook and his possible involvement in subversive activities. Pinpoint subject's exact statements with regard to his proposed visit to Cuba and alleged connection between robbery of State National Bank and trip to Cuba. Also, fully describe subject's prior military

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

1 - 91-18339 (Richard Case Nagell)
RDC:ams
(11)

JAN MAIL ROOM TELETYPE UNIT

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP-8 BTJ/dw

service including reported training in counterespionage school and, if necessary, set out appropriate leads to secure further details in this connection.

Cover letter to report should also specifically explain reported concern of Assistant U.S. Attorney in El Paso with regard to notebook and his belief subject may use notebook in his defense with respect to bank robbery charges. It is not clear from relet how this notebook could figure in bank robbery matter or how subject could use its contents in his defense.

Report concerning security angles involved in this case should also set forth appropriate leads to definitely resolve whether subject is engaged in any subversive activities, including information concerning his mental stability, data regarding his financial dealings, and information concerning any contacts he may have had with subversive elements.

FBI Laboratory is conducting examination of notebook to determine if any coded writing may be involved and results of this examination will be forwarded to you separately, at which time original of notebook will be returned.

This matter should receive expeditious attention.

OPTIONAL FORM NO. 10
5010-104-02

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI ~~(91-18339)~~
ATTENTION: FBI LABORATORY

DATE: 1/3/64

FROM : SAC, EL PASO (91-1189)(P)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP-8 BTV/lw

SUBJECT: RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

439514

Re rep of SA THOMAS B. WHITE, JR. dated 9/26/63 at El Paso.

There is enclosed herewith a notebook taken from the person of the above captioned individual at the time of his arrest. An examination of this notebook reflects that the subject has made reference to Medical Aid to Cuba, Fair Play for Cuba Committee, the names of CIA Agents, and other information which would tend to indicate that the subject might be engaged in some form of espionage. There is also a notation of "Scramble"; the new "Information Please" almanac atlas and yearbook (1963).

This subject has indicated emotional instability since his arrest and has, on one occasion, attempted to commit suicide while incarcerated in the El Paso County Jail. He has "hinted" that he might have been attempting to go to Cuba and has indicated that he really did not have the intention of robbing the State National Bank but committed the act due to the direction he had taken towards going to Cuba. He resigned his Army commission as a Captain and has indicated that he was trained in the Army's counter-espionage school.

He has submitted a number of writs to the United States District Court at El Paso, Texas, all pointing at an attempt to have this notebook returned to him and the United States Attorney has refused to do so. Although the subject

2 - Bureau (RM) (Enc. 1)
1 - El Paso
TBW:shd
(3)

64-48933-6

6 JAN 16 1964

ENCLOSURE
ENCLO. BEHIND FILE

XEROX
JAN 20 1964

SPECIMENS RETAINED IN LAB.

INDEXED FILES

GPO 954-1, FORM NO. 10
5-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTN: FBI LABORATORY

DATE: 1/29/64

FROM : SAC, EL PASO (65-951) (P)

SUBJECT: RICHARD CASE NAGELL, aka.
ESPIONAGE - X

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP-8 BT-Y-1W

OO: EL PASO

441530

ReBulet to El Paso dated 1/16/64.

By separate communication, the FBI Laboratory is being furnished a package containing undeveloped film. In the package are five separate film packages labeled letters "A" through "E."

The above mentioned photographs were taken on January 27, 1964, of property of RICHARD CASE NAGELL, which was in the possession of the El Paso County Jail, El Paso, Texas.

These photographs should be considered evidence in the above captioned case.

It is noted that the possibility exists that the subject may have been engaged in some type of intelligence activity, possibly on behalf of the CIA, based on the subject's statements and property found in his possession. The subject has hinted that he may have been attempting to go to Cuba and that his robbing of the State National Bank of El Paso was "due to the direction he had taken towards going to Cuba." Subject was reportedly a Captain in the Army at one time and claims to have been trained in the Army's Counter Espionage School.

(2) - Bureau (REGISTERED)
1 - Package
1 - El Paso

DJR/jcs
(4)

ENCLOSURE

REC-20 64-49733-7

12 JAN 30 1964

1cc detached Crypt-Trans Section 2/26/64 FJC/shw

ENCLOSURE ATTACHED

It is noted that the Assistant United States Attorney at El Paso is very much concerned about the information contained in the property of the subject and is of the opinion that the subject may use the property in connection with his defense with respect to the bank robbery charges which have been filed against him in El Paso.

Requests of the FBI Laboratory

Develop the undeveloped film mentioned above and make one copy of each negative.

In addition, the Laboratory is requested to conduct an examination of the written material to determine if any coded writing may be involved.

The Laboratory is requested to return to the El Paso Office one copy each of the above mentioned photographs as soon as possible in order that a report may be prepared regarding the material that the subject had in his possession at the time of his arrest.

7-2

RECORDED
2/11/64
DSB

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

NO LAB FILE

Re: RICHARD CASE NAGELL, aka.
ESPIONAGE - X

File # 64-48933-7
Lab. # CR-12516 JU
CR-12520 JU

Examination requested by: El Paso, 1/29/64

Examination requested: Cryptanalysis

Date received: 1/30/64
2/7/64

Result of Examination:

Examination by: [redacted] b6 b7C

Examination of Qc 3 thru Qc 8 did not reveal any Technical indications of their use for code or cipher purposes.
Translation of Japanese language material in Qc 4-5-7 & 8 Enclosed.

Specimens submitted for examination

Qc3 Twelve photographs of negatives, located in the property of Richard Case Nagell, 11 containing writing in Japanese and one containing writing in German.

Qc4 Film pack "A" containing 10 exposed negatives numbered 3 through 12.

Qc5 Film pack "B" containing 11 exposed negatives numbered 1 through 11.

Qc6 Film pack "C" containing 12 exposed negatives numbered 1 through 12.

Qc7 Film pack "D" containing 12 exposed negatives numbered 1 through 12.

Qc8 Film pack "E" containing 12 exposed negatives numbered 1 through 12.

Lab report
[illegible] memorial form
FBI El Paso
(8)
JC'Lea
2/7/64

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-2-81 BY SP-8 BTY/SW

File received.
Translation of material from Japanese & German
sent to Dallas [illegible] 8/13/64 & 8/24/64

Writings [illegible] cryptographic significance noted in [illegible] of specimen.

Film developed by Doc [illegible] # 44.1530
Delong

1 copy each of 87 good negatives sent [illegible]

Laboratory Transmittal Form
7-72

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, El Paso (65-951)

Date: February 27, 1964

Re: RICHARD CASE NAGELL, aka,
ESPIONAGE - X

John Edgar Hoover, Director

REC- 123
EX- 117

FBI File No. 64-48933 - 7
Lab. No. CR-12516 JU
CR-12520 JU

Examination requested by: FBI, El Paso

Reference: Letters 1/29/64

Examination requested: Cryptanalysis

Remarks: Translations of material in Qc3 were furnished your office by letters dated 2/14/64 and 2/24/64.

Negatives number one and two in film pack "A" and negative number twelve in film pack "B" were blank. Negative number eleven in film pack "C" contains a double exposure.

MAILED 4
FEB 27 1964
COMM-FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-2-81 BY SP8 BTJ/JW

Enclosures (65) (Qc3 through Qc8, 57 prints of Qc4 through Qc8, 2 Laboratory reports)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter

FJC:lea
(7)

8 MAR 10 1964

ADMINISTRATIVE PAGE

-1b

REPORT
of the

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: **FBI, El Paso (65-951)**

Re: **RICHARD CASE NAGELL, aka.**
ESPIONAGE - X

Date: **February 27, 1964**
FBI File No. **64-48933**
Lab. No. **CR-12516 JU**
CR-12520 JU

Specimens received **1/30/64 (Qc3) 2/3/64 (Qc4 through Qc8)**

Qc3 Twelve photographs of negatives, located in the property of Richard Case Nagell, 11 containing writing in Japanese and one containing writing in German.

Qc4 Film pack "A" containing 10 exposed negatives numbered 3 through 12.

Qc5 Film pack "B" containing 11 exposed negatives numbered 1 through 11.

Qc6 Film pack "C" containing 12 exposed negatives numbered 1 through 12.

Qc7 Film pack "D" containing 12 exposed negatives numbered 1 through 12.

Qc8 Film pack "E" containing 12 exposed negatives numbered 1 through 12.

Result of examination:

Examination of Specimens Qc3 through Qc8 did not reveal any technical indications of their use for code or cipher purposes.

Photograph #9 in Qc4 is a duplicate of one of the photographs in Qc3.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-2-81 BY SP-8BTJ/JW

FJC:hea
(7)

(Continued on next page)

MAIL ROOM ☐ TELETYPE UNIT ☐

The translations of foreign language material in photographs #4 and #5 of Qc4 and photograph #4 of Qc5 appear in the respective photographs.

Translations of remaining foreign language material found in Specimens Qc4, Qc5 and Qc7 are as follows:

Translations from Japanese

Photograph #6 of Qc4

Receipt
To: Yamamoto
From: Koike Automobile Sales Office
Date: November 20, 1957
Amount: ¥23,000

The above amount was paid for automobile repair work.

Photograph #7 of Qc4

To: Commander of the C. I. C. Unit
From: Soroku Oda, Director of Communications, Northeast District Police Bureau
Date: August, 1957

In order to promote physical fitness and raise morale of the police officers in the field of communications, the 6th baseball games will be carried out and your presence is humbly requested.

It is hoped that you will notify us as to whether you would be able to attend the games.

Dates: August 29 and 30, 1957 (from 9:00 a.m.)
Place: The United States Army Ball Field, Sendai City
Office of Contact: General Section of Communications, Northeast District Police Bureau, 7 Naginata-cho, Sendai City
Telephone: (2) 7171, Ext. 532

(Continued on next page)

Photograph #8 of Qc4

To: Commander of the C. I. C. Unit, Sendai City
From: The Northeast District Police Bureau,
7 Naginata-cho, Sendai City, Telephone: (2) 7171

Photograph #11 of Qc4

To: Captain, Advisor
From: Sok Chun An, 5C

On the occasion of Christmas (1957), I pray for the health and happiness of you who are fighting for the common objective of the free people under the United Nations flag.

Photograph #6 of Qc5

Chong Sik Kim, Chairman of the Sendai Branch, Headquarter of the Miyagi Prefecture, Federation of the Korean Associations in Japan

Address: Kakyoindori, Sendai City
Telephone: (3) 0438

Photograph #7 of Qc5

Sadao Hoshiyama

Address: Pinball Parlor, 169-1 Baba-cho, Choshi City, Chiba Prefecture, Japan

Photograph #6 of Qc7

Shimpei Takahashi, born February 2, 1881

Address: 97 Yogai Oguchi, Narugo-machi, Tamazukuri-gun, Miyagi Prefecture
Father: Hatsuji Takahashi (deceased)
Mother: Iso Takahaski

Translation from Chinese

Photograph #12 of Qc8

Be a good student for Chairman MAO.

Specimens Qc3 through Qc8 with one print of each negative in Specimens Qc4 through Qc8 are being forwarded herewith.

TRANSLATION OF PRINTED TEXT:

Murai Jun (村井 順)

Director, Tohoku Regional Police Bureau

TRANSLATION OF WRITTEN TEXT:

Mr. Masui (増井)

Chief, Crime Prevention Section, Criminal Department,

National Police Agency

This will introduce Mr. R.C. Nagell to you. Any assistance given to him will be highly appreciated.

MARITIME SAFETY AGENCY (MSA) (Central)
(Kaijo Hoan Cho) (海上保安庁)

MARITIME SAFETY REGIONAL HEADQUARTERS
(Kaijo Hoan Honbu) (海上保安本部)

MARITIME SAFETY LOCAL HEADQUARTERS
(Kaijo Hoan Bu)(海上保安部)

PUBLIC SAFETY INVESTIGATION AGENCY (PSIA) (Central)
(Koan Chosa Cho) (公安調査庁)

PUBLIC SAFETY INVESTIGATION BUREAU (PSIB) (Regional)
(Koan Chosa Kyoku) (公安調査局)

TOKYO METROPOLITAN POLICE BOARD
(Tokyo Keishi Cho) (東京警視庁)

IMMIGRATION BUREAU (Central)
(Nyukoku Kanri Kyoku) (入国管理局)

IMMIGRATION OFFICE (Local)
(Nyukoku Kanri Jimusho) (入国管理事務所)

CABINET RESEARCH OFFICE (CRO)
(Naikaku Chosa Shitsu) (内閣調査室)

CONFI- TIAL

證

金

右正に領收仕り候也

殿

CONFIDENTIAL

3

CONFIDENTIAL

[illegible]の候、貴官益々御清祥にわたらせられお喜び申し上げます。

さて今般、当管内通信職員の体位向上と、志気の昂揚を計り、警察通信職員相互の親睦に寄与する目的を以って、左記により第六回管内警察通信職員[illegible]大会を挙行することに致しました。

つきましては御多忙中はなはだ恐縮に存じますが、万障御繰合せの上[illegible]賜りたく御案内申し上げます。

なお準備の関係もありますので、御出欠の通知を左記に御願い致します。

記

一、日時　昭和三十二年八月二十九日、三十日午前九時より

一、場所　仙台市川内　米軍用競技場

一、連絡先　仙台市北[illegible]丁七
東北管区警察局通信部総務課
電話二―七一七一（内線五三三）

昭和三十二年八月　日

東北管区警察局通信部長
[illegible]　小田　[illegible]　夫

[illegible]　殿

CONFIDENTIAL

4

…長殿

仙台市（仙台局区内）長[illegible]七番地

東北管区警察局

電話番号（私設公換台ニテ各局課ニ通ズ）代表ニ7171番

5

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Yoshidas „rechte Hand".

...ine Rolle

...ie erste Deutschland-Station auf seinem Informations-Trip rund um die Welt war Berlin. Von Stockholm flog Jun Murai an die Spitze von Abetz' Chef, dem japanischen Ministerpräsidenten Yoshida, auch von dieser ...n unterrichtet und ehemaligen Stadt" besuchen zu können. Motto — Ja, Bonn wird auch ...ssucht, aber Berlin ist wichtiger". Jahrelang ...wollten die Japaner wenig — Murai sagt, „so ...sind wir nicht" — von Deutschland. Die zum ...17. Juni 1'rd deshalb waren in dem Notizbuch ...Abjahrigen Letters der Informationsabteilung Yoshida die Namen der prominentesten Politiker ...unseres dicken Notizbuch unterstreichen.

...Murai, Mutai die „rechte Hand" Yoshi...der Ihner, etwas aufgeschwemmte Mann ...den starken Augenlidern, den vorsichtig ...schlagenden Augen und dem immer ...etwas geheimnisvoll scheinenden Gesichtsaus...auch hierin die Stufenleiter des Erfolges in ...Jahren schneller als andere empor. ...Kollegen. Japanischen, Verwaltungs...Politikern für Yoshidas und Jetzt Informationschef Ein Vertrau...apaten erster ...Ordnung. Ich habe eine ganze Menge — und ...auch mein Chef" Das etwas ...Lachen, das sich bei diesen Worten ...Gesicht Jun Murais legt, sagt ...Kommentar über seine Position.

...Deutschen empfindet Murai ehrliche ...Sympathie. Die Freundschaft zwischen uns ...Deutschland sei nicht zu zerstören. Zwei ...Länder mit gleichen Problemen," Japans Problem Nr. 17 Jun Murai: „Die Übervölkerung." 80 Millionen leben auf der Insel. Gibt es einen Ausweg? „Wir denken an eine internationale Lösung mit Hilfe der Vereinten Nationen. Viele Vorschläge sind schon gemacht worden." Der Aufbau in Japan? „Wie in Deutschland ... wir arbeiten sehr hart." Die Kriegsgefangenen? „Die Sowjets halten noch 300 000 zurück."

In Berlin fuhr Yoshidas Informationschef quer durch die Stadt, sah sich alles an, was interessant und charakteristisch ist, sprach mit dem Hotelier genau so über politische Fragen wie mit Dr. Vocke1 und ist glücklich, daß er hier bei uns so etwas wie eine herzliche Sympathie ihm gegenüber empfunden hat. Berlin — sehr schwarz-rot-gold-durchsetzt. Übersetzt diese Freude mit den Worten: „Ich komme gerne wieder nach Berlin — aber erst muß ich Yoshida berichten."

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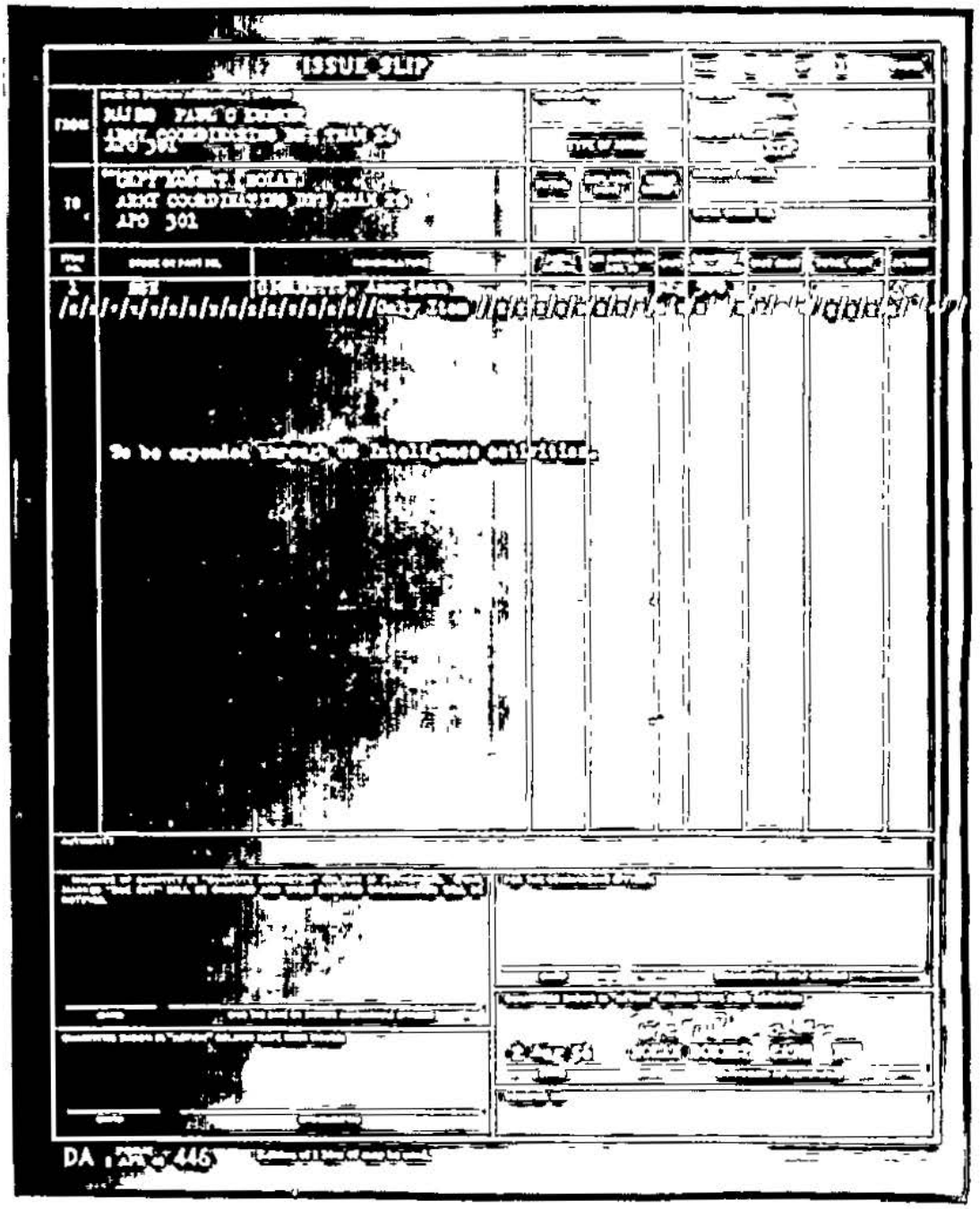

CONFIDENTIAL

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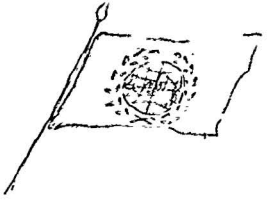
諭尙鎭 大統

祝聖誕

萬里異域에서 UN旗발아래
우리의 自由人民의 共同目標을
爲하여 奮鬪努力하는 貴下의
健康과幸福을 祝福합니다

1957. Xmas

5c 안선준



CONFIDENTIAL

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HEADQUARTERS
ARMY COORDINATING DETACHMENT (PROV)
APO 301

25 January 1957

Captain Richard C. Nagell
Liaison Section
Army Coordinating Detachment (Prov)
APO 301

Dear Captain Nagell:

It is gratifying to note your educational accomplishment as reflected in the attached letters from the Commanding General, 1st Cavalry Division and Commanding Officer, ACRAVE.

Your achievement reflects most favorably on yourself and the military service.

I extend my personal wishes for success in future efforts to further your education.

H. E. Ritt
Lt Col, Inf
Commanding

CONFIDENTIAL

9

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TO: Capt Robert C. Nolan
Advisor, FROKA Det, HID

Col Lee Grant HI
CO, HID, RSA

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VIA AIR MAIL

VIA AIR

REGISTERED
3197

VIA AIR

CONFIDENTIAL

12

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15

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ANNUAL RATION BOOK
JAPAN CENTRAL EXCHANGE

31 DEC 56
Date Issued

Name RICHARD C NAGELL

Age 26 ASN 02028346 Sex M

Orgn ~~8254 AU U.S. ACRAFF~~

Signature Issuing Officer [illegible] Maj

[illegible]

U.S. GOVERNMENT OPERATOR'S PERMIT

[illegible]

NAME AND LOCATION OF ISSUING UNIT
8277 AU APO 613

NOT TRANSFERABLE

SIGNATURE OF OPERATOR
Richard C. Nagell

DD FORM 313

H[illegible]YAMA [illegible]
c/ [illegible] Pachinko store
10[illegible]-1 Baba-[illegible]hi, Choshi-shi,
Chiba-ken, Japan

CONFIDENTIAL

MINUTES OF JUDICIARY COMMITTEE MEETING (#18), HOUSE OF REPRESENTATIVES, 15TH DIET (26 JAN 53) OPEN & CLOSED SESSION.

KAJI WATARU

CONFIDENTIAL

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

CONFIDENTIAL

16

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New Developments Enhance Minolta-16

NEG. No.		VISIBILITY ORDER
1.	25 (11) - BULB	8
2.	200 (11) - BULB	4
	25 (3.5) - BULB	
4.	200 (3.5)	5
5.	200 (3.5) - BULB	6
6.	50 (11) - BULB	7
7.	25 (3.5)	1
8.	25 (11)	2
9.	200 (3.5)	3

BUY IN THE MEANTIME

First came its own [illegible] for color and [illegible] and small [illegible] and [illegible] which [illegible] Because of the [illegible]

SUB-MINIATURE DEVELOPING TANK made by Minolta takes little space when you pack your belongings. If you [illegible] with two 300cc plastic bottles for chemicals, you can [illegible] the equipment in your kit bag during your travels around Japan and develop the film in your hotel room.

IN ADDITION TO [illegible]

And make no mistake with expert handling from exposure through processing and printing, [illegible] can and are being made with the sub-miniature neg. Even while there is some [illegible] it certainly is not objectionable. In fact it tends to flatter certain types of pictures.

[illegible]

AS IN USING [illegible]

Likewise, you must be alert in drying the [illegible] a dust-free place so that [illegible] will have [illegible] to rest on the film as soft as [illegible]

IF YOU WERE TO

The same goes [illegible]

[illegible]

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

U. S. A.

INTERNATIONAL CERTIFICATES OF VACCINATION

AS APPROVED BY

THE WORLD HEALTH ORGANIZATION

CERTIFICATS INTERNATIONAUX DE VACCINATION

APPROUVES PAR

L'ORGANISATION MONDIALE DE LA SANTÉ

TRAVELLER'S NAME

Richard Case Nagell

ADDRESS
ADRESSE (Number, Number) (Street, Ave)

C/O Gilbert, 8225 Grand Ave.
Elmhurst, Long Island, New York
United States of
America

(Country, Department) (State, City)

U. S. DEPARTMENT OF
HEALTH, EDUCATION AND WELFARE
PUBLIC HEALTH SERVICE

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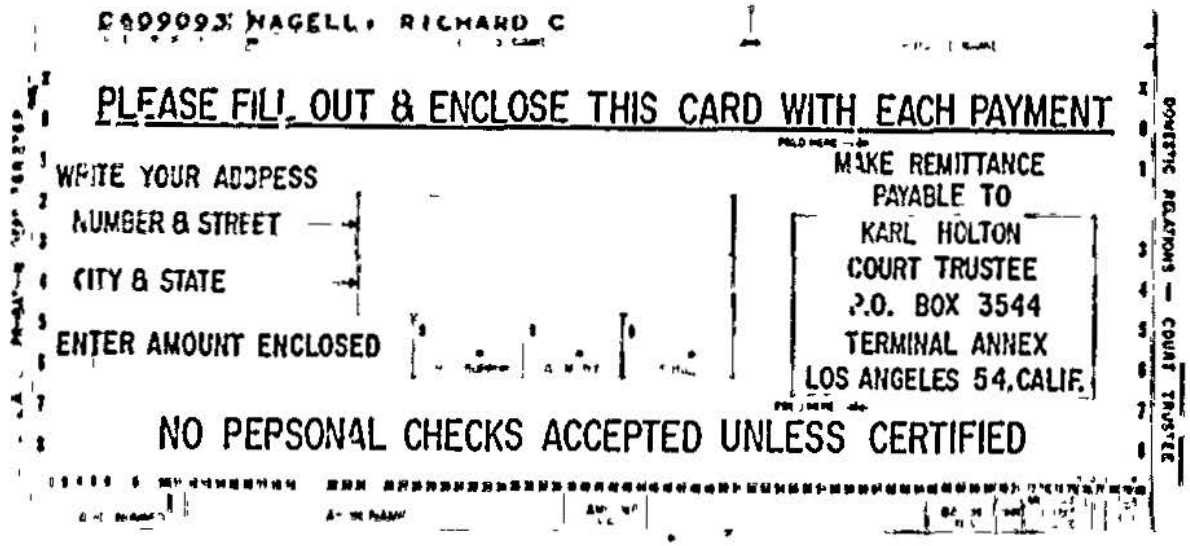

After five days return to

PLACE STAMP HERE

COURT TRUSTEE

BOX 3544, TERMINAL ANNEX

LOS ANGELES 54, CALIFORNIA

Y

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PASSPORT APPLICATION

A

BOX ...

LOS ANGELES ...

DATE OF BIRTH (Month, day, year): AUGUST 5, 1930

PLACE OF BIRTH: ... NEW YORK

HAIR: RED

EYES: GREEN

VISIBLE DISTINGUISHING MARKS: VERTICAL SCAR ... LEFT EYE

MY PERMANENT RESIDENCE IS (Street address, City, State): SAME

B

PERSONS TO BE INCLUDED IN PASSPORT

This section to be completed only if wife or husband is to be included in applicant's passport.

WIFE'S (HUSBAND'S) FULL LEGAL NAME

WIFE'S (HUSBAND'S) LAST U. S. PASSPORT WAS OBTAINED FROM

This section to be completed only if children are to be included in applicant's passport.

NAME IN FULL	PLACE OF BIRTH (City, State)	DATE OF BIRTH	RESIDED IN THE U. S. FROM TO

C

STAPLE ONE PHOTO BELOW DO NOT MAR FACE

The two passport photos required must be approximately 2½ by 2½ inches in size, be on thin unglazed photo paper, show full front view of applicant with a plain, light background, have been taken within 2 years of date of filing. When dependents are included they should be shown in a group photograph with the applicant. The Clerk or Agent will not accept photos that are not a good likeness. Color photographs are acceptable. Applicant, Clerk must may staple photo here.

DO NOT IMPRESS SEAL OR STAPLE THEREAFTER ... ATTACH ... BY PAPER ...

HAVE YOU PREVIOUSLY APPLIED FOR A U. S. PASSPORT? X YES NO

MY LAST U. S. PASSPORT WAS OBTAINED FROM: PASSPORT OFFICE

LOS ANGELES CALIFORNIA — AUGUST, 1962

LOST OR STOLEN — AFFIDAVIT FILED 7/9/62

Passport ...

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PART

D

E

F

PROPOSED TRAVEL PLANS

TRAVEL TO BE BY CLIPPER, PAA — YES X

PORT OF DEPARTURE: UNKNOWN

NAME OF SHIP OR AIRLINE: UNKNOWN

APPROX DATE OF DEPARTURE: AUGUST 1963

NUMBER OF PREVIOUS TRIPS ABROAD WITHIN LAST 12 MONTHS: ONE

MEANS OF TRANSPORTATION: UNKNOWN — SHIP — AIR — OTHER

DEPARTURE

RETURN

PLEASE INDICATE WHETHER YOU EXPECT TO TAKE ANOTHER TRIP ABROAD: UNKNOWN — YES — NO — NO. OF YRS. WITHIN: 1 YEAR — 3 YEARS — 6 YEARS

PROPOSED LENGTH OF STAY: UNKNOWN

ITINERARY — COUNTRIES TO BE VISITED: ALASKA > JAPAN > HONG KONG

IN THE EVENT OF DEATH OR ACCIDENT NOTIFY

NAME IN FULL: MITSUKO NAGELL (WIFE) — ELEANOR LAMETTE (SISTER)

RELATIONSHIP: WIFE — SISTER

STREET ADDRESS, CITY, STATE: APT. 12 4440 ST. CHARLES AVE., LA. — 9325 GRAND AVE., RIVERSIDE, CALIFORNIA

G

I have not and no other person to be included in the passport has), since acquiring United States citizenship, been naturalized as a citizen of a foreign state, taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state, entered or served in the armed forces of a foreign state, accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof, voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory, made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state, ever sought or claimed the benefits of the nationality of any foreign state, been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, or committing to overthrow or to destroy by force, the Government of the United States, deserted from or remained outside of the jurisdiction of the United States for the purpose of evading or avoiding training and service in the armed forces, air or naval forces of the United States, and I am not and have not been at any time during the period [illegible] preceding the date of this application (and no other person to be included in the passport is or has been at any time during the same period) a member of any organization required or required to register as a Communist organization under Section 7 of the Subversive Activities Control Act of 1950, as amended. (50 U.S.C. 786).*

(If any of the above mentioned acts or conditions have been performed by or apply to the applicant or to any other person to be included in the passport, the portion which should be struck out and a supplementary explanatory statement under oath (or affirmation, by the person to whom the portion is applicable should be attached and made a part of this application.)

I solemnly swear (or affirm) that the statements made on all the pages of this application are true and that the photograph attached is a likeness of me and of those persons to be included in the passport.

OATH OF ALLEGIANCE

Further I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God.

(To be signed by Applicant in presence of a Clerk of a Court or Passport Agent)

Subscribed and sworn to (affirmed) before me this _____ day of _____ 19__

_____

(Seal)

(Title of Clerk) _____ Court of _____

_____

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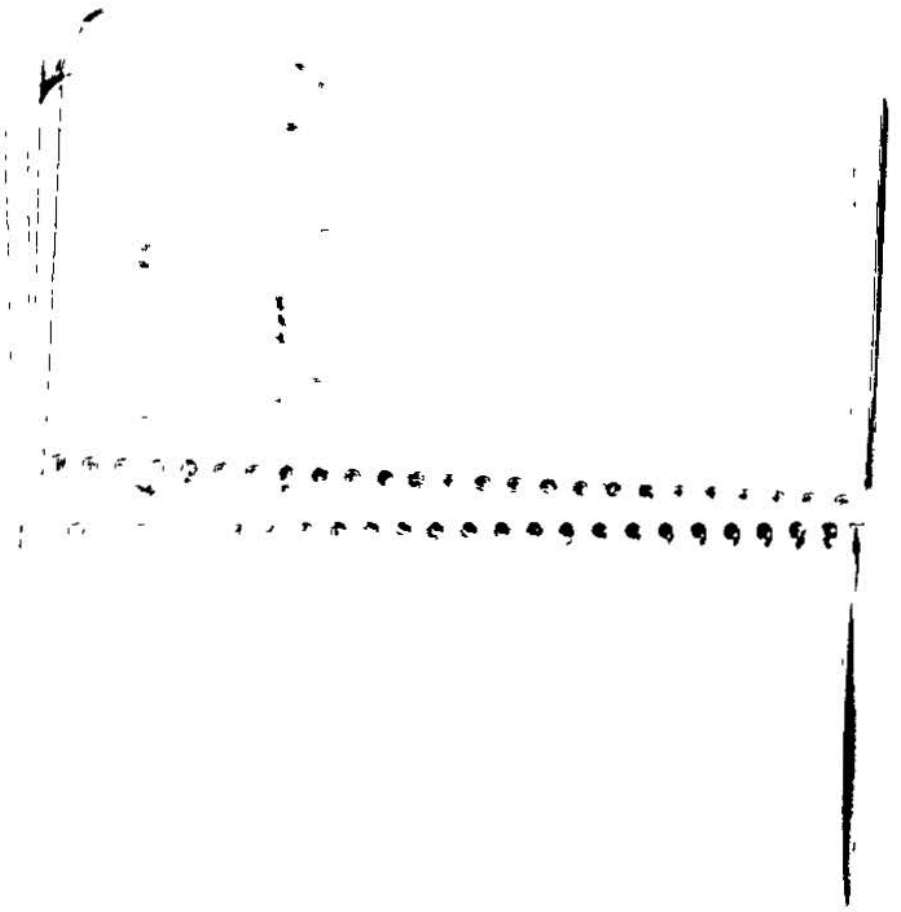

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C-12

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STATEMENT OF PERSONAL HISTORY

INSTRUCTIONS Read the [illegible] answers. A questions and statements must be [illegible] attach additional sheets if necessary. [illegible]

1. [illegible] FIRST NAME MIDDLE NAME [illegible]
☐ MR. ☐ MRS. ☐ MISS RICHARD CARL [illegible]

2. ALIASES, NICKNAMES [illegible]
None

3. DATE OF BIRTH (Day month year): 5 August 1930
Greenwich, [illegible]

RACE: Cau | HEIGHT: 6'2" | WEIGHT: [illegible]

5. DO YOU HAVE A HISTORY OF MENTAL OR NERVOUS [illegible] NARCOTICS OR BARBITURATES? [illegible]

7. U.S. CITIZEN ☐ NATIVE X [illegible] N/A N/A N/A

ALIEN ☐ REGISTRATION NO. N/A N/A N/A

MILITARY SERVICE

ARE YOU PRESENTLY ON ACTIVE DUTY IN THE [illegible] ARMED FORCES DRAWING FULL PAY? ☒ YES ☐ NO IF YES, COMPLETE THE FOLLOWING

GRADE AND SERVICE NO.	SERVICE AND COMPONENT	ORGANIZATION AND STATION	DATE [illegible]
Capt 02070346	U.S. Army (USAR)	AG AFE (8177), APO 613	5 August 19[illegible]

ARE YOU PRESENTLY A MEMBER OF A [illegible] ORGANIZATION? ☐ YES ☒ NO IF YES, COMPLETE THE FOLLOWING

GRADE AND SERVICE NO.	SERVICE AND COMPONENT	ORGANIZATION AND STATION OR UNIT AND LOCATION
N/A	N/A	N/A

HAVE YOU PREVIOUSLY SERVED [illegible] EXTENDED ACTIVE DUTY DRAWING FULL PAY FROM WHICH YOU WERE DISCHARGED OR SEPARATED TO CIVILIAN STATUS ☐ YES ☒ NO IF YES, COMPLETE THE FOLLOWING

COUNTRY	SERVICE	[illegible]	FROM (Date)	TO (Date)	TYPE DISCHARGE OR SEPARATION - GRADE AND SERVICE NO.
N/A	N/A	N/A	N/A	N/A	N/A

EDUCATION (Account for all civilian schools and military academies. Do not include service schools)

FROM	TO	NAME AND LOCATION OF SCHOOL	GRADUATE YES	GRADUATE NO	DEGREE
Sep 1936	Dec 1941	Pattern Hills Public Sch, [illegible] #1, G.F., [illegible]	N/A		N/A
Dec 1941	Jun 1944	Public School # 23, Albany, N.Y.	N/A		N/A
Sep 1944	Jun 1945	Hackett Jr. High School, Albany, N.Y.	N/A		N/A
Sep 1945	Jun 1948	Albany High School, Albany, N.Y.	X		Diploma

10. FAMILY (List in order given: parents, spouse, guard and stepparents, foster parents, parents-in-law, former spouse(s) (if divorced give date and place), children, brothers and sisters, even though deceased. Include any others you resided with or with whom a close relationship exists. If the person is not a U.S. [illegible] give date and port of entry, alien registration number, naturalization certificate number and place of issuance.)

RELATION AND NAME	DATE AND PLACE OF BIRTH	PRESENT ADDRESS, IF LIVING	
FATHER Louis [illegible]	Date-Unknown Place-Unknown	Deceased	X
MOTHER (Maiden name) [illegible] Laufman	Date-Unknown Place-United States	Unknown	X
SPOUSE (Maiden name) None	N/A	N/A	N/A
[illegible] (Sister) Eleanore Calbert	Date-Unknown Place-United States	3225 Grand Ave, [illegible]	

DECLASSIFIED BY SP3BJ/SW
6-16-98

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STATEMENT OF PERSONAL HISTORY

INSTRUCTIONS Read [illegible]
answers A [illegible]
[illegible]

15 LIST ALL RESIDENCES FROM AGE [illegible]

MONTH AND YEAR		STREET AND NUMBER
FROM	TO	
1 Jan 37	Dec 1	[illegible]
Dec 1941	Jun [illegible]	[illegible]
Jul 1948	A [illegible]	[illegible]
5 Aug 48	Present	[illegible]

16 PAST AND/OR PRESENT MEMBERSHIP IN ORGANIZATIONS

NAME AND ADDRESS	TYPE (Social, fraternal, professional, etc.)	OFFICE HELD	MEMBERSHIP FROM	MEMBERSHIP TO
Boy Scouts of America, Albe[illegible]	Professional	[illegible]	[illegible]	[illegible]
Assoc U.S. Army, Dist, DC	Fraternal	Member	[illegible]	[illegible]
Disabled Amer Vets, Astoria, L.I., N.Y.	Social	[illegible]	[illegible]	[illegible]

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YES	NO	
	X	ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF THE COMMUNIST PARTY U. S. A. OR ANY COMMUNIST ORGANIZATIONS ANYWHERE?
	X	ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF A FASCIST ORGANIZATION?
	X	ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF ANY ORGANIZATION, ASSOCIATION, MOVEMENT, GROUP OR COMBINATION OF PERSONS WHICH ADVOCATES THE OVERTHROW OF OUR CONSTITUTIONAL FORM OF GOVERNMENT OR WHICH HAS ADOPTED THE POLICY OF ADVOCATING OR APPROVING THE COMMISSION OF ACTS OF FORCE OR VIOLENCE TO DENY OTHER PERSONS THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES, OR WHICH SEEKS TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS?
	X	ARE YOU NOW OR HAVE YOU EVER BEEN AFFILIATED OR ASSOCIATED WITH ANY ORGANIZATION OF THE TYPE DESCRIBED ABOVE AS AN AGENT, OFFICIAL OR EMPLOYEE?
	X	ARE YOU NOW ASSOCIATING WITH OR HAVE YOU ASSOCIATED WITH ANY INDIVIDUALS, INCLUDING RELATIVES, WHO YOU KNOW OR HAVE REASON TO BELIEVE ARE OR HAVE BEEN MEMBERS OF ANY OF THE ORGANIZATIONS IDENTIFIED ABOVE?
	X	HAVE YOU EVER ENGAGED IN ANY OF THE FOLLOWING ACTIVITIES OF ANY ORGANIZATION OF THE TYPE DESCRIBED ABOVE: CONTRIBUTIONS, ATTENDANCE AT OR PARTICIPATION IN ANY ORGANIZATIONAL, SOCIAL, OR OTHER ACTIVITIES OF SAID ORGANIZATIONS OR OF ANY PROJECTS SPONSORED BY THEM; THE SALE, GIFT OR DISTRIBUTION OF ANY WRITTEN, PRINTED, OR OTHER MATTER PREPARED, REPRODUCED, OR PUBLISHED BY THEM OR ANY OF THEIR AGENTS OR INSTRUMENTALITIES?

IF YES TO ANY, DESCRIBE THE CIRCUMSTANCES. ATTACH ADDITIONAL SHEETS FOR A FULL DETAILED STATEMENT. IF ASSOCIATED WITH ANY OF THE ABOVE ORGANIZATIONS, STATE DATES AND EXTENT OF ASSOCIATION WITH EACH, INCLUDING OFFICE OR POSITION HELD. ALSO INCLUDE DATES, PLACES, AND CIRCUMSTANCES HOW OR FORMERLY HELD. IF ASSOCIATIONS HAVE BEEN WITH INDIVIDUALS WHO ARE MEMBERS OF THE ABOVE ORGANIZATIONS, THEN LIST THE INDIVIDUALS AND THE ORGANIZATIONS WITH WHICH THEY WERE OR ARE AFFILIATED.

A

HAVE YOU EVER BEEN SUMMONED, ARRESTED, INDICTED, OR SUMMONED INTO COURT AS A DEFENDANT IN A CRIMINAL PROCEEDING, OR CONVICTED, FINED OR IMPRISONED, OR FORFEITED BAIL, OR PAID A FINE OR PENALTY, OR SERVED TIME IN PRISON, OR BEEN PLACED ON PROBATION, OR HAVE YOU EVER BEEN ORDERED TO DEPOSIT BAIL OR COLLATERAL FOR THE VIOLATION OF ANY LAW, POLICE REGULATION OR ORDINANCE, EXCLUDING *minor traffic violations for which a fine or forfeiture of $25, or less was imposed?* INCLUDE ALL COURT MARTIAL IN THE ARMED SERVICE. YES NO. IF YES, LIST THE DATE, THE NATURE OF THE OFFENSE OR VIOLATION, THE NAME AND LOCATION OF THE COURT OR PLACE OF HEARING, AND THE PENALTY IMPOSED OR DISPOSITION OF EACH CASE.

A

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9. ARE THERE ANY INCIDENTS IN YOUR LIFE, NOT ONE OF WHICH MAY BE [illegible] THE ENTRIES WHICH YOU MAY BE CALLED UPON TO EXPLAIN OR WHICH MIGHT REQUIRE FURTHER EXPLANATION

[illegible]

10. REMARKS

Item 3: Aliases of a [illegible] in connection with [illegible].

Item10: Father's [illegible]

I CERTIFY THAT THE ENTRIES MADE BY ME ABOVE ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND ARE MADE IN GOOD FAITH. I UNDERSTAND THAT A KNOWING AND WILLFUL FALSE STATEMENT ON THIS FORM CAN BE PUNISHED BY FINE OR IMPRISONMENT OR BOTH. (See U. S. Code, title 18, section 1001)

DATE	SIGNATURE OF PERSON COMPLETING FORM	
1 Oct 1956	[illegible]	
	TYPED NAME AND ADDRESS OF WITNESS: Eugene Jagger, Adjt (177), APO 613	SIGNATURE OF WITNESS: [illegible]

11. THIS SECTION TO BE COMPLETED BY AUTHORITY REQUESTING INVESTIGATION

BRIEF DESCRIPTION OF DUTY ASSIGNMENT AND DEGREE OF CLASSIFIED MATTER (Top secret, secret, etc.) TO WHICH APPLICANT WILL BE ASSIGNED

Application for appointment in the Regular Army.

RECORD OF PRIOR CLEARANCES

DATE OF CLEARANCE	TYPE OF CLEARANCE	AGENCY THAT COMPLETED INVESTIGATION
[illegible] 1954	Secret	[illegible]
[illegible] Jun	Top Secret (Fnl)	[illegible]

REMARKS

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None

Jul 1918 to Aug 1918

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Doc Nr [illegible]

[illegible] Extract [illegible]

Permanent Domicile: [illegible]

Family Head: TAKATSUKI Chinpei

Father: TAKATSUKI Matsukichi (Deceased)

Mother: Iso

Degree of relationship: Second son

Date of birth: 2 Feb 81

Particulars omitted:

In accordance with the change in the administrative district on 1 Apr 54, Kawatabi Mura in the permanent domicile was changed to Narugo Machi

Name: Mitsuko

Father: TAKATSUKI Heigoro

Mother: Omiki

Degree of relationship: Third daughter

Relationship with family head: Granddaughter

Date of birth: 16 Jul 39

Report of birth at permanent domicile was made by father TAKATSUKI Heigoro, and was accepted and registered on 25 Jul 39.

Report of marriage to Richard C. NADELL of the United States of America was accepted by the ward head of Minato Ku of Tokyo To on 20 Mar 58, and was forwarded on 29 March.

I hereby certify that the foregoing is a true and correct extract copy of the original family register.

24 Apr 58

[illegible] Mio (Seal)
Town Mayor,
Narugo Machi,
Miyagi Ken, Tamatsuchori [illegible]

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ORIGINAL

Certificate of Witness to Marriage

(See section 72, title 22 of the United States Code)

FOR

FOREIGN SERVICE OF THE UNITED STATES

American Embassy, Tokyo, Japan

March 20, 19 58

I, John Patterson, Consul of the United States of America at Tokyo, Japan, do hereby certify that on this twentieth day of March, A D 19 58, at American Embassy, in the city of Tokyo, Japan, [redacted], a CITIZEN/SUBJECT of the United States, aged twenty-seven years, born in Greenwich, New York, and now residing in Tokyo, Japan, and [redacted], a CITIZEN/SUBJECT of Japan, aged eighteen years, born in Miyagi Ken, Japan, and now residing in Tokyo, Japan, were united in marriage in my presence.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office at Tokyo, Japan, this twentieth day of March, A. D. 19 58, and of the Independence of the United States the one hundred and eighty-second.

John Patterson

JOHN PATTERSON

Consul of the United States of America

For [illegible] duplicate.

(See information on reverse side of certificate)

CONFIL b6 b7C

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(See section XIII-3 of the Foreign Service Regulations and notes thereto, concerning the ... copies of Form No. 87 should be made out in pica type and should be ...)

Remarks: The parties signed in my presence ... required by Article IX of the Japanese Civil ... was witnessed by Lamont LEWIS and Jack ..., and was filed with and accepted by Tetsuo ..., Chief, Minato Ward Office, Tokyo, Japan. The original of the ratification is, as attested by receipt No. 681, dated March ..., XXXX in the archives of the Azabu Branch of the Minato Ward Office, Tokyo, Japan.

Consular Service of the United States of America — Tokyo, Japan

John Patterson
John Patterson
Consul of the United States of America.

Service No. 9010;
Tariff No. 14;
Fee Paid: U.S. $3.00.

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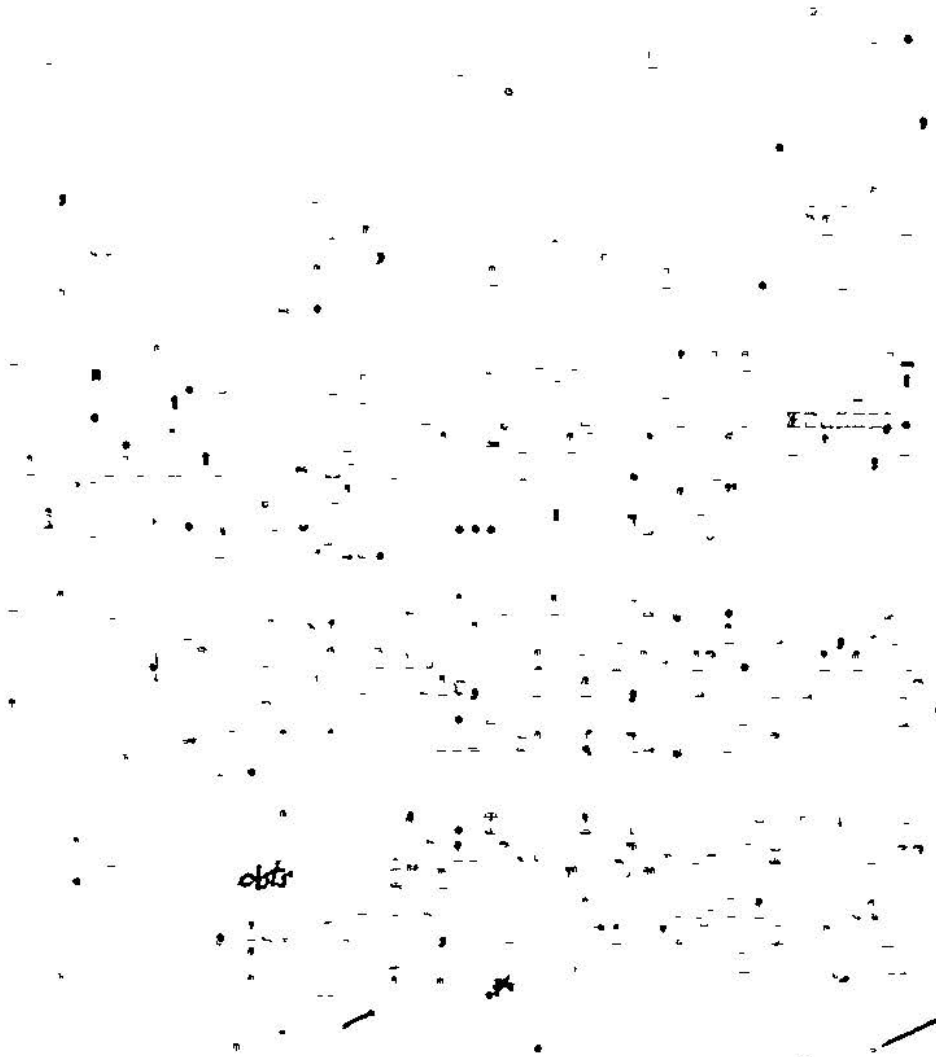

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× "I.e., in California they have put it down.

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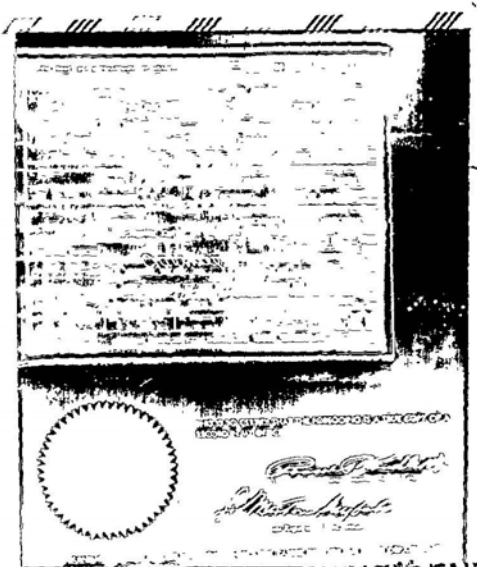

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Certificate of Baptism

This Certifies

That Kulan C. Hagell a Son
of Louis Hagell and his wife
Francis Kaufman born on the 5th day of
August 1930, at Greenville S. C.

Received
Christian Baptism

on the 1st day of Jan in the year of our Lord 1933
by Reformed Church of Greenville S.C.
Rev. Lucius N. Boseman Pastor

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The Japanese Hospital of Los Angeles

Certificate of Birth

This Certifies that ROBERT LAMONT NAGELL

was born to Mr. & Mrs. Richard Nagell

in this Hospital at 9:51 A. M., on the 20 day of November 19 60

In Witness Whereof the said Hospital has caused this certificate to be signed by the attending physician and its duly authorized officer.

Secretary

Geo. K. Mijumura, M.D.
Attending Physician

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Judge Roger Alton Pfaff:

[illegible] from seeing [illegible] precludes a [illegible] their father - especially at this [illegible] their parents most - and [illegible] their mother.

I have not seen my children for almost one year because of the vindictiveness of my wife who places her self-satisfaction of revenge over the welfare and happiness of her own children.

In May of this year I had my wife brought into court - not to have her punished for contempt - but to have the court enforce its own order - that which allows me rights of reasonable visitation - that which you refused to do.

In court you even questioned my love for my children - based upon my failure to pay alimony and child-support payments. But apparently you were not interested in taking the time to listen to the facts, or an explanation as to why I could not make such payments. During the pendency of this whole affair I have not had the opportunity to defend my actions simply because I could not afford counsel.

Even though you reduced the child-support payments in May, I still do not earn enough money to pay the total amount required (do you think that I am proud of not being able to support my own children?). Hence, I will not be able to see my children.

What is the status of their health? Are they being cared for properly? Are they safe from the many dangers which confront children here in Los Angeles? What psychological effect will this long and unnecessary separation from their parents have upon them in the future? These are only some of the questions which prey upon my mind.

It is a pity for my children that you are not cognizant of the complete background in this matter - or you might have acted differently.

Richard C. Nagell

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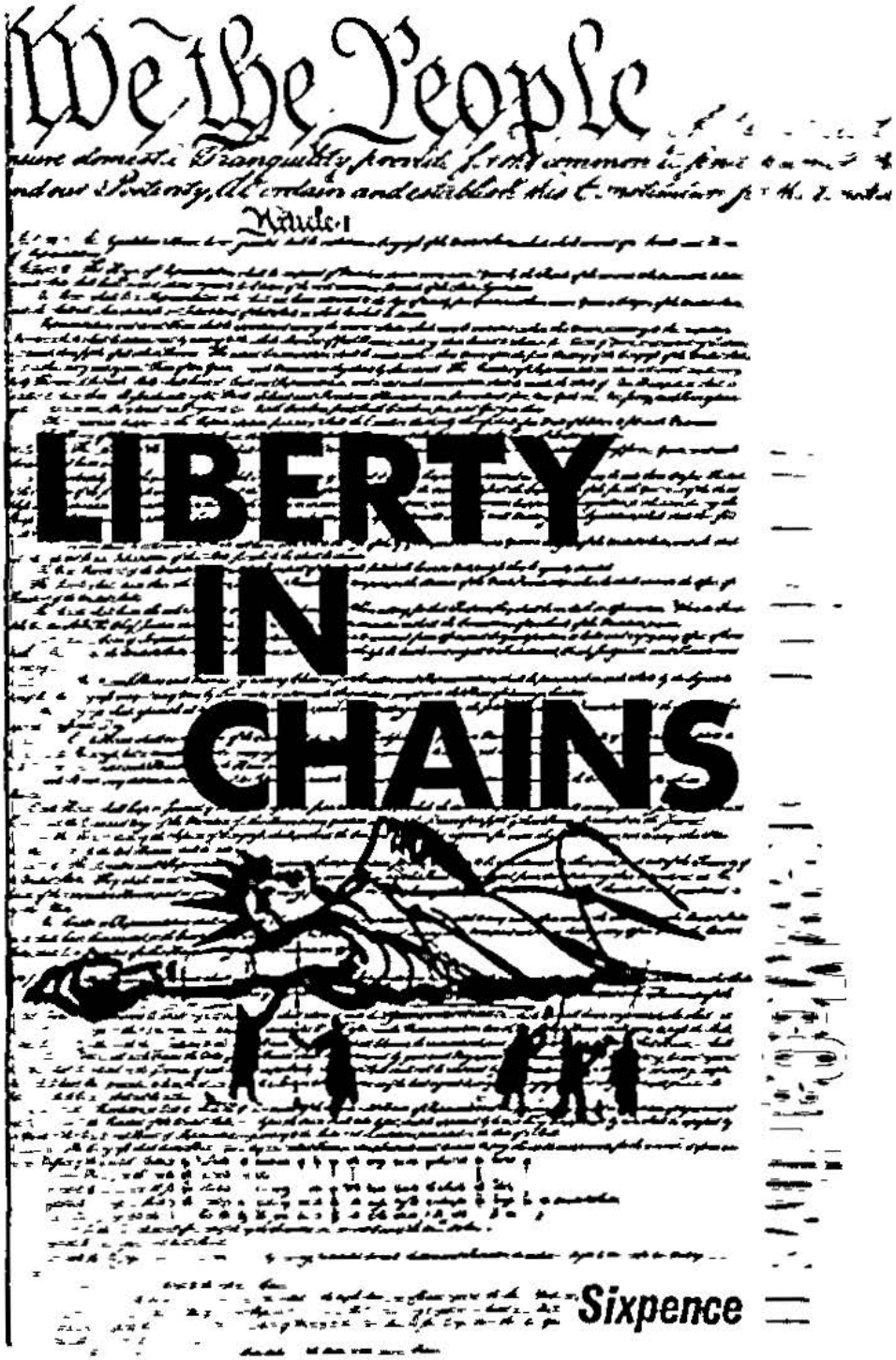

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A PROPOSAL CONCERNING THE GENERAL LINE OF THE INTERNATIONAL COMMUNIST MOVEMENT

THE LETTER OF
THE CENTRAL COMMITTEE OF
THE COMMUNIST PARTY OF CHINA
IN REPLY TO THE LETTER OF
THE CENTRAL COMMITTEE OF
THE COMMUNIST PARTY OF THE SOVIET UNION
OF MARCH 30, 1963

FOREIGN LANGUAGES PRESS
PEKING

VERDICT FIRST, TRIAL AFTER

TAKES FIFTH AMENDMENT—Mrs. Dorothy Healey, who has served as Southern California Communist Party chairman, confers during hearing with her attorney, John J. Abt. Mrs. Healey invoked the Fifth Amendment when questioned

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GREATER LOS ANGELES CHAPTER

FAIR PLAY FOR CUBA COMMITTEE

NEWSLETTER

[illegible] or Cuban re[illegible] ... participate in a ... [illegible] Cuba" was ... President Kennedy by the L.A.-FPCC on ... Title 1, Section 960 provides penalties of ... to 3 years jail and $3,000 fine for anyone within the U.S. (who) sets foot or provides or prepares a means for or furnishes the money for ... takes part in any military or naval expedition to be carried out (from the U.S.) against... ...people...with whom the U.S. is at peace."

WELL ???????

[illegible] WHITE ... is out in a hard-cover edition, retailing for $1.[illegible]. Send in orders with advance payment. Also newly available: a beautiful pictorial - "10 Years of the Cuban Revolution" - [illegible]

"THE BAN ON CUBAN TRAVEL" - according to a Page 1 article in the New York Times July 5- is based on a State Department press release issued... shortly after the two countries severed relations, and in a series of 'reaffirmative statements.'...U.S. officials acknowledge that these measures are 'too vague' to provide a case for firm legal action against persons violating them." — That's a comforting note for William Worthy (whose appeal from a 3-month sentence will be argued next fall or winter in 5th Circuit Court) and for FPCC-LA Chairman Helen Travis (who will be arraigned here July 22). It should also cheer the gallant [illegible] students now in Cuba... (We have high hopes of obtaining one or more of these students for a future meeting!)

JULY PROGRAM: [illegible] TO HEAR LAWYER

Harriet Buhai, Attorney-at-Law, will present a first-hand picture of the July [illegible] HUAC hearings in L.A. She will tell how those subpenaed for "travelling to Cuba and (worse!) relating the truth about Cuba confounded the witchhunters with the true Americanism they typified.

Remember! - That's:
THURS., JULY 2[illegible], 8 P.M.
LARRSON HALL, 20[illegible] W. [illegible], 3rd floor

JFK vs. JFK

(Slyly quoted in N.Y. Times editorial, "Students in Cuba," July 5, 1963) —

"Freedom has many difficulties and democracy is not perfect, but we have never had to put a wall up to keep our people in, to prevent them from leaving us."
—JFK, Berlin, June 26, 1963

SENATOR [illegible] McGOVERN (D-S.D.) DECLARES:

[illegible] our citizens seem to understand, even if some few politicians do not, that a war with [illegible] create greater problems than it would solve...Those who call with more [illegible] for [illegible] invasion or blockade [illegible] ...les of their [illegible] with [illegible] rifles or [illegible]...

[illegible] ... [illegible] ... [illegible] Castro, [illegible] political [illegible]...

"The exiles ... only a hatred of ... restore the economic ... [illegible] ... will ... we accept the expropriation of the ... [illegible] reforms? The land reform? The educational reforms?"
—from floor remarks in U.S. Senate, June [illegible], 1963

I.F. STONE'S WEEKLY of [illegible] carried the full text of Premier Castro's interview with Lisa Howard on ABC-TV. You can send stamped, addressed long envelopes for free copies to [illegible] ... Ave., [illegible] 15, D.C.

"AN APPEAL TO CONSCIENCE" - A [illegible] folder just issued by Fair Play nationally, is beautifully written and packs a wallop. You'll want it for everyone you know whose conscience needs stirring in re U.S.-Cuba relations. Send for free copies (or get them at Jul. [illegible] meeting [illegible] celebration).

[illegible]

Steve Roberts, West Coast FP [illegible] is recovering at home from a serious [illegible]...[illegible] former L.A. chairman, is in [illegible], working with world peace movements...[illegible] director, is turning out great quantities of [illegible] on Cuba between sessions with [illegible] committees which [illegible]...Rosalie and [illegible] East L.A., are [illegible] home at [illegible]...Paul [illegible] ...

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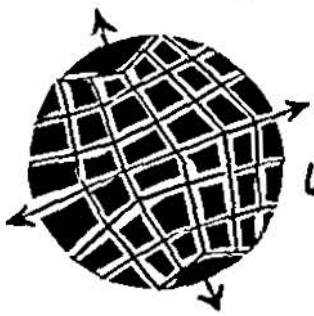
is there a U.S. China market?



by Julian Schuman

10 cents

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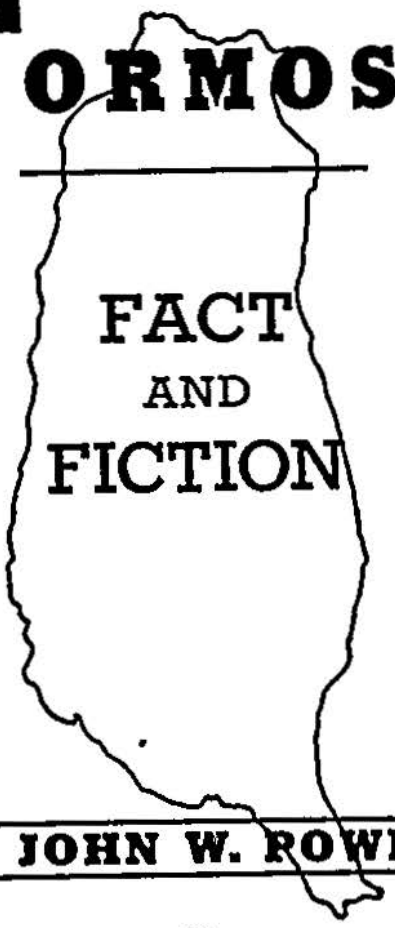
FORMOSA



FACT AND FICTION

BY JOHN W. ROWELL

10¢

CONFIDENTIAL

49

CONFIDENTIAL

Your QUESTIONS About NEW CHINA

Answered by Ralph Lapwood

Does the Individual Count in New China?

Are Chinese Newspapers Propaganda?

Is New China a Police State?

Are the Huge Demonstrations in Support of the Government Spontaneous?

Are the Drives Against Inefficiency and Corruption Effective?

Would the Chinese People Welcome the Return of Chiang Kai-shek?

Ralph Lapwood was Professor of English at Tsinghua University in the suburbs of Peking for many years. He has had the opportunity to see both the new and the old China at close hand. He returned to his native England last fall and was asked many questions about China. These are some most frequently asked.

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BASIC PAMPHLETS—14

The Crime Against Cuba

by Corliss Lamont

10¢

CONFIDENTIAL

CONFIDENTIAL

Fidel Castro:

May Day Speech

Che Guevara:

Economic Planning in Cuba

50 cents

CONFIDENTIAL

57

Speech at the United Nations

by Fidel Castro

General Assembly Session

September 26, 1960

53

From Jail to Gilded Palace

CONFIDENTIAL

In

One Great Leap Forward

A Visit To Cuba

by

I. F. Stone

(Reprinted from I. F. Stone's Weekly)

25c

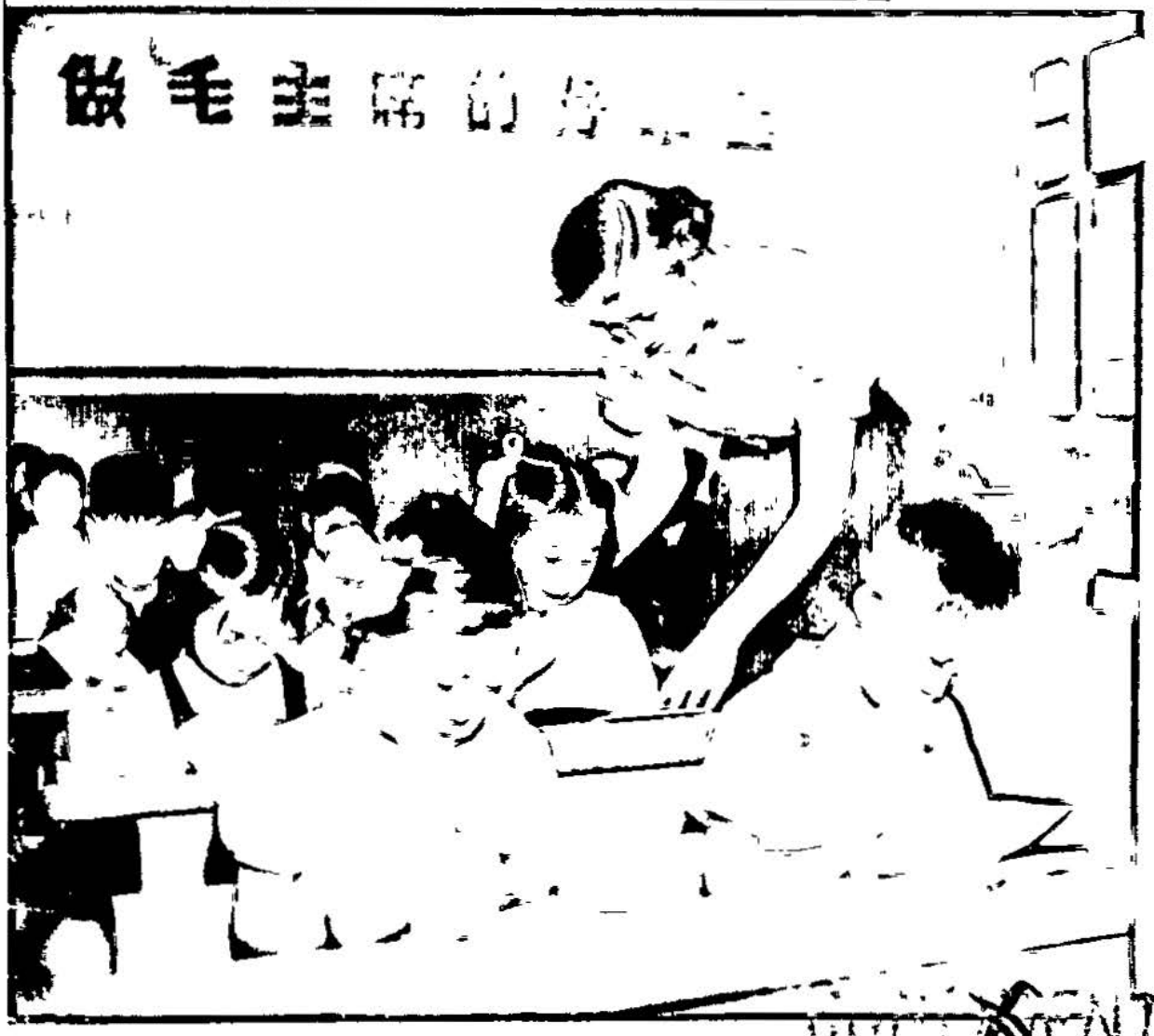
CONFIDENTIAL

54

CONFIDENTIAL

PEOPLE'S CHINA

10
1955



CONFIDENTIAL 55

CONFIDENTIAL

CONFIDENTIAL

64-48933-7

E-12

He stated that he thought he had been approached here in Mexico City for recruiting, but although asked specifically in this regard, refused to state by whom or for what or on behalf of what country. He stated that one job of this sort would be in New York. He volunteered in so many words that he fully realized that what he was saying could be used against him in any court or prosecution. He stated that he had almost made up his mind definitely that he would leave Mexico, but that he would not go back to the United States. He stated that he did not care to return to the United States. He stated that so far he had "done nothing inimical to the United States." He stated that he was completely "disaffected," and that he knew the full significance of that term. He also stated that he was "bitter, disgusted, disillusioned and disaffected." One thing, he said, that he could say was that if he did go to some other country, it would cost the United States millions. He stated that he was "through being a good citizen" and thought he had gotten a "dirty deal all around."

He was told to go to the Protection Section in regard to any problems in Mexico as an American citizen. He stated that he had been to the Protection Section and would not go there again, and that the way he was feeling, he would not go back to the United States. He said that he had nothing to go back for, and that his dismissal record would prevent him from getting a good job anywhere in the United States. He mentioned that the only job he had ever worked at was that of an investigator.

He also mentioned that the Veterans Affairs Attache in the American Embassy had his military record in connection with a request he had previously made to attend Mexico City College on the G.I. Bill, but to do that he would have to enroll first and pay tuition himself which he could not do in view of his financial straits.

He stated at first that he was behind in his hotel bill, but later indicated that he had been keeping his hotel charges paid. He also mentioned that he had previously obtained a small loan from the American Benevolent Society, which he had since repaid.

In regard to finances, he stated that he was receiving $150.00 disability pension a month because of wounds received in the Korean hostilities during which he was wounded three times.

He stated that he had come to the Embassy to state his side in case something should happen and was told that the statements he was making would be made a matter of record with the Embassy. He was advised not to do anything he might regret, to which he replied, "What have I to lose?" He stated that unless he received the $1,100.00 soon, that the State of California owed him, he was going to some other country, and that it would not be the United States, but he refused to say what for or what the country might be, even though specifically questioned as to whether he had in mind Russia or Cuba. He said he wanted to have the Embassy know how he felt, but added, "I'm not going to lay my head down on the chopping block."

It was noted that he was very tense, nervous, agitated and antagonistic throughout this interview.

There is set out below his physical description, based on personal observation and his statements during instant interview.

Name:	RICHARD CASE NAGELL
Citizenship:	United States
Age:	About 34
Height:	6'3"
Weight:	About 180 pounds
Build:	Medium
Hair:	Reddish-brown; straight; receding hairline; parted on left side and combed straight back on right side

Eyes:	Hazel
Service Status:	Korean hostilities veteran, receiving $150.00 wounds disability
Former Occupation:	Special Investigator, State of California, Department of Alcoholic Beverage Control
Civil Status:	In process of being divorced
Languages Spoken:	Besides English, he claims to speak Japanese fluently
Addresses:	4037 Leeward Avenue and Box 76121, Sanford Station, Los Angeles 5, California
Scars and Marks:	Left eye slants downward toward outside; vertical scar in front of left ear; half-circle shaped scar commencing in left eyebrow and extending down to cheek
Attire:	Well dressed in solid brown light-weight suit

On October 1, 1962, this same individual reappeared at the American Embassy and wanted to know what had been done in regard to his case. When asked what he meant by this, he stated he meant in regard to getting the State of California to pay him the money due him. He was told that at his

request, he had been permitted to make statements on the previous occasion for the purpose of having those statements made of record with the Embassy and he was assured that this was being done. However, he was told that for any assistance in regard to his financial situation in Mexico, he should contact the Protection and Welfare Section to see if that section could be of any assistance. At first he stated he would not visit the Protection Section again, but on leaving he stated he was going there and also asked what section of the Embassy he should contact to renounce his United States citizenship.

A short time later on October 1, 1962, he did contact the Protection and Welfare Section, where he was advised that the section could not intercede for him in the collection of his alleged debt from the State of California.

Shortly thereafter, he appeared in the Passport and Citizenship Section, where he refused to give his name but asked what the penalty would be for going to an Iron Curtain country and what effect it would have on his citizenship. He was advised that such an action would be a violation of Federal law.

NAGELL also on October 1, 1962, appeared in the Office of Veterans Affairs, American Embassy, Mexico City, and stated that he was withdrawing his request for G.I. educational benefits as a Korean veteran.

A short time later on October 1, 1962, he left with the Embassy a copy of his letter of August 7, 1962, to the State of California Personnel Board, which, for the purpose of further background, is set out in its entirety as follows:

"August 7, 1962

"State Personnel Board
"801 Capitol Avenue
"Sacramento, California

"Gentlemen:

"I hereby withdraw my appeal of the punitive action taken against me for dismissal by the

CONFIDENTIAL

Department of Alcoholic Beverage Control. I withdraw my request for a hearing in this matter by the State Personnel Board.

"I hereby state that the sole reason for this withdrawal of my appeal and request for a hearing is because of my financial situation. Continued, and what I consider to be unjustified, postponements of my hearing have created a situation in which I cannot afford to meet my daily living expenses until August 30, 1962, the most recent date given to me as the date of my hearing. Also, I am unable to obtain employment in Los Angeles because of the stigma attached to my dismissal.

"Previously, I had hoped to remove such stigma by showing at the hearing that my dismissal was not only improper, but that the alleged reasons for my dismissal were exaggerated, distorted, and untrue, and the result of vindictiveness on the part of certain senior members of the Department of Alcoholic Beverage Control after it came to their attention that I intended to disclose to the State Attorney Generals Office adverse information pertaining to corruption within said Department and the liquor industry here in Southern California.

"I request that my retirement contributions and reimbursement for unused leave be forwarded to me at the below listed address as soon as practical.

"Yours truly,

"/s/ RICHARD C. NAGELL

"RICHARD CASE NAGELL
Box 76121, Sanford Station
Los Angeles 5, California"

ENCLOSURE TO THE BUREAU

FROM: SAC, EL PASO (65-951)

One (1) photo of subject RICHARD CASE NAGELL

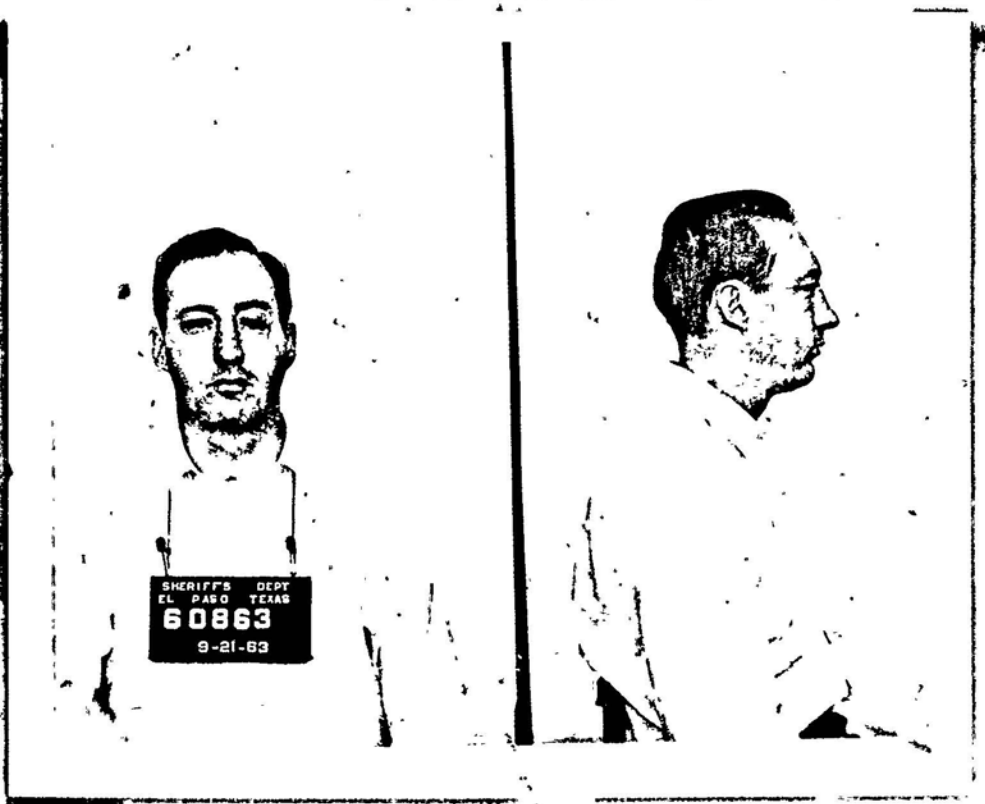
(EP rep SA [redacted] 2/4/64)

b6
b7C

(9803 RDD/GCL 2/18/94 JFK)
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-2-91 BY SP-8BTJ/dw

ENCLOSURE

64-48933-8


SHERIFF'S DEPT
EL PASO TEXAS
60863
9-21-63

RICHARD C. NAGELL
EP. 65-951-1A(1)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/18/94 BY 9803RDD/SCP
(JFK)

64-48933-8

For Informational Purposes Only

The originals removed from this file and replaced with duplicate copies of the original were accessioned to the National Archives and Records Administration (NARA) pursuant to the JFK Records Collection Act of 1992. Provision of the JFK Act allowed for certain information to be postponed from public release until the year 2017; therefore, the pages have **NOT** necessarily been released for public review in their entirety.

Under the JFK Act, originals to all material deemed assassination records must be accesssioned to NARA regardless of whether the material is open in full or released with information postponed. Therefore, any documents or pages from FBI files accessioned to NARA pursuant to the JFK Act are no longer considered the possession of the FBI. The duplicate pages have been inserted strictly for research purposes.

The copies contained herein **do not** necessarily show the most up-to-date classification.

To attain a copy of the publicly released version of any materials maintained in the JFK Collection at the NARA facility in College Park, MD, you may contact the JFK Access Staff, at 301/713-6620.

The following materials were removed from this file and are maintained in the JFK Collection at NARA:

File & Serial Number	JFK Subject Identifier (for NARA purposes)
64-48933-8	Lee Harvey Oswald

For Informational Purposes Only

FBI

Date: February 18, 1964

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL AIR MAIL (Priority or Method of Mailing)

TO : DIRECTOR, FBI

FROM : SAC, St. Louis (65-2452) (RUC)

RICHARD CASE NAGELL, aka
ESPIONAGE - X
CO: El Paso

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP4 BTJ/JW (5668 SLD/GCL - 3/10/97 - JFK)

Reference is made to report of SA [redacted] dated 2/4/64 at El Paso.

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b7C

A review on February 14, 1964, by IC [redacted] of the military service records on file at the Military Personnel Records Center, St. Louis, Missouri, indicated RICHARD CASE NAGELL, Serial Number 12 115 891, enlisted in the United States Army on August 5, 1948, and entered on active duty on the same date at Albany, New York. He was honorably discharged on August 1, 1951, as a Sergeant at Fort Benning, Georgia, to accept a commission in the United States Army.

He was appointed and commissioned a Second Lieutenant in the United States Army on August 2, 1951, under Serial Number 02 028 346, and entered on active duty on the same date at Fort Benning, Georgia. He was also appointed a Second Lieutenant in the United States Army Officers Reserve Corps on November 14, 1952. He was honorably discharged on October 29, 1959, as a Captain at Fort Dix, New Jersey, by reason of unqualified resignation in order to further his civilian education.

The service records indicated that NAGELL served in the United Nations Summer-Fall Campaign in Korea, the Second Korean

3 - Bureau (RM)
1 - El Paso (65-951) (RM)
2 - Atlanta (RM)
2 - Baltimore (RM)
2 - Kansas City (RM)
2 - Savannah (RM)
2 - Washington Field (RM)
1 - St. Louis
(12)

64-48933-10

REC-17

5 FEB 21 1964

EX-103

C. E. Wick

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

53 MAR 3 1964

Winter Campaign in Korea, the Korean Summer-Fall Campaign in 1952, the Third Korean Winter Campaign in 1953, and the United Nations Summer-Fall Campaign in 1953. He was awarded the Korean Service Medal with one Silver Star, the National Defense Service Medal, the United Nations Service Medal, the Bronze Star Medal, the Purple Heart with two Oak Leaf Clusters, the Expert Infantryman Badge, the Parachute Glider Badge, the Combat Infantryman's Badge, and the Republic of Korean Presidential Unit Citation.

The service records indicated that NAGELL successfully completed the Officers Investigations Course from May 9, 1955, to August 12, 1955, at the Army Intelligence School, Fort Holabird, Maryland; the Infantry Officer Candidate Course at Fort Benning, Georgia, from February 18, 1951, to August 2, 1951; the Leaders Course, Eighth Infantry Division, Fort Jackson, South Carolina, in 1950; the Ground General School at Fort Riley, Kansas, from June 27, 1949, to September 2, 1949; and the Infantry School, Fort Benning, Georgia; however, no further information pertaining to these schools was shown.

The service records contained a Clinical Abstract dated May 5, 1955, which reflected the following information in part:

"Previous Personal History: The patient received multiple shrapnel wounds in 1951, 1952 and 1953, which were debrided with no residual effects.

"History of Present Illness: This 24-year-old white male was a passenger aboard a military aircraft when the plane crashed at about 2300 hours on 28 November 1954 about 3 miles west of Friendship Airport, Baltimore, Maryland. The patient was removed from the crash in a comatose condition and taken to Bolling AFBH the following day. The accident resulted in severe trauma to the left side of the face with multiple lacerations of the face, fractured mandible, fractured zygoma, and injury to the left ear canal. These injuries were treated at Bolling AFBH until the patient was transferred to Walter Reed Army Hospital, arriving on 3 January 1955 for further evaluation and treatment. On admission, the patient was conscious and well-oriented. His chief complaint at that time was pain in the jaws...."

"Consultations: Electroencephalogram performed by the Neurology Service on 7 January 1955 showed an abnormal record w

"questionable focal brain damage. Oral surgery consultation on 10 January 1955 recommended repositioning of the mandibular fragments. ENT evaluation on 13 January 1955 resulted in wax being cleaned from both ear canals. Neurology examination on January 1955 revealed some diffuse weakness felt to be due to weight loss and severe trauma. His gait and associated movements were normal. The only nerve damage noted was a complete 7th nerve palsy. There was a mild sensory loss over the second division of the left fifth nerve.... On 4 February 1955 he was given a diagnosis of paranoid personality; however, the final psychiatric evaluation revealed only passive-aggressive personality reaction...."

It should be noted that the service records for NAGELL contain no separate medical record; however, the above medical information is a general resume of his medical history.

His character and efficiency ratings ranged from unknown to superior, and there is no record of courts-martial or absence without official leave.

The following descriptive and background information was contained in the service records:

Date of birth	August 5, 1930
Place of birth	Greenwich, New York
Height	6'
Weight	146 pounds
Race	White
Hair	Red
Eyes	Brown
Complexion	Light
Blood Group	"A"
Build	Medium
Education	Four years of high school
Military occupation	Infantry Unit Commander
Civilian occupations	Student and track repairman
Addresses	8225 Grand Avenue, Elmhurst 73, Long Island, New York (December 7, 1962); 1533a "B" Street, Fort Dix, New Jersey (December 23, 1959);

304 Madison Avenue, Albany, New York (August 5, 1948);
8222 Ankener Avenue, Elmhurst, Long Island, New York (August 1, 1951);
Box 75801, Sanford Station, Los Angeles 5, California (July 26, 1963);
RFD 1, Glens Falls, New York (1935 to December, 1941);
140 New Scotland Avenue, Albany, New York (December, 1941 - August, 1948).

Relatives

Mother - FRANCES NAGELL, 22 First Street, Troy, New York (August 5, 1948);
Uncle - [redacted] Albany, New York (August 5, 1948); b6 b7C
Sister - [redacted] Elmhurst, New York (December 19, 1956);
Stepsister - [redacted] Elmhurst, Long Island, New York (February 19, 1951);
Sister - [redacted] Ogdensburg, New York (August 23, 1950);
Brother - [redacted] Syracuse, New York (August 23, 1950);
Wife - [redacted] Fort Dix, New Jersey (February 30, 1959)

Richard Carr
Nagell

Employment

New York Central Railroad, Albany, New York (July, 1948, to August 3, 1948).

Character references

[redacted] Albany 3, New York (September 19, 1950);
[redacted] Albany, New York (September 19, 1950);

[redacted] Albany, New York (September 19, 1950);
[redacted] Albany, New York (September 19, 1950);
[redacted] Albany, New York (September 19, 1950)

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b7C

Credit references	William Sloane House (YMCA), West 34th Street, New York, New York (August 23, 1950); Times Square Hotel, West 43rd Street, New York, New York (August 23, 1950); [redacted] Albany 3, New York (August 23, 1950).
VA Claim Number	C-21-377-465, VARO, Los Angeles, California
Photograph	None available in the service records
Social Security Number	104-24-8340

In regard to the subpoena of military service records, your attention is directed to Volume I, Section 9, Page 58, Paragraph E of the Manual of Instructions.

For the information of Baltimore, Atlanta, Savannah, and Kansas City, who did not receive referenced report, the Assistant United States Attorney in El Paso, Texas, has expressed concern in regard to a notebook found in the subject's possession at the time of his arrest on a bank robbery charge in El Paso on September 20, 1963, which indicates the possibility that the subject may have been engaged in espionage activity in the past. The Assistant United States Attorney has said that it appears as though the subject intends to act as his own attorney in court and may take the stand in his own behalf and utilize the contents of this notebook in connection with his defense.

El Paso requested St. Louis to ascertain reported training in counterespionage school, and, if necessary, set out appropriate leads to secure further details in this connection.

IN VIEW OF THE ABOVE, THE ASSISTANT UNITED STATES ATTORNEY IS DESIROUS THAT THE INVESTIGATION IN CONNECTION WITH THIS [illegible] CASE REGARDING THE SUBJECT BE COMPLETED BY [illegible] 1, 1954, PRIOR TO THE TRIAL OF THE SUBJECT IN THE UNITED STATES DISTRICT COURT IN EL PASO ON THE BANK ROBBERY CHARGE.

LEADS:

THE WASHINGTON FIELD OFFICE:

AT WASHINGTON, D.C.:

At the Personnel Records Branch, Officers Section, The Pentagon, Washington, D.C., is requested to attempt to locate the classified file for NAGELL and handle.

For the information of Washington Field, the service records on file at the Military Personnel Records Center, St. Louis, Missouri, reflect that the classified records are on file in "Field CLASSIFIED FILES OFF. SEC. PRB MF 637c" entitled Officers Efficiency Reports, (Letter from officer and the Inspector General), 24 pages with exhibits A through Y. The service records for NAGELL contain copies of these documents; however, they are poor copies and reproductions would be of a poor quality.

THE BALTIMORE OFFICE:

AT FORT HOLABIRD, MARYLAND:

Is requested to attempt to locate a record of NAGELL's attendance at the Army Intelligence School, Fort Holabird, Maryland, and furnish complete details pertaining to his training to the El Paso Office.

THE ATLANTA OFFICE:

AT FORT BENNING, GEORGIA:

Is requested to attempt to locate a record of NAGELL's attendance at the Infantry Officer Candidate Course, and furnish complete details pertaining to his training to the El Paso Office.

THE SAVANNAH OFFICE:

AT FORT JACKSON, SOUTH CAROLINA:

Is requested to attempt to locate a record of MAGILL's attendance at the Leaders Course, Eighth Infantry Division, Fort Jackson, South Carolina, and furnish complete details pertaining to his training to the El Paso Office.

THE KANSAS CITY OFFICE:

AT FORT RILEY, KANSAS:

Is requested to attempt to locate a record of MAGILL's attendance at the Ground General School, Fort Riley, Kansas. and furnish complete details pertaining to his training to the [illegible] Office.

SUBJECT HAS ATTEMPTED SUICIDE.

Mr. Wacks

2/23/64

INFORMATION CONTAINED
HEREIN UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

AIRTEL

CONFIDENTIAL

To: SAC, El Paso (65-051)

From: Director, FBI (64-43933)

RICHARD CASE NAGELL
ESPIONAGE - X

CLASS. & EXT. BY SP-2 BTN/sw
REASON-FCIM II, 1-3.4.2 3
DATE OF REVIEW 2-28-84

9-2-81

ReBuairtel 2/27/64.

Review of this case does not indicate that leads necessary to establish whether subject has engaged in espionage have been covered. Your 2/4/64 report pointed out that Assistant U.S. Attorney (AUSA) had indicated he desired this investigation completed by 3/1/64. Moreover, the notations in subject's notebook are of such a nature that it is imperative that all logical leads be covered most expeditiously to ascertain the reasons why the items are listed in the notebook and whether subject actually was engaged in subversive activities, including espionage, or was in possible violation of other Federal statutes.

Your 2/4/64 report did not set out what appears to be logical leads developed from a review of his notebook, although such leads could have been the subject matter of interoffice communications. For example, a partial list of logical interviewees regarding their knowledge of subject's activities not set out in your 2/4/64 report would appear to be: (1) [redacted] b6 Washington, D.C.; (2) [redacted] VARO (possibly VARD, b7C Division of Royal Industries, Inc., Pasadena, California); (3) [redacted] "Aero-Space," Burbank, California; (4) [redacted] New York City; and (5) The seven individuals listed under the caption "C.I.A."

In addition, it would appear that investigation should be conducted in Japan to identify and determine the significance of the items listed in the notebook pertaining to organizations and individuals in that country. In the event it has not already

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

JFW:ams
(4)

DECLASSIFIED BY SP3 BTN/sw
ON 6-16-98

64-43933-11

REC-9

19 MAR 2 1964

CONFIDENTIAL

MAIL ROOM ☑ TELETYPE UNIT ☐

CONFIDENTIAL

been done, a letterhead memorandum setting forth such items should be immediately furnished Bureau for transmittal to Legat, Tokyo. 89 41

Undoubtedly, your review of the notebook has resulted in other leads unknown to the Bureau being set out. It is suggested that another review of the notebook is in order to assure that all leads have been set out. Advise by return airtel whether the leads in this case have been covered; what leads are outstanding; and the status of prosecution of the subject on the bank robbery charge. Include in airtel the manner in which AUSA believes subject can use the contents of this notebook in his defense during trial of the bank robbery violations.

CONFIDENTIAL

"Top Secret" clearance on 9/22/55 for his assignment with CIC. He was then a Captain, ASN 02028346. He was disapproved for retention in CIC and his "Top Secret" clearance revoked on 4/22/58 in view of an investigation being conducted by the Office of the Inspector General (IG), Department of the Army (DA).

Subject's G-2 file reflects an extensive investigation was conducted in 1958 in Japan and the United States by the IG's office, based upon his letter dated 1/5/58 to the IG, DA, Washington, D.C., alleging misconduct on the part of other military personnel in the U. S. Army, Japan. He charged personal injustices, incompetence, corruption, mismanagement, mal-administration and lack of opportunity to present fully all matters relative to his complaints. He also alleged that Efficiency/Progress Reports submitted by him concerning other military personnel had been altered and changed by superior officers.

Subject's file reflects that G-2 was aware of the IG investigation in 1958 but took no part in same although NAGELL was subsequently disapproved by G-2 for retention in CIC and his clearance revoked as noted above.

G-2 officials, USACRF, advised that the original records of the investigation conducted by the IG are located in the Office of the IG, DA, Pentagon, under file number USARJ IG 333.5 IG.

For information of El Paso, referenced Baltimore teletype requested Washington Field to review records of the IG, DA, Pentagon, for full details concerning the 1958 investigation.

Copies of this airtel furnished for information and assistance of Washington Field in view of leads set forth in referenced teletype.

FBI

Date: 2/28/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL REGISTERED MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, BALTIMORE (65-3323) RUC

SUBJECT: RICHARD CASE NAGELL, aka
ESP. - X
OO: El Paso

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-2-81 BY SP-8 BTJ/ld

Re St. Louis airtel to Bureau, 2/18/64; Baltimore teletype to Bureau and WFO, 2/28/64.

Major [redacted] Chief of the Student Evaluation Section, Office of the School Secretary, U. S. Army Intelligence School, Fort Holabird, Baltimore, Maryland, advised SA JAMES E. BARRETT on 2/27/64 that limited available school records reflect subject's attendance at this school from 5/9/55 to 8/12/55 when he successfully completed the Officers Investigations Course. Major [redacted] advised from memory that this course was the basic CIC Officers Agent Course which covered some classified hours of instruction but the majority of the instruction consisted of routine investigative procedure to include conduct of background investigations, surveillance matters, etc.

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Col. [redacted] CO, USACRF, Fort Holabird, made available subject's G-2 file X1-332650 which was reviewed on 2/27-28/64 by SA BARRETT. This file reflects NAGELL was the subject of a favorable National Agency Check completed by G-2 on 11/8/51 in connection with his application for attendance at the Officers Candidate School. He was then a Pfc, ASN 12115891. He was also the subject of a favorable background investigation completed by G-2 on 6/22/54 and the result of this investigation was clearance and approval for assignment and duty with the Counter Intelligence Corps (CIC), U. S. Army, on 12/27/54. He was subsequently granted a

3 - Bureau (REGIS.MAIL) REC-98 65-15[illegible]-12
2 - El Paso (65-951) (REGIS.AIRMAIL)
2 - WFO (REGIS.MAIL)
1 - Baltimore
EX-103 FEB 29 1964

JEB:dfl
(8)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 10-29-63)

FBI

Date: 2/27/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, ATLANTA (65-1610) (RUC)

RE: RICHARD CASE NAGELL, aka
ESPIONAGE - X
(OO: El Paso)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP-8 BTJ/dw

Re St. Louis airtel to Bureau 2/18/64.

[redacted] Record Management Officer, Records Administration Branch, Fort Benning, Ga., advised SA [redacted] on 2/27/64 that all records pertaining to the Infantry Officer Candidate Course at Fort Benning, Ga., from 2/18/51 to 8/2/51 had been shipped to the Army Records Center, 9700 Page Boulevard, St. Louis, Mo. [redacted] was not aware of the current existence of any program of instructions reflecting the training received by members of the Infantry Officer Candidate Course during the pertinent period, and offered that the training program changes from course to course. [redacted] pointed out that the Officer Candidate School records would be maintained at the Records Center as Infantry OCS records, Fort Benning, Ga., and could be located by reference to the year 1951 under the name and service number of the OCS candidate.

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[redacted] SAIC, 111th CIC Detachment, Fort Benning, Ga., advised on 2/27/64 the current program of instructions which has minor changes from class to class,

REC- 99 64-48933 13

FEB 28 1964

(3) - Bureau
2 - El Paso
2 - St. Louis
2 - Atlanta
RRM:cb
(9)

58 MAR 5 1964

FOI XH

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

consists of 22 weeks of drill, ceremonies, rifle marksmanship, leadership, and infantry tactics. Less than 1/2 day is devoted to classified instruction, the instruction being classified as "confidential" and consists of chemical, biological and radiological warfare instruction. No records were available at Fort Benning, Ga., which would reflect the program of instruction or details of training by members of the Infantry Officer Candidate Course during the year 1951.

ST. LOUIS: AT ST. LOUIS, MISSOURI

Will endeavor to locate a record of NAGELL's attendance at Fort Benning Infantry OCS School during 1951 under the subject name and service numbers.

The AUSA, El Paso, Tex., is desirous that investigation in connection with this espionage case regarding the subject be completed by 3/1/64, prior to the trial of the subject in the USDC in El Paso on the bank robbery charge.

FD-36 (Rev. 12-13-56)

FBI

Date: February 20, 1964

Transmit the following in _____ (Type in plain text or code)

AIRTEL AIR MAIL - REGISTERED

Via _____ (Priority or Method of Mailing)

TO : DIRECTOR, FBI

FROM : SAC, LOS ANGELES (65-7445) (RUC)

RE : RICHARD CASE NAGELL, aka.
ESP - X
OO: El Paso.

Rerep SA [redacted] dated 2/4/64, at El Paso, and the BR case concerning same subject. b6 b7C

In connection with the BR case, [redacted] was interviewed at her ~~residence~~ business in Los Angeles on 2/3/64. At that time, she stated subject had never exhibited any political interest, never mentioned communism or the Fair Play for Cuba Committee or Cuba. Once in the summer of 1963 subject was mad about something unrecalled and jokingly said he was thinking of going to Russia, but [redacted] was certain this was said in jest.

It appears well established that subject is a mental case who has in recent years made various complaints to several FBI offices, including stories that he has been involved in some way in espionage. Without exception, these stories have been uncoroborated by facts.

This office does not think that further investigation of this matter as an espionage case is warranted and UACB considers this case RUC.

3 - Bureau
2 - El Paso (65-951)
2 - Los Angeles (65-7445)
(1 - 91-4006)
JHH:HMS
(7)

REC-99 64-41533

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20 FEB 22 1964

EX 104

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP4BTJ/lw

2/27/64

1 - Mr. Wacks

Airtel EX 104

To: SAC, Los Angeles (65-7445)

REC-99

FROM: Director, FBI (64-48933) 14

RICHARD CASE NAGELL
ESPIONAGE - X

ReLAairtel 2/20/64.

In view of interest displayed by the Assistant United States Attorney, El Paso, in this case, leads set out in El Paso 2/4/64 report should be immediately covered and results submitted in report.

1 - El Paso (63-951)

JFW:rth
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-2-81 BY SP-8 BTA/JW

FEB 4 1964
COMM-FBI

NOTE:

Subject was arrested 9/20/63 in El Paso on bank robbery charge. His trial is scheduled for 3/1/64. When arrested he had a notebook in which he had made notations which made reference to Medical Aid to Cuba, Fair Play for Cuba, the names of purported CIA agents and other information. An acquaintance has charged subject at one time was member of CP. He in 1962 advised the American Embassy, Mexico City, that he has been "approached" but refused to say by whom or for what; advised FBI in 1962 he was contacted in Washington, D. C. by what he believed was a Soviet agent. In 1/64 he advised he attempted to rob the bank on instructions of his foreign principal. He also claimed to know Lee Harvey Oswald. Separate informative memo being submitted.

On 1/24/64 the court had subject committed for mental observation for a period of 30 days. The Assistant U. S. Attorney believes that at his trial subject may have as his defense the notations in his notebook. He asked that we ascertain if subject is or was engaged in subversive activities. Leads are to contact sources.

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Tele. Room
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MAR 5 1964

MAIL ROOM ☑ TELETYPE UNIT ☐

4-3 (Rev. 4-17-63)

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 03-04-2015 By: J89J28T90

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~~CONFIDENTIAL~~

☐ AIRGRAM ☒ CABLEGRAM ☐ RADIO ☐ TELETYPE

URGENT 2-29-64

TO DIRECTOR

FROM LEGAT MEXICO CITY NO. 418

RICHARD CASE NAGELL, AKA, ESPIONAGE-X.

REMYCAB FEBRUARY 26 LAST.

(U) [redacted] (S) RELIABLE, HAS ADVISED SUBJECT NOT KNOWN IN CIRCLES COMMUNIST PARTY OF MEXICO (PCM), NATIONAL LIBERATION MOVEMENT (MLN), WHICH IS PCM INFLUENCED AND ANTI-U.S. ORGANIZATION, THE PEOPLES ELECTORAL FRONT (FEP), WHICH IS PCM DOMINATED POLITICAL ORGANIZATION, THE POPULAR SOCIALIST PARTY (PPS), WHICH IS SELF ADMITTED MARXIST PARTY NOR IN WORKERS UNIVERSITY, WHICH IS EDUCATIONAL ADJUNCT TO PPS. (S)

INVESTIGATION CONTINUING. (S) (U)

SUBJECT HAS ATTEMPTED SUICIDE.

CLARK D. ANDERSON

RECEIVED: 2:11 PM RDR

~~CLASSIFIED BY SP3 BJ/sw~~
~~CLASSIFY ON: 25X 1~~
6-16-98

Letter to legal attache Mexico City 3/3/64 JFW

cc EE Rosen

REC-41 64-41813-15

8 MAR 3 1964

EX-115

CC-MR. SULLIVAN

3RD CC: MR. [redacted]

5 MAR 13 1964

9-2-81

CLASS. & EXT. BY ~~SP3 BJ/sw~~ 3:2
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 2-29-84 ~~CONFIDENTIAL~~

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

TRANSLATION FROM JAPANESE

Recent World Situation By Jun Murai, Chief of the Kyoto Prefectural Police

1. How do you feel when you read a newspaper every day? Domestic political news is reported in the first page of the morning edition and world news in the second page. Do you not feel that these two pages are inconsistent to each other? The United States and the Soviet Union are moving and changing in the field of world policy. On the other hand, Japan is standing still.

Following the termination of World War II, Japan has regained its strength and made some improvements. However, political disorder is getting serious and leaders of Japan are ignored by the world. It seems that the world pays close attention to leaders of Indonesia, Ceylon, and Burma but no attention to leaders of Japan. What we strongly feel is that Japan has no clear world policy nor has it self-confidence.

Before the war, Japan was the leader and helped backward nations in Asia. Japan sacrificed itself for the liberation of backward nations. Today no nation is grateful to Japan for its liberation because Japan wanted to build Asia for itself. The United States gives backward nations economic aid but it is not fully appreciated. However, it appears that backward nations are gradually making plans by themselves. As we all know, the Soviet world policy, which was centered on Stalinism, is getting changed.

At one time, Japan had its world policy and self-confidence but after the war, it is in great confusion. In other words, the translation of English, the translation of Russian, and the old Japanese language are used in Japan today. The translations are so erroneous that more confusions are created. Many old books are rewritten or revised in the United States and the Soviet Union. It is foolish to translate old books now.

At any rate, Japan should observe the world situation carefully and make its own stand. The Japanese people will not be convinced by the translations. I would like to talk about the world situation from this standpoint.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP4 BTJ/dw

TRANSLATED BY: [redacted] bad
February 11, 1964

14-4

b6
b7C

2. Correlative World Policy Between the United States and the Soviet Union

If one wants to understand the world situation, he should understand power politics. If he wants to understand the chess scores between Oyama and Masuda, he should understand their tactics. In other words, he must understand the tactics of both players. If one does not understand world policies of the United States and the Soviet Union, he does not know both countries. There are some experts in United States affairs, who do not know anything about the Soviet Union. This is entirely nonsonse. The Soviet Union formulates its world policy in accordance with the power and moves of the United States and vice versa.

For this reason, I want to understand the world situation from the standpoint of conflict between the two nations.

Then, what are the characteristics of world policies of the United States and the Soviet Union? As you know well, the main point of the Soviet world policy is to communize the world. Now the Soviet Union takes a peace offensive and advocates peaceful coexistence. However, there is no reason to continue this sweet policy forever. It is the best strategy to destroy its enemies and to strengthen its position. The Soviet Union is anxious to eliminate the influence of capitalists some day but for the time being, it has to take the policy of peaceful coexistence. What we must not forget is the Soviet Union's final objective. In other words, it uses every means to achieve the objective. The Soviet Union is in habit of stabbing another nation while shaking hands with it. It always plays a double game.

For instance, when Khrushchev visited Burma, he bitterly denounced Great Britain. In a short time, he went to England and stressed friendship between Great Britain and the Soviet Union. Soviet leaders feel that every means is justifiable in order to achieve the objective.

The United States world policy based on freedom, democracy, and capitalism, is to make the world prosperous. The United States is strongly conscious of its responsibility for the world reconstruction. For this reason, the United

Nations was placed in New York. The United States has confidence in itself and on the other hand, it feels its responsibility. I would like to explain how the world policies of the United States and the Soviet Union have been promoted. For convenience' sake, I will divide it in three periods.

The first period covers two or three years following World War II. The United States came out with appeasement and disarmament policies. After the war, there was no possibility of fighting another war. Germany and Japan lost the war; France and Great Britain were on the verge of bankruptcy; and the Soviet Union was getting aid from the United States and Great Britain. Under these circumstances, the United States felt that if it took a strong step, most of the problems would be solved. In cooperation with the United Nations, the United States adopted an appeasement policy and decided to carry out the reduction of arms.

Judging by the United States policy during this period, the United States was not a war provoker or an aggressor as called by the Soviet Union.

In contrast to appeasement and disarmament policies of the United States, the Soviet Union adopted a "policy of stealing at a fire." While the United States was enjoying a moment of relaxation after the war, the Soviet Union openly grabbed territories everywhere and built Communist blocs in the areas which had been under Germany and Japan. The population of Communists increased to 900,000,000 from 180,000,000 and one Communist nation increased to 12 nations. In this manner, Communists organized one of the two great camps in the world. The most important period in World War II was a short time after the war. During this period, the world map was greatly changed.

Let us review the second period. The Soviet aggression was so violent that it was impossible for the United States to continue its appeasement policy. When the civil war of Greece and the revolution of Yugoslavia broke out, the United States was firmly convinced that no world problem could be settled by negotiations and no policy carried out without power to back it up. However, the United States was not in a position to defend the world as a reduction

of arms had been made already. Under these circumstances, it decided to defend only Europe as no extra arms were available for Asia. I believe that General MacArthur was instructed to maintain status quo in Asia. At that time, Secretary Royall made a remark to the effect that the United States had to give up Japan, which caused great excitement in Japan.

What policies were employed in Europe? There were two policies. One was the economic aid policy and the other was the military aid policy. The Marshall Plan started in 1948 and $12,000,000,000 was spent. By this plan, European nations were able to recover speedily. When the economic problem was solved, the political and social problems became stabilized and the danger of Communism disappeared.

Generally speaking, a Communist revolution is caused by a combination of ignorance, poverty and dissatisfaction. In other words, the Marshall Plan helped Europe eliminate the internal uneasiness and threats. Mighty Soviet armed forces were stationed beyond East Germany and no one knew when they would move into Western Europe. In order to meet these threats, it was necessary to form a military alliance, NATO. By the Marshall Plan and NATO, free nations in Europe were strengthened and the United States policy brought successful results.

The Soviet Union realized that it would not be able to advance any further in Europe and changed its direction to Asia. In order to meet the United States power policy, the Soviet Union mobilized world reformist forces and organized "Cominform." Cominform was organized four years after Comintern was dissolved. Two purposes of Cominform were conceivable. One was to obstruct the Marshall Plan and the other was to place Communist nations under its complete control. For the former purpose, the Soviet Union started destructive activities everywhere and for the latter purpose, it carried out a purge in order to prevent Eastern European nations from following Tito. As you know, general strikes and struggles against M.S.A. and military bases were carried out in Japan. As you also remember, Japan Communist Party received a scolding from Cominform in the form of the "criticism of Nosaka."

In the second period, the Soviet Union shifted its emphasis to Asia and decided to meet the United States power policy with powerful weapons.

The third period covers the Korean War. The Korean War broke out in June, 1950. Lt. General Derovyanko, who was then in Japan, attended a meeting in Moscow with the Soviet Ambassador to the United States and other chiefs of its missions and decided to invade South Korea after examining the United States policy toward the Far East and military strength. In other words, they believed that it would be difficult for the United States to unify the people's views and to send troops to Korea. However, President Truman immediately obtained the approval of Congress, discussed this matter with Great Britain and France, and sent United Nations troops to Korea. At that time, the United States clearly knew the importance of the Far East. In other words, the United States realized that if Asia was lost, Europe and other continents would be lost and if the world was lost, it would be finally destroyed. The United States also believed that Asia was as important as Europe. Thus, the United States policy toward Asia was greatly strengthened.

The United States policy toward Asia was divided into economic aid and military aid. The United States concluded mutual security agreements with Japan, South Korea, the Philippines and Nationalist China. For the defense of Southeast Asia, SEATO was organized. The Philippines, Thailand and Pakistan joined SEATO. In the Near East, the Baghdad Agreement was concluded under the leadership of Great Britain. Turkey, Iraq, Iran, and Pakistan participated in it. The United States also came to support it.

In this manner, the Soviet Union was blocked from three directions by NATO in Europe, SEATO and other military agreements in the Far East, and the Baghdad Agreement in the Near East. At the present time, the United States made up its mind not to allow the Soviet Union to invade one inch of the free world and constantly strengthens the blockade against the Soviet Union.

On the other hand, the Soviet Union changed its strategy. This strategy consists of the so-called "peace offensive" and "peaceful coexistance." As I stated previously, the Soviet Union has no intention of supporting peaceful coexistance on a permanent basis. In other words, the Soviet peace offensive is the most effective weapon against the United States power policy. The Soviet Union has no desire to encounter the United States when the latter is ready.

The Soviet strategy is to make the United States relax and in the meantime, it wants to strengthen its own position. At the 20th Congress of the Soviet Communist Party, the line of peace offensive was stressed. The 6th five-year plan was formulated in order to catch up with the United States economy.

3. New Soviet Policy

In the above-mentioned situation, the Big Four meeting was held in Geneva in July of last year. This meeting was very significant because the four leaders of the two camps met together for the first time. On the agenda were the security of Europe, the unification of Germany, disarmament, and interchange between the East and the West. When the United States leader came to the meeting, he believed that the Soviet Union only talked about peaceful coexistence and intended to expose the true color of the Soviet Union to the world, taking advantage of the meeting.

On the other hand, the Soviet leader could not refuse to attend the meeting as he had talked about peace so much. In this situation, he intended to use the occasion for his peace offensive.

As the two parties had their own ideas, they were unable to agree on a single point. Each of them only wanted to explain his position and criticize the other party before the eyes of the whole world. When Eisenhower made a proposal that they would be permitted to make aerial photographs of one another's military installations, Bulganin was so shocked that he was unable to say anything. The United States knew that the Soviet Union talked about peace and disarmament but it was not sincere when serious matters were discussed.

At this meeting, no concrete accomplishments were made. However, we should not forget what we have gained from this meeting. In the first place, both the United States and the Soviet Union showed no desire for war. In the second place, they talked about peace but had no intention of making compromises. In the third place, they agreed that the two camps should meet again.

When the four leaders returned to their countries, they continued to pay close attention to the promotion of their world policies. The new Soviet policy has become a problem recently. The change of the Soviet policy was

not made at the 20th Congress but it was merely announced at the Congress. For the first time, the criticism of Stalin was noted at the Congress. However, the change of the Soviet policy had been expected for some time.

In order to promote its world policy, the Soviet Union committed many aggressive and destructive acts. However, when the free world was well organized, the Soviet Union became unable to move another step. On the other hand, the Soviet Union was severely criticized and Communist nations raised various questions. In this situation, the Soviet Uiion was forced to remove the signs of war and violent revolution, which were popular at the time of Stalin. The Soviet strategy was changed to strengthen its position through political, ideological and economic wars. Of course, the Soviet Union wanted to keep its military forces as strong as those of the free world. The Soviet Union is talking about a reduction of arms but it does not mean the reduction of military power. In other words, it wanted to reduce foot soldiers when the air force was expanded with modern weapons. The Soviet Union is making every effort to catch up with the atomic strength of the United States.

At the 20th Congress, the views of the inevitability of war, of violent revolution, and of dictatorial government, which were popular at the time of Stalin, were revised. I omit further details here. At any rate, it does not mean the denial of war and violent revolution but it means some other strategy. Since the removal of the Stalinist signs, the Soviet Union has been in an easier position to carry our domestic problems and foreign policies.

In the field of domestic administration, the single leadership was replaced by the collective leadership. However, the collective leadership is another form of single leadership. No one can criticize Khrushchev who is the head of the collective leadership today. The Soviet Union covered up its greatest shortcoming by changing the single leadership. In general, the Soviet Union has promoted an appeasement policy.

No matter what the government may tell the people, they would not support it, if they have a poor living. Before the war, they were told not to see anything, not to hear anything, and not to say anything but now they can compare their living with that of the free people.

In the field of foreign policy, the Soviet Union has revised the shortcomings that were severely criticized by other nations. As a result, many people have come to sympathize with the Soviet Union. In other words, the Soviet Union is in a better position to appeal for the united socialist front, the united labor front, and the peace-loving people's front. The most favorable point is to promote the peaceful coexistance policy. The Soviet Union has become free to engage in the policy of peace offensive without being criticized by others.

Since removing the old signs, everything has been going well in the Soviet Union. For this reason, Stalin is blamed for all past mistakes.

The adoption of the new policy does not mean that the Soviet Union has forgotten its goal to communize the world and to destroy democracy and the capitalist society. As I said above, the new policy is more effective to achieve the goal.

I would like to mention the dissolution of Cominform. Looking at it from the standpoint of the new policy, it is perfectly natural. As stated above, the purposes of Cominform were to oppose the United States power policy and to control Communist nations. These purposes have been already accomplished. In accordance with the instructions of Cominform, general strikes and destructive activities were carried out and they created confusions for a while. On the other hand, the masses in various nations withdrew their supports and labor unions became divided.

As evidenced in the case of Yugoslavia, the tight control over Communist nations brought reverse results. When Cominform was no longer needed, Togliatti of Italy and Torez of France asked the Soviet Union to dissolve it and the Soviet Union agreed to do so. Without this organization, the Soviet Union has some other channels to contact and direct Communist parties in the world. As a matter of fact, the Soviet Union is not affected by the dissolution of Cominform.

I would like to examine the Soviet peace appeal. In January of the current year, the Soviet Union asked the United States twice to conclude a friendship treaty but President Eisenhower rejected it in both cases. I believe that the

Soviet Union will continue asking the United States in the future. The Soviet Union feels that its proposal alone is a great accomplishment in its peace offensive. The Soviet Union has extended an invitation on its Air Force Day to General Twining, Chief of Staff of the United States Air Force. The Soviet peace offensive will be strengthened in the future. It is not certain how the United States will meet this peace offensive.

As you all know, Bulganin and Khrushchev paid a visit to England from April 18 to 27. Great Britain has no kind feelings for the Soviet Union but it is greatly interested in talking with the Soviet Union as it is in adversity everywhere in the world.

Great Britain is troubled with the racial movement in the Near East and the Soviet Union is promoting the trouble. For this reason, Great Britain is anxious to check the Soviet influence. Great Britain is also interested in the development of trade and interchange between the East and the West.

Both Great Britain and the Soviet Union were pleased with the negotiations, although no tangible accomplishments were made. The joint communique stated that all important international problems had been discussed and their views exchanged. They also agreed to ease international tension, to reduce arms, to improve relations, to maintain peace in the Near East, and to promote trade.

The Soviet leaders stated that if Great Britain removed its trade restrictions and discriminatory treatment, the Soviet Union was ready to carry out trade of from 800,000,000 pounds to 1,000,000,000 pounds in a period of five years and this proposal seemed to have surprised British political and financial circles.

While staying in London, Khrushchev made himself agreeable to everybody. However, at one time, he was in a bad mood. When he attended the party given by the Labor Party, he was asked by Gaitskill to release about 200 socialists confined in Communist nations. Refusing to give his consideration to the request of Gaitskill, Khrushchev remarked that the Conservative Party understood him better than the Labor Party.

Soviet leaders often visited underdeveloped countries and invited their leaders to the Soviet Union. The most noticeable event was that Khrushchev and Bulganin visited India, Afganistan, and Burma from November to December of last year and they received a hearty welcome from those nations. In their visit, they promised to give economic aid to the three nations. The Soviet Union also proposes its economic aid, technical assistance, and cultural exchange to various nations in Africa and Asia, including those under the influence of the United States and Great Britian.

As stated above, the Soviet peace offensive set advanced nations in Europe on their guard. In a way, it helped ease the world tension. However, the United States and Great Britain want to see tangible evidence rather than talking. Backward nations in Africa and Asia seem to be interested in receiving economic aid with no strings attached to it but the big problems are political and ideological strings. The urgent purpose of the Soviet Union is to alienate backward nations from the United States and Great Britain. For this reason, the Soviet Union does not show them its real color but pretends to be a true friend of theirs.

4. Competition of Economic Aid Between the United States and the Soviet Union.

As pointed out previously, no longer can a nation carry out its world policy with military power alone. It does not mean that arms are no longer needed. In view of the balance of military power maintained by the two camps and the destructive power of atomic arms, problems cannot be solved by military power. The two camps only promote their policies with the backing of military forces.

As a matter of fact, peaceful coexistence is competitive coexistence. Competitive coexistence means political, economic, and ideological competitions of which the economic competition is most important.

After World War II, the United States spent a huge sum of money in foreign aid. Although the United States was in financial exhaustion, it carried out UNRRA and the Marshall Plan. From 1948 to 1951, the United States spent $12,000,000,000 in these programs. As advanced nations have been well recovered, the United States places its

emphasis on backward nations. According to an announcement of the United States, it carried out foreign aid of $55,000,000,000 for a period of 10 years following World War II, of which two thirds are non-military aid. To list further details of the aid, Western Europe received 60%, Asia 23.7%, the Near East 7.5%, other areas the remaining portion.

In spite of such huge foreign aid, the United States is criticized severely and its aid is not as effective as that of the Soviet Union. I would like to examine the reasons here.

After World War II, the Soviet Union was so poor that it was in no position to help any other nations. However, since the past few years, the Soviet Union has proposed some economic aid to backward nations in Africa and Asia. The Soviet Union talks about its foreign aid a lot but the actual amount is very small. However, the Soviet aid is very effective because it is in complete harmony with the local conditions. In this manner, the Soviet Union pleases backward nations that gained their independence a short time ago. Under the barter system, the Soviet Union buys rubber and rice from them. The Soviet Union also pleases them by giving them financial aid and technical assistance for the establishment of factories, highways, transportation facilities, cultural centers, and health stations. Above all, the economic aid with no strings attached to it is very effective.

The question of no strings attached to it is a problem. As far as the United States is concerned, its military aid and economic aid go together. If a nation receives economic aid from the United States, it has to join the free world. It is natural for some backward nations that have gained their independence a short time ago to be afraid of being involved in foreign disputes. In the long run, strings are attached to the Soviet aid. While assisting backward nations economically, the Soviet Union can teach them the socialist ideology. According to information from the United States, all Soviet technicians are trained along this line.

The Soviet Union is giving and has proposed its aid to many nations. They are India, Afganistan, Burma, Pakistan, Ceylon, Indonesia, Egypt, Turkey, Syria, and Venezuela. Among these nations, India and Egypt are most important because the Soviet Union has proposed to India it aid for the establishment of a steel mill in a five-year plan and to Egypt its aid for weapons through Czechoslovakia and the establishment of the Aswan Dam.

On the other hand, the United States has proposed a large sum of financial aid to India and Egypt in order to prevent the two nations from becoming friendly with the Soviet Union. These neutral nations try to obtain financial aid from the two camps but the question is how long they can maintain the present position.

Following his visit to 10 nations in Asia, Dulles returned home in March and made a speech which is very significant. In other words, he stated that the nations in Africa and Asia are not colonies but completely independent nations, that these nations are more afraid of the aggression of Western Europe than the threats of Communists, and that they are interested in receiving some aid for their independence and development. In other words, he meant that the United States should understand the backward nations and help them with what they needed. It is interesting to watch what steps the United States and the Soviet Union will take in dealing with backward nations.

5. Future Outlook

I have discussed the activities of the United States, the Soviet Union, and Communist China. Now I would like to talk briefly about the future outlook.

With the military backing, the United States pushes on its containment policy and has no intention of easing it. The United States has been cheated by the Soviet Union so often that the former does not trust the latter no matter what it talks about. The Soviet Union strengthens its peace offensive by adopting new political, economic, and ideological policies in the place of aggressive and destructive policies. In order to meet the new Soviet policy, the United States is about to employ a flexible world policy. When the Soviet Union comes around with a smile, the United States does not want to kick it on the face.

The United States has no intention of giving economic aid to every nation in order to keep it from joining the Communist bloc. As a matter of fact, the United States is indignant about some neutral nations that receive financial aid from both sides. In order to appease India and Egypt, the United States has not joined the Baghdad Agreement or SEATO.

On the other hand, the Soviet Union will push its new policy. In other words, it will try to alienate neutral nations from the United States by easing the world tension and causing the free world to relax the guard. Japan is an important target. The present Soviet-Japanese negotiations are being pushed along this line. In the future, Sino-Japanese negotiations will come to this point. The Soviet Union is working on backward nations in Africa and Asia. The Soviet aid will play an important role in the underdeveloped nations.

Then, what is the cause of backward nations in Africa and Asia? Nehru of India and Nasser of Egypt want to form a third group with nations in Africa and Asia thereby they can ease the world tension and promote their own interests. Are Nehru and Nasser Communists? They can be judged by their internal administrations. Both of them employ an anticommunist policy. Burma and Ceylon are also anticommunistic. The Burmese Army has destroyed a large number of Communist guerrilas and Premier Bandaranaike of Ceylon takes an anti-communist stand, calling Communists bacteria. These nations fought Great Britain for their independence. However, as far as their internal policy is concerned, they are anti-communist nations. As they have been liberated from Great Britain a short time ago, it is natural for them not to be interested in receiving economic aid with some strings attached to it. Although they receive economic aid from the Soviet Union, they do not want to stay away from the United States. As a matter of fact, they want to receive economic aid from the United States with better terms. It is conceivable that they may visit the United States and the Soviet Union oftener than before.

In the conclusion, I would like to say that no nation can obtain good results with its power, capital, and tricks alone. Following World War II, many colonies have gained their independence. A new page of history shows that no nation can control other nations with power alone. Even Singapore will gain its independence this year.

In this manner, no dictatorial government is tolerable in a country. A government mistreating the people must be overthrown sooner or later. The resistence movement against the dictatorial government seems to have come earlier than was expected in the Soviet Union.

As long as human beings are important in the world, no government ignoring their rights can survive in a capitalist society or in a Communist society.

It is natural for men to have freedom and a good living. People will support a government that formulates its policy in harmony with human desire. No nation can obtain the support of other nations with its military power, economic strength and idcological tricks (this lecture was delivered at Wakosatsu on June 15).

Commendation Ceremonies for Osaka Police Officers

At the 62nd Commendation Ceremonies for Osaka Police Officers held at Sankei Hall on June 25, at 1000 hours, the following police officers won an award for their meritorious services in guiding undesirable youngsters:

[redacted] of the Sakai Kita Police Station

[redacted] of the Sakai Kita Police Station

b6
b7C

7-44 (Rev. 2-18-63)

SAC, El Paso (65-951)

February 14, 1964

Director, FBI

REGISTERED MAIL

RICHARD CASE NAGELL, aka.
ESPIONAGE - X

Attached is the translation which you requested by letter dated 1/29/64.

a portion of

MAILED 5
FEB 13 1964
COMM-FBI

The contents thereof, where pertinent, must be reported under appropriate captions and afforded whatever investigative attention is necessary.

Disposition of the foreign language material submitted in this connection is set forth below:

64-48933

The foreign language material is retained until completion of translation.

1 - Mr. Sullivan (Attention: Mr. Branigan, sent direct with enclosure)

NOT RECORDED
18 FEB 1964

RCH:bad
Enc. (2)

ENCLOSURE

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

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DATE 7-3-81 BY SP-8 BTJ/JW

FD-36 (Rev. 12-13-56)

FBI

Date: 2/26/64

Transmit the following in A I R T E L (Type in plain text or code)

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Via A I R M A I L (Priority or Method of Mailing)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TO: DIRECTOR, FBI

FROM: SAC, MIAMI (65-3024) (RUC)

RICHARD CASE NAGELL, aka
ESPIONAGE - X
(OO: El Paso)

12-3-81
CLASS. & EXT. BY SP-8 BVJ/lw
REASON-FCIM II, 1-2.4.2 X 2
DATE OF REVIEW 2-26-84

Re report of SA [redacted] 2/4/64, at El Paso. b6 b7C

The following confidential informants acquainted with phases of pro-CASTRO and anti-CASTRO activity, Miami area, past and present, do not know subject, could furnish no information about him:

DECLASSIFIED BY SP3 BVJ/sw
ON 6-16-98

Informant	Date	Agent
[redacted]	2/13/64	SA ROBERT J. DWYER
	2/20/64	SA THOMAS H. ERRION
	2/12/64	SA [redacted]
	2/20/64	SA JOHN E. MC HUGH

b6 b7C b7D

The following confidential informants acquainted with phases of Communist Party and related activity, Miami area, past and present, do not know subject, could furnish no information about him:

REC 7 64-4892-3-7

3 - Bureau (AM)
2 - El Paso (65-951) (AM)
1 - Miami
RLO:bjc C. C. Wick
(6)

EX-117

5 FEB 27 1964

CONFIDENTIAL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-8 BVJ/lw
NATIONAL SEC.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

Informant	Date	Agent
[redacted]	2/24/64	SA [redacted]
	2/14/64	SA
	2/14/64	SA

b6
b7C
b7D

* * * *

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
FEB 26 1964
TELETYPE

FBI WASH DC

FBI SAVANNAH

1242PM EST DEFERRED 2-26-64 JAL

TO DIRECTOR AND EL PASO /65-951/

FROM SAVANNAH /65-1182/ 1P

RICHARD CASE NAGELL, AKA. ESPIONAGE DASH X. OO EL PASO.

RE ST. LOUIS AIRTEL TO BUREAU FEBRUARY EIGHTEEN LAST.

NO RECORDS LEADER/S COURSE, FT. JACKSON, S. C., RE STUDENTS BEYOND NINETEEN FIFTYEIGHT. COURSE CONSISTS OF BASIC LEADERSHIP PRINCIPLES IN CLASSROOM INSTRUCTING, CALISTHENICS, DRILL, LECTURING, ETC., FOR PROMOTION TO RANK OF CORPORAL AND ABOVE, AND NO SPECIALIZED TRAINING IN ESPIONAGE, SABOTAGE, GUERRILLA WARFARE OR RELATED SUBJECTS. NO CREDIT OR CRIMINAL RECORD AT FT. JACKSON OR COLUMBIA, S. C.

END

EP ADVISED

IHC

FBI WASH DC

DSCP

CC-MR. SULLIVAN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8BTJ/lw

EX-108

REC 27 64-48933-18

MAR 3 1964

5- USA

DOMAR6 1964

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
FEB 29 1964
TELETYPE

Mr. T
Mr.
Tele. Room
Miss
Miss Gandy

FBI NEW YORK

2-20 PM DEFERRED 2-29-64 JFK

TO DIRECTOR -4- AND EL PASO /65-951/

EL PASO VIA WASHINGTON --

FROM NEW YORK /65-23126/

SUBJECT., RICHARD CASE NAGELL AKA

RE REPORT SA [redacted] DATED TWO FOUR SIXTY-DASH FOUR AT EL PASO.

b6
b7C

INFORMANT CONTACTS AND INTERVIEW OF SUBJECT-S [redacted] [redacted] DEVELOPED NO INFORMATION INDICATING SUBJECT-S INVOLVEMENT IN COMMUNIST, CUBAN AND ESPIONAGE ACTIVITIES.

[redacted] ADVISED SUBJECT HAS METAL TYPE FOOTLOCKER AT HER HOME. SHE NOTED THIS IS HIS PROPERTY AND SHE NOT ONLY DOES NOT KNOW ITS CONTENTS SHE DOES NOT EVEN KNOW WHETHER IT IS OPEN OR LOCKED.

REPORT FOLLOWS.

END

WA MSL

FBI WASH DC

REC 27 64-48933-20

EX-108 MAR 3 1964

5 - Mr. Foster

RELAYED TO EP

66 MAR 6

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8 BTJ/JW

FBI WASH DC*

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
FEB 28 1964

TELETYPE

FBI BALTO

219 PM EST URGENT 2-28-64 LW

TO DIRECTOR AND WFO

FROM BALTIMORE (65-3323) 2P

RICHARD CASE NAGELL, AKA. E DASH X. OO EL PASO.

RE ST. LOUIS AIRTEL TO BUREAU FEB EIGHTEEN LAST.

G TWO FILES, USACRF, FORT HOLABIRD, BALTIMORE, MD.,
REFLECT NAGELL SUBJECT EXTENSIVE INVESTIGATION NINETEEN
FIFTYEIGHT BY OFFICE OF INSPECTOR GENERAL (IG), DEPT. OF
ARMY (DA), BASED UPON HIS LETTER JAN FIVE FIFTYEIGHT TO
IG, DA, WDC, ALLEGING MISCONDUCT ON PART OF OTHER MILITARY
PERSONNEL IN U. S. ARMY, JAPAN. HE CHARGING PERSONAL INJUSTICES,
INCOMPETENCE, CORRUPTION, MISMANAGEMENT AND LACK OF OPPORTUNITY
TO PRESENT FULLY ALL MATTERS RELATIVE TO HIS COMPLAINTS, AND
ALSO ALLEGED THAT EFFICIENCY DASH PROGRESS REPORTS HE
SUBMITTED ON OTHER PERSONNEL WERE ALTERED AND CHANGED. G TWO
AWARE OF IG INVESTIGATION AT TIME BUT TOOK NO PART IN SAME
ALTHOUGH SUBJECT WAS SUBSEQUENTLY DISAPPROVED FOR RETENTION
CIC APRIL FIFTYEIGHT AND TOP SECRET CLEARANCE REVOKED BY G TWO
BECAUSE OF IG INVESTIGATION. G TWO ADVISES ORIGINAL RECORDS

END PAGE ONE

REC 27 64-4[illegible]-21

EX-108

MAR 3 1964

TWO COPIES WFO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY sp-8 BT-V dw

BA 65-3323

OF INVESTIGATION LOCATED IG, DA, PENTAGON, UNDER FILE NUMBER USARJ SPACE IG THREE THREE THREE DECIMAL FIVE IG.

EL PASO BEING ADVISED BY AIRTEL WHICH WILL CONTAIN ADDITIONAL DETAILS OF G TWO FILE REVIEW AND VERIFICATION OF ARMY INTELLIGENCE SCHOOL ATTENDANCE.

WFO HANDLE.

END

WA JS

FBI WASH DC*

Cc 7.1) Lowe

Rev. 12-13-56)

FBI

Date: 2/24/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, EL PASO (65-951) (P)

RE: RICHARD CASE NAGELL, aka.
ESP - X

OO: EL PASO

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-8 BTJ/dw

ReBulet to El Paso dated 1/16/64, El Paso letters to Director dated 1/29/64, report of SA [redacted] at El Paso dated 2/4/64 and Los Angeles airtel to Director dated 2/20/64.

b6
b7C

Noted that referenced Bulet requested the investigation in this matter and that referenced report dated 2/4/64 contains the information available to the El Paso Office regarding the subject, except for information pertaining to articles and papers that the subject had in his possession at the time of his arrest in El Paso, Texas, on a bank robbery charge on 9/20/63.

Noted that the Bureau did not have in its possession a copy of referenced report at the time that it requested investigation in this matter.

In view of the statement contained in referenced Los Angeles airtel to the effect that Los Angeles Office was conducting no further investigation in this matter, UACB, the Bureau is requested to advise the Los Angeles and El Paso offices as to the further action desired by the Bureau in regard to the espionage investigation regarding NAGELL.

cc - 2 REC 29 65-48933-22

3 - Bureau (REG. AM)
2 - Los Angeles (65-7445) (REG. AM)
1 - El Paso

8 FEB 26 1964

DJR/jcs
(6)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

SEVENTH NAT. INT. SEC.

EP 65-951

For the information of the Bureau, a report setting out information regarding the material and papers that the subject had in his possession at the time of his arrest cannot be submitted until the results of the examinations by the Laboratory requested in El Paso letters to the Director dated 1/29/64, have been furnished the El Paso Office.

SUBJECT HAS ATTEMPTED SUICIDE.

HOXIE

1 - Wacks

Legat, Mexico City

3-3-64

Director, FBI (64-48933)

CONFIDENTIAL

RICHARD CASE NAGELL
ESPIONAGE - X

ReLegat, Mexico City, cable 2-29-64, copy enclosed for El Paso.

Enclosed for the Legat, Mexico City, to assist in his investigation in this case is photograph of subject. Determine if subject known in communist circles in Mexico and attempt to locate [redacted] for interview. (C)(U)

b6
b7C

It is noted that in the notebook subject had in his possession when arrested were the notations "Jufer Restaurant Calle Versailles, Mexico City" and "Nuevo Laredo, Mex. Cafe Regis, Calle Pino, Suarez." In addition to the above investigation, ascertain whether subject is known at these places and, if so, obtain any information available concerning his reasons for visiting these establishments and his activities. Expedite. (C)(U)

Enclosure

1 - El Paso (65-951) (Enclosure)

REC-56 64-48933-23

1 - Foreign Liaison Unit (route through for review)

19 MAR 5 1964

JFW:pdb
(6)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

DECLASSIFIED BY SP3 BJS/SW
ON 6-16-98

NOTE:

Subject, in September, 1963, was arrested in El Paso on bank robbery charge. In his possession at the time of his arrest was the notebook which contained data indicating possible intelligence connections. We are investigating to ascertain if he has engaged in subversive activities. It is known that he was in Mexico. (C)(U)

MAILED 8
MAR 4 - 1964
COMM-FBI

CONFIDENTIAL

12-3-81

CLASS. & EXT. BY SP-8 BJS/SW
REASON-FCIM II, 1-2,4,2
DATE OF REVIEW 3-4-84

MAIL ROOM ☐ TELETYPE UNIT ☐

For Informational Purposes Only

The originals removed from this file and replaced with duplicate copies of the original were accessioned to the National Archives and Records Administration (NARA) pursuant to the JFK Records Collection Act of 1992. Provision of the JFK Act allowed for certain information to be postponed from public release until the year 2017; therefore, the pages have **NOT** necessarily been released for public review in their entirety.

Under the JFK Act, originals to all material deemed assassination records must be accesssioned to NARA regardless of whether the material is open in full or released with information postponed. Therefore, any documents or pages from FBI files accessioned to NARA pursuant to the JFK Act are no longer considered the possession of the FBI. The duplicate pages have been inserted strictly for research purposes.

The copies contained herein do not necessarily show the most up-to-date classification.

To attain a copy of the publicly released version of any materials maintained in the JFK Collection at the NARA facility in College Park, MD, you may contact the JFK Access Staff, at 301/713-6620.

The following materials were removed from this file and are maintained in the JFK Collection at NARA:

File & Serial Number	JFK Subject Identifier (for NARA purposes)
64-48933-24	Lee Harvey Oswald

For Informational Purposes Only

FD-36 (Rev. 12-13-56)

FBI

Date: 3/2/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, EL PASO (65-951) (P)

RE: RICHARD CASE NAGELL, aka.
ESPIONAGE - X

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-4BTJ/JW

00: EL PASO

Rerep SA [redacted] at El Paso dated 2/4/64, Bulet to El Paso dated 2/27/64 and Buairtel to El Paso dated 2/28/64.

b6
b7C

Leads set out in rerep for Dallas, Jacksonville, Los Angeles and New York still outstanding. Additional leads set out for St. Louis, Baltimore, and Kansas City pertaining to military records still outstanding.

ReBulet with accompanying photos developed by FBI Laboratory received 2/28/64. Photos being reviewed and leads will be immediately set out re pertinent names and addresses appearing in photos. Additional leads also being set out based on other information developed from property of subject.

On 3/2/64, AUSA, El Paso, advised the subject had not as yet returned to El Paso and that it would not be possible for him to appear in the US District Court, before 3/26/64 for hearing on his competency to stand trial. He further stated trial date would be set for sometime subsequent to 3/26/64.

EX-114 REC-54 [illegible]-25

3 - Bureau (REG. AM)
1 - El Paso

MAR 4 1964

DJR/jcs
(4)

Approved: C C Wick Sent _____ M Per _____
Special Agent in Charge

9 MAR

Rerep contains information regarding claims by the subject to the effect that he has been engaged in espionage activity on behalf of the US Government on various occasions. On 3/2/64 AUSA, El Paso, said that if the subject repeated these claims in the US District Court, El Paso, he might want to use the notebook and other papers which were in his possession at the time of his arrest to point out that he had made various notations in a secret code and that he had had contact with various FBI Agents and CIA Agents in the past.

The Bureau and all interested offices will be immediately advised of any pertinent developments regarding a trial date set for the subject and any information coming to the attention of the El Paso Office regarding the subject's competency to stand trial.

HOXIE

Mr. J. Walter Yeagley
Assistant Attorney General

March 6, 1964

Director, FBI

1 - Belmont
1 - Rosen
1 - Sullivan
1 - Wannall
1 - Wacks

RICHARD CAGE NAGELL
ESPIONAGE - R

b6
b7C

Reference is made to the report of Special Agent David J. Reid dated February 4, 1964, at El Paso, Texas.

On March 2, 1964, the office of the United States Attorney, El Paso, advised our El Paso office that the subject had not yet returned to El Paso; that it would not be possible for him to appear in the United States District Court before March 26, 1964, for a hearing as to whether he is competent to stand trial; and that a trial date would be set for sometime subsequent to March 26, 1964.

Our El Paso office is furnishing the office of the United States Attorney, El Paso, pertinent information developed in this investigation since Assistant United States Attorney [redacted] has indicated that he desired such data in connection with his preparation of the case against subject to be presented when subject is tried on the bank robbery charges.

You will be furnished additional pertinent developments in this matter.

64-48933
1 - Mr. Herbert J. Miller, Jr.
Assistant Attorney General

REC-23 64-132-26

MAR 9 1964

JFW:jal
(10)

NOTE: See cover memorandum Wannall to Sullivan captioned as above, dated 3-5-64, prepared by JFW:ams.

1 - 91-18339 (Nagell)

MAILED 11
MAR 6 1964
COMM-FBI

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAR 12 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-6 BT-1/JW

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 03-04-2015 By: J89J28T90

4-3 (Rev. 4-17-63)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

DECODED COPY ~~CONFIDENTIAL~~

☐ AIRGRAM ☒ CABLEGRAM ☐ RADIO ☐ TELETYPE

URGENT 3-4-64
TO DIRECTOR
FROM LEGAT MEXICO CITY NO. 432

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

(U)

RICHARD CASE NAGELL, AKA, ESPIONAGE-X.

RE EL PASO LET DATED FEBRUARY 6 LAST AND MYCAB FEBRUARY 29 LAST.

(U) [redacted] RELIABLE, HAS ADVISED INVESTIGATION AT HOTEL LUMA, CALLE ORIZABA 16, MEXICO CITY DISCLOSED NO PERSON IDENTIFIABLE WITH [redacted] REGISTERED THAT HOTEL DURING SEPTEMBER 1962. (S) — b6 b7C b7D

ONE [redacted] DESCRIBED AS NORTH AMERICAN, REGISTERED HOTEL LUMA ON SEPTEMBER 26, 1962 AND DEPARTED SEPTEMBER 27, 1962. HE CAME FROM CANADA. NO ADDITIONAL INFORMATION LOCATED RE [redacted] (S)(U) — b6 b7C

NO RECORD IDENTIFIABLE WITH [redacted] LOCATED IN RECORDS OF MEXICAN MINISTRY OF INTERIOR. (S)(U)

INVESTIGATION CONTINUING. (S)(U)

SUBJECT HAS ATTEMPTED SUICIDE.

~~CLASSIFIED BY SP3 BJ/SW~~
~~DECLASSIFY ON: 25X 1~~
6-17-98

CLARK D. ANDERSON

RECEIVED: 4:47 PM NCC

~~CLASS. & EXT. BY SP8BTJ/dw~~
~~REASON-FCIM II, 1-2.4.2.2.3~~
~~DATE OF REVIEW 3-4-84~~
9-3-81

CC-MR. SULLIVAN

3RD CC: [illegible]

1 xerox copy made & sent to El Paso by r/s for info 3-6-64 JFW/acc
MAR 1 [illegible]

REC-33 64-43723 — 27

11 MAR 6 1964

5 ~~CONFIDENTIAL~~

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

CONFIDENTIAL

NOTE:

Names listed above were amongst subject's possessions when he was arrested on bank robbery charges. The persons listed are either prominent or controversial. The organizations are controversial. In addition, it does not appear at this time that pertinent information concerning subject's activities would be forthcoming as result of interviews with these persons and/or organizations.

CONFIDENTIAL

1 - Wacks

3-6-64 CONFIDENTIAL

AIRTEL

HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

To: SAC, Los Angeles
2 - New Haven
2 - WFO

DECLASSIFIED BY SP3 BKJ/sw ON 6-17-98

From: Director, FBI (64-48933)

RICHARD CASE NAGELL
ESPIONAGE - X

CLASS. & EXT. BY SP-8 BKJ/sw 12-3-81
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 3-6-84

ReEPairtel 3-4-64.

Interviews with following persons and contacts with following organizations should not be made without prior Bureau authority.

b6
b7C

Los Angeles - [redacted] Edward R. Roybal; [redacted] Medical Aid to Cuba Committee; Mrs. Melitta del Villar; [redacted] Sidney Gluck; [redacted] Dorothy Healy; [redacted]; Fair Play for Cuba Committee; Reverend Stephen H. Fritchman; Thomas H. Kuchel; ACLU.

New York - [redacted] Kenneth B. Keating.

WFO - [redacted] Czechoslovak Socialist Republic (Embassy); [redacted]

With respect to interviews of other individuals and contacts with other organizations set forth in reairtel, if your indices indicate these persons or organizations are controversial, submit facts to Bureau prior to interview along with your recommendations. In the event interviews are indicated with any of the individuals or organizations listed above, submit recommendations to Bureau.

Assure investigation in this case meets deadline set by El Paso.

1 - El Paso (65-951)

JFW:klp
(9)

MAILED 10
MAR 6 - 1964
COMM-FBI

REC 5 64-48933

CONFIDENTIAL

SEE NOTE PAGE TWO

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAR 12 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

CONFIDENTIAL

EP 65-951

"C. E. Mexico D. F. Phone: 11-28-47". (K)(4)

For information of St. Louis, subject advised that on one occasion he used the name ROBERT C. NOLAN, ASN 01 348 346, in connection with his military intelligence activities while in the U. S. Army.

Request of the Bureau:

The Bureau is requested to forward two copies of this airtel to Legat, Mexico, in order that Legat, Mexico can take the necessary action to determine if the two above-mentioned references to Mexico City are pertinent in any way as far as the subject's involvement in Communist, Cuban, or espionage activities is concerned. (K)(4)

LEADS

ST. LOUIS:

AT ST. LOUIS, MISSOURI:

Will check the records of the Military Personnel Records Center to determine if there is a record under the name ROBERT C. NOLAN, ASN 01 348 346. If such a record is located, it should be reviewed for any pertinent information contained therein, it being noted that this record undoubtedly pertains to the subject while he was connected with military intelligence.

The above mentioned leads should be completed by March 26, 1964, in order that the information be in the possession of the El Paso office in time for the bank robbery trial of the subject.

HOXIE.

CONFIDENTIAL

FD-36 (Rev. 12-13-56)

FBI

Date: 3/5/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIRMAIL CONFIDENTIAL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, EL PASO (65-951) (P)

RE: RICHARD CASE NAGELL, aka.
ESPIONAGE - [illegible]

9-3-81

CLASS. & EXT. BY SP3 BJ/sw
REASON-FCIM II, 1-2 1.2 2.3
DATE OF REVIEW 3-15-84

OO: EL PASO

Re report of SA [redacted] at El Paso dated 2/4/64, and El Paso letter to the Director dated 2/6/64.

b6
b7C

For information of Legat, Mexico, referenced letter contained a lead to locate and interview [redacted] in Mexico City. Information has been developed that one [redacted] resides at [redacted] Wilmington 2, Delaware. A lead has been set out for the Baltimore Office to interview this individual. Legat, Mexico may disregard the lead set out at Mexico City.

A review of the material and papers found in the possession of the subject at the time of his arrest in El Paso, Texas, on a bank robbery charge on 9/30/63, has been made and the following notations were located on these papers:

"JUFER. Restaurant (Sep), 62, Calle Versalles, Mexico City"

64-48133-29

REC 5

11 MAR 7 1964

(5) Bureau (REGAM)
2- St. Louis (65-2452) (REGAM)
1- El Paso
DJR:cam
(8)

2cc Legat, Mexico by y/a for action 3-9-64 JFW/amy

Approved: _____ Sent _____ M Per CONFIDENTIAL
Special Agent in Charge

DECLASSIFIED BY SP3 BJ/sw
ON 6-17-98

3-6-64

1 - Belmont
1 - Rosen
1 - Sullivan
1 - Wannall
1 - Wacks

Airtel

To: SAC, El Paso (65-251)

From: Director, FBI (64-48933)

RICHARD CASE NAGELL
ESPIONAGE - X

Reairtel 3-2-64.

Assure that pertinent facts developed in this investigation are furnished to office of U. S. Attorney, El Paso, for assistance in preparation of bank robbery case against subject. No opinion as to violation of espionage or related statutes should be sought from office of U. S. Attorney. Assure investigation this case by your office and auxiliary offices is conducted expeditiously.

JFW:jal
(9)

1 - 91-18339 (Nagell)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8 BTJ/lw

NOTE: See cover memorandum Wannall to Sullivan, captioned as above, dated 3-5-64, prepared by JFW:ams.

MAILED 11
MAR 6 1964
COMM-FBI

REC-33 64-48933-30

19 MAR 9 1964

MAR 6 2 01 PM '64
FBI
REC'D-READING ROOM

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

202 U. S. Court House
El Paso, Texas 79901
March 5, 1964

CONFIDENTIAL

RICHARD CASE NAGELL,
aka Joe Cramer,
Joe Kramer, Joe Crane
Robert C. Nolan

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP8 BTJ/dw

At the time of the arrest of Richard Case Nagell in El Paso, Texas, on September 20, 1963, he had many papers and documents in his possession. These papers and documents were reviewed and were found to contain the following notations:

[redacted] - (Cabinet Research Office - C.R.O.) (National Rural Police Agency) (Private Secretary to P. M. Yoshida) (Intelligence Agency in China) - Now in Tukuoka - SHI

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE
X(XC)/(u)

[redacted]
Literature Dept.
Tohoku Daigaku
(Naikaku Chosa Shitsu)

[redacted]
c/o [redacted]
[redacted]
Chiba-Ken, Japan

[redacted]
Chuo-Ku
Tokyo-To (56-5330)

CONFIDENTIAL

9-481
CLASS. & EXT. BY SP8BTJ/dw
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 8-5-84

DECLASSIFIED BY 8668 SLD/GCL
ON 3/10/97 (JFK)

CONFIDENTIAL

[redacted] (FMR)
Military Attache - Soviet Embassy
Tokyo

b6
b7C

Envelope addressed to: Capt. [redacted]
[redacted] Advisor, FROKA Det, HID
with return address of Col [redacted]
CO, HID, ROKA

[redacted]
(Tel. [redacted] Tokyo

[redacted] - Chief of Liaison Section, Miyagi Prefectural Gov't.

[redacted] - Chief of Public Safety Section, Guard and Rescue Dept, 2nd Regional Hqs, Maritime Safety Bureau (MSB) (Shiogama-shi, Miyagi-ken.

[redacted] Chief of 2nd Investigative Section, Tohoku Regional Public Safety Investigation Bureau (PSIB)

[redacted] - Chief of 1st Investigative Section, Tohoku Regional PSIB

[redacted] - Head of Guard Section, Public Safety Dept, Tohoku Regional Police Bureau (Police Superintendent)

[redacted] - Head of General Affairs Division, Tohoku Regional Police Bureau (Senior Police Superintendent)

CONFIDENTIAL

CONFIDENTIAL

b6
b7C

[redacted] - Chief of Tohoku Regional PSIB

[redacted] - Chief of Miyagi Prefectural Police Hqs (Senior Police Superintendent)

[redacted] - Chief Procurator of Sendai Higher Procurator's Office

[redacted] - CG, 6th Div, JGSDF

[redacted] - Chief of 2nd Regional Hqs, MSB

[redacted] - Chief of Public Safety Dept, Tohoku Regional Police Bureau

[redacted] Chief of Sendai Immigration Control Agency, Ministry of Foreign Affairs

[redacted] - Vice-Chief of 2nd Regional Hqs, MSB

[redacted] - Chief of Guard and Rescue Dept, 2nd Regional Hqs, MSB

[redacted] - Director of Tohoku Regional Police Bureau

[redacted]

CONFIDENTIAL

RICHARD CASE NAGELL

CONFIDENTIAL

[redacted] Tokyo-to
Tel. [redacted]

b6
b7C

Photograph with name [redacted] underneath. Along side of photograph is the name [redacted] C/o Maruei Pachinko Store, 169-1 Baba-machi, Choshi-shi, Chiba-ken, Japan

[redacted]
Director, Tohoku Regional Police Bureau

[redacted]
Chief, Crime Prevention Section, Criminal Department, National Police Agency

An envelope addressed to: Capt [redacted] Advisor, FROKA det, HID with return address of Col [redacted] CO, HID, ROKA

Four photographs identified on the back as follows:

[redacted]

CONFIDENTIAL

FD-36 (Rev. 12-13-56)

FBI

Date: 3/6/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL REG. AIR MAIL
(Priority or Method of Mailing)

CONFIDENTIAL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, EL PASO (65-951) (P)

RE: RICHARD CASE NAGELL, aka
Joe Cramer, Joe Kramer,
Joe Crane, Robert C. Nolan
ESPIONAGE - X

CLASS. & EXT. BY SP6BTJ/lw
REASON-SCG 2.1.2 3
DATE OF REVIEW 3-16-84

00: EL PASO

Rerep SA [redacted] at El Paso dated 2/4/64 and Buairtel to El Paso dated 2/28/64.

b6
b7C

5668 SLD/GCL
on: 3/10/97 DFK

Enclosed are the following items:

One copy of St. Louis airtel to Director 2/18/64.
One copy of Baltimore airtel to Director 2/28/64.
One copy of El Paso airtel to Director 3/4/64.
Six copies of El Paso letterhead memorandum dated 3/5/64.
One copy each of six photographs of persons identified as follows:

RICHARD CASE NAGELL (two photos), [redacted] Five other photographs of typed and handwritten information.

For info Legat, Tokyo, the subject is due to appear in U. S. District Court, El Paso, on about 3/[illegible]/64, (U)

62-100 - 34

5 - Bureau (REG. AM)
(2 - Legat, Tokyo) (Encs. 20)
2 - El Paso (1 cc airtel, cc of each encl. & all photographs, 2cc of ltrhead memo 3/5/64 to Legat, Tokyo by c/s for action. 3-9-64 JFW/avy)
DJR/jcs
(7)

MAR 7 1964

CONFIDENTIAL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

1 Copy CIA - 10/26/66 - WOC/hal

on a Bank Robbery Charge. The AUSA, El Paso, is cognizant of the papers in the possession of the subject at the time of his arrest on an attempted Bank Robbery Charge in El Paso on September 20, 1963, and has also received information regarding the subject's alleged espionage activities. The AUSA, El Paso, has expressed a concern that this subject might take the stand and make the claim that he had been engaged in espionage activities on behalf of the United States Government on various occasions and that his attempted robbery of a bank in El Paso on 9/20/63, was linked in with these espionage activities. In view of the above, the Bureau has instructed that this investigation be conducted. (X) (U)

Noted subject's passport file, U. S. Department of State, was found to contain the following information:

On 7/31/63, at Los Angeles, California, RICHARD CASE NAGELL made application for a passport. On 8/6/63, at Los Angeles, NAGELL was issued passport number D-576507. His proposed itinerary was Mexico, Hong Kong and Japan. Purpose of trip was - Tourist. He expected to depart August, 1963, port of departure unknown. This passport was restricted for travel in Albania, Cuba, and those portions of China, Korea and Viet-Nam under communist control.

Subject previously was issued passport number C-526729 on 8/7/62 at Los Angeles, California. At the time subject indicated he was departing September, 1962, for 6 months to 2 years on a "tourist or student" trip to Japan or Mexico.

On 7/9/63, subject signed an affidavit indicating the passport issued to him in August, 1962, had been lost or stolen. On 7/31/63, subject signed another affidavit indicating passport still not located and loss had been reported to police.

CONFIDENTIAL

EP 65-951

The following notations were located in the papers and documents found in the possession of the subject at the time of his arrest on 9/20/63, but were not included in the enclosed letterhead memorandum because of the questionable nature of the information as far as the Japanese government is concerned:

[redacted] V. Lt. Col. [redacted] b6 b7C
[redacted] Z. E. D. (not C.I.A.) Deactivated for indiscreet operations. Trial opened 18 Jun. 58. Def. Atty. Socialist Rep. (Diet) [redacted] (In conspiracy W/ [redacted]

H.I.D. Detachment "C" Yando Island (Effort against Japanese Gov't (R.O.K.) (S)(U)

Sec. II (M.R.D.)
Management Research Detachment APO 500 (Effort Against Japanese Gov't (U.S.) (S)(U)

Noted subject reportedly married [redacted] on 3/20/58 at the United States Embassy, Tokyo, Japan. No information has come to the attention of the El Paso Office to the effect that the subject was actually ever in Japan subsequent to his discharge from the United States Army in 1959.

It appears likely that all references to Japan contained in the information set out above, in the enclosed letterhead memorandum, and in the enclosed photographs deal with persons and places with whom the subject was in contact while in the United States Army.

It is noted that the earliest information raising a question regarding the subject's possible Communist, Cuban, or espionage activities did not arise until September, 1962, in Mexico City.

CONFIDENTIAL

EP 65-951

Requests of the Bureau:

The Bureau is requested to forward two copies of this airtel and all enclosures to Legat, Tokyo, in order that Legat, Tokyo, may conduct the following investigation: (U)

AT TOKYO, JAPAN: (U)

1. Consult Intelligence authorities of the U. S. Army and discuss with them the case of RICHARD CASE NAGELL, the information set out above, the information contained in the letterhead memorandum, and the enclosed photographs, all of which contain references to individuals and places in Japan. (U)

2. If an explanation regarding this information is not obtained from the U. S. Army, Legat, Tokyo, should consider the advisability of contacting Japanese authorities and any other logical sources available in an effort to ascertain why the subject had this information in his possession. (U)

Legat, Tokyo, should keep in mind the fact that efforts are being made to ascertain if the subject has ever been engaged in any Communist, Cuban, or espionage activities in the past. (U)

Legat, Tokyo, is requested to expedite this investigation in order that results may be available to the El Paso Office by 3/30/64. (U)

SUBJECT HAS ATTEMPTED SUICIDE AND ATTEMPTED ARMED BANK ROBBERY.

HOXIE

CONFIDENTIAL

FD-36 (Rev. 12-13-56)

FBI

Date: 3/5/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, ST. LOUIS (65-2452)-RUC-

SUBJECT: RICHARD CASE NAGELL, aka
ESPIONAGE - X
(OO:El Paso)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP4BTJ/lw

Re WFO airtel to Bureau, 2/26/64 and Atlanta airtel to Bureau, 2/27/64.

Enclosed herewith for the El Paso Division is one copy of a letter from RICHARD CASE NAGELL, dated 8/28/58, to the Department of the Army, Office of the Inspector General, Washington 25, D.C., Attention: Investigations and Complaints.

Also enclosed for El Paso Division are exhibits A through Y which accompanied the aforementioned letter.

Also enclosed are the following:

One copy of the Infantry School Academic Record for NAGELL reflecting his attendance at the Infantry Officer Candidate Class Number 1, Fort Benning, Georgia;

One copy of the Program of Instruction for the Infantry Officer Candidate Course, dated July 1, 1951 at Fort Benning, Georgia;

(3) - Bureau (RM)
2 - El Paso (65-951)(Encl.8)(RM)
1 - St. Louis
NLB:er
(6)

REC-9 64-48932

EX-108

11 MAR 7 1964

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

NAT. SEC.

SL: 65-2452

One copy of the roster of personnel attending the Infantry Officer Candidate Class Number 1 at Fort Benning, Georgia, dated April 3, 1951;

Two copies of the rosters of personnel attending the Infantry Officer Candidate Class Number 1 at Fort Benning, Georgia, dated June 6, 1951;

One copy of the Detailed Schedule of Instruction for the Infantry Officer Candidate Class Number 1 at Fort Benning, Georgia, beginning February 23, 1951, and ending August 2, 1951.

SUBJECT HAS ATTEMPTED SUICIDE.

FD-36 (Rev. 12-13-56)

F B I

Date: 3/6/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL REG. AIR MAIL
(Priority or Method of Mailing)

COPY AND SPECIMENS RETAINED IN LAB. FOR LAB. ACTION AND REPORT

TO: DIRECTOR, FBI (64-48933)
ATTN: FBI LABORATORY, CRYPTANALYSIS-TRANSLATION SECTION

FROM: SAC, EL PASO (65-951) (P)

RE: RICHARD CASE NAGELL, aka.
ESPIONAGE - X

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 5-4-81 BY SP-8 BTF/sw

OO: EL PASO

Re El Paso letter to the Director dated 1/29/64.

Enclosed for the Cryptanalysis-Translation Section of the FBI Laboratory are seven (7) photographs which contain what appears to be Japanese writing.

The above mentioned photographs were taken on 1/27/64 at the El Paso County Jail in El Paso, Texas. These photographs were made of property of RICHARD CASE NAGELL which was in the possession of the El Paso County Jail.

Requests of the FBI Laboratory:

The Cryptanalysis-Translation Section of the FBI Laboratory is requested to translate the information appearing on the seven above mentioned photographs.

The Laboratory is requested to immediately return the above mentioned photographs and translations of the information contained in the photos to the El Paso Office assoon as possible, it being noted that it is possible that the subject will appear in the U. S. District Court around 3/30/64. It is noted that the above mentioned translations may be needed in connection with the Bank Robbery trial of the subject.

NOT RECORDED
11 MAR 7 1964

cc Wick

3 - Bureau (Encs. 7) (REG. AM)
1 - El Paso
DJ:ecs

ENCLOSURE

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

52 MAR 19 1964

SEVEN NAT. SEC.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : W. C. Sullivan

DATE: March 5, 1964

FROM : W. R. Wannall WRW

SUBJECT: RICHARD CASE NAGELL
ESPIONAGE - X

1 - Belmont
1 - Rosen
1 - Sullivan
1 - Wannall
1 - Wacks

WRW WANNALL

Subject, who has history of mental instability, was indicted 1/8/64 on two counts of attempting to rob El Paso, Texas, bank. At present he is undergoing mental observation in Federal hospital. Hearing will be held on or subsequent to 3/26/64 to determine whether he is competent to stand trial.

At time of arrest, subject had in his possession a notebook containing notations indicating possible familiarity with subversive Cuban groups, a Soviet official, members of Communist Party and possible Central Intelligence Agency agents. He has furnished a number of motives for attempting to rob the bank ranging from his assertion that he was not serious to the story that he did so on instructions of an unidentified foreign agent. In addition, he has stated he knew Lee Harvey Oswald socially and was acquainted with [redacted] He has also claimed in nonspecific terms that he engaged in espionage activities for the U.S. Government. In view of these data; since the Assistant U.S. Attorney (AUSA) in El Paso has indicated subject may endeavor in some way to use the information in the notebook during the bank robbery trial; and since subject during his U.S. Army career had reportedly been engaged in intelligence work, we instituted investigation to determine significance of the notations in the notebook; to ascertain his associations with the Oswalds; and to determine if he ever was engaged in subversive activities.

b6
b7C

Our investigation to date has not shown any subversive activity on the part of subject. Investigation has not indicated any associations with Oswalds and when [redacted] was shown a photograph of subject she could not recognize him (the President's Commission has been so advised). Our investigation has indicated that subject since 1954 has exhibited definite signs of unbalanced mentality; has undergone psychiatric treatment at various times; and has furnished nonspecific information to our Jacksonville and Miami Offices pertaining to his being contacted by allegedly Soviet agents. In this regard, he could not be specific.

Enclosures rec'd 3-6-64
64-48933
1 - 91-18339 (Nagell)
JFW:ams
(7)

REC-130 64-48933-32

EX-111

58 MAR 18 1964

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 8-4-81 BY SP-8 BT-1

Memorandum for Mr. Sullivan
Re: RICHARD CASE NAGELL
64-48933

ACTION:

(1) In view of the need expressed by AUSA in preparing his bank robbery case, we are instructing El Paso in the attached airtel to assure that pertinent developments in this investigation are furnished the office of the U.S. Attorney and we are stressing that no opinion as to espionage or related violations be obtained from the office of the U.S. Attorney.

(2) Enclosed for approval is a letter to the Department setting forth the latest developments in this matter and advising that we are furnishing the office of the U.S. Attorney pertinent facts obtained as a result of this investigation.

OK.

3/8/64

AIRTEL REG. AIR MAIL

TO: DIRECTOR, FBI (64-38000)
ATTN: FBI LABORATORY, CRYPTANALYSIS-TRANSLATION SECTION

FROM: SAC, EL PASO (64-961) (P)

RE: RICHARD CASE NAGELL, aka.
KIDNAPING - X

CO: EL PASO

Re El Paso letter to the Director dated 1/29/64.

Enclosed for the Cryptanalysis-Translation Section of the FBI Laboratory are seven (7) photographs which contain what appears to be Japanese writing.

The above mentioned photographs were taken on 1/27/64 at the El Paso County Jail in El Paso, Texas. These photographs were made of property of RICHARD CASE NAGELL which was in the possession of the El Paso County Jail.

Requests of the FBI Laboratory:

The Cryptanalysis-Translation Section of the FBI Laboratory is requested to translate the information appearing on the seven above mentioned photographs.

The Laboratory is requested to immediately return the above mentioned photographs and translations of the information contained in the photos to the El Paso Office as soon as possible, it being noted that it is possible that the subject will appear in the U. S. District Court around 3/30/64. It is noted that the above mentioned translations may be needed in connection with the Bank Robbery trial of the subject.

3 - Bureau (Encs. 7) (REG. AM)
1 - El Paso
DJT/jcs
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-4-81 BY SP-8 BTY/AW

3-10-64

airtel

To: SAC, El Paso (65-951)

From: Director, FBI (64-48933)

RICHARD CASE NAGELL, aka.
ESPIONAGE - X
(CO:EL PASO)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP-8BI/1W

Reurairtel 3/6/64.

Translations of Japanese writing in seven photographs submitted with reairtel were included in FBI Laboratory report to El Paso dated 2/27/64.

Photographs returned herewith.

Enclosures (7)

FJC:del
(6)

REC 36 64-48933-35

MAR 11 1964

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAILED 25
MAR 10 1964
COMM-FBI

MAR 17

MAIL ROOM ☐ TELETYPE UNIT ☐

4-3 (Rev. 4-17-63)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

DECODED COPY

CONFIDENTIAL

☐ AIRGRAM ☒ CABLEGRAM ☐ RADIO ☐ TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

URGENT 3-10-64
TO DIRECTOR
FROM LEGAT, MEXICO CITY NO. 450

BUFILE 64-48933. O ALSO KNOWN AS
RICHARD CASE NAGELL, ~~AKA~~, ESPIONAGE - X.
REMYCAB MARCH 4 LAST AND BULET MARCH 3 LAST.
NO RESTAURANTS REGIS OR JUFER LOCATED MEXICO CITY TELEPHONE DIRECTORY. THERE IS HOTEL REGIS. INVESTIGATION UNDERTAKEN TO CHECK ALL RESTAURANTS ALONG CALLE VERSALLES IN EFFORT TO LOCATE RESTAURANT SUBJECT MAY HAVE HAD IN MIND. HOTEL REGIS ALSO BEING CHECKED. (O)(4)

IT IS BELIEVED SUBJECT'S NOTEBOOK NOTATION "NUEVO LAREDO, MEX. CAFE REGIS, CALLE PINO, SUAREZ" REFERS TO NUEVO LAREDO, TAMAULIPAS, MEXICO, COVERED BY SAN ANTONIO SINCE NUEVO LAREDO TELEPHONE DIRECTORY SHOWS HOTEL REGIS CORNER OF PINO SUAREZ AND MATAMOROS THAT CITY. (O)(4)

BUREAU REQUESTED TO HAVE EL PASO FURNISH SAN ANTONIO PERTINENT INFORMATION AND PHOTO OF SUBJECT AND REQUEST INVESTIGATION AT NUEVO LAREDO, MEXICO. (O)(4)

SUBJECT HAS ATTEMPTED SUICIDE.

CLARK D. ANDERSON

RECEIVED: 9:32 PM HL

REC-124 64-10933-30
5-Nov

2 Xerox copies made & sent to El Paso By n/s for action 3-11-64 JFW

MAR 12 1964

CC-MR. SULLIVAN
3RD CC: MR. BRENNAN

CLASSIFIED BY SP3 BJ/sw
6-17-98

9-4-81

CLASS. & EXT. BY SP4 BTJ/JW
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 9-10-84

CONFIDENTIAL

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

5-113 (1-10-61)

Domestic Intelligence Division

~~CONFIDENTIAL~~

INFORMATIVE NOTE

Date 3/11/64

Subject arrested 9/63 in El Paso on bank robbery charge. At time of arrest he had in his possession a notebook containing data indicating possible intelligence connections. We are investigating to resolve possible subversive connections.

BCR:hcf

DECLASSIFIED BY SP3 BS/SW 9.4-81
6-17-98

CLASS. & EXT. BY SP-8 BT-1/1W 3
REASON-FCIM II, 1-2.4.
DATE OF REVIEW 3-18-84

~~CONFIDENTIAL~~

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (65-48933) DATE: 3/13/64

FROM : SAC, San Francisco (65-5755) (RUC)

SUBJECT: RICHARD CASE NAGELL, aka
ESPIONAGE - X
OO: EL PASO

Re El Paso airtels dated 3/4 and 3/10/64 captioned as above.

San Francisco indices negative concerning [redacted] mentioned on Page 10 of FD 302 dated 3/4/64 which was enclosure to reairtel 3/4/64. b6 b7C

No further investigation being conducted this matter at San Francisco.

2 - Bureau (RM)
2 - El Paso (65-951) (RM)
1 - San Francisco
HPF:lg
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8BTJ/JW

REC-3 64-48933-39

EX-108

12 MAR 16 1964

NAGELL, SEC.

58 MAR 20 1964

FD-36 (Rev. 12-13-56)

FBI

Date: 3/16/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, CHARLOTTE (65-1644) (RUC)

RICHARD CASE NAGELL, aka.
ESPIONAGE - X
(OO: El Paso)

Re El Paso airtels to the Bureau 3/4/64 and 3/10/64.

Charlotte files contain no information identifiable with the subject or with the individuals mentioned in referenced airtel of 3/4/64 in Charlotte, N. C., area or in "unidentified areas."

3 - Bureau
2 - El Paso
(1 - 65-951)
(1 - 91-1189)
1 - Charlotte
RES:rak
(6)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8 BTJ/lw

REC-16 64-48933-4

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

5-113 (1-10-61)

Domestic Intelligence Division

INFORMATIVE NOTE

Date 3/13/64 CONFIDENTIAL

Investigation being conducted to determine possible subversive activities of subject who, at time of arrest for bank robbery at El Paso in 9/63, had in his possession a notebook containing data indicating possible intelligence connection. (U) (C)

BCR:hcf

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

ALL INFO... HEREIN IS ... 6-17-98 SP3BJ/SW 9-3-81

CLASS. & EXT. BY SP3 BJ/SW
REASON-FCIM II, 1-2.4.2 2.3
DATE OF REVIEW 3-12-84

CONFIDENTIAL

5-113 (1-10-61)

Domestic Intelligence Division

INFORMATIVE NOTE

CONFIDENTIAL

Date March 14, 1964

Subject when arrested in El Paso on bank robbery charge had in his possession notebook and other data indicating possible subversive activities or association. We are conducting investigation to determine whether this material indicates subversive activities.

INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

6-17-98 BY SP3BJ/SW 9-3-81

CLASS. & EXT. BY SP-6 BJ-1/lw
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 3-13-84

CONFIDENTIAL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Mr. J. Walter Yeagley
Assistant Attorney General

March 18, 1964

b6
b7C

Director, FBI

1 - Shroder
1 - Wacks

RICHARD CASE NAGELL
ESPIONAGE - X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP8BTJ/JW

Reference is made to this Bureau's letter dated March 6, 1964.

On March 10, 1964, Assistant United States Attorney [redacted] El Paso, Texas, advised our El Paso Office that he was now handling the prosecution of the bank robbery case involving the subject. He has replaced Assistant United States Attorney [redacted] advised that the subject's trial on the bank robbery charge has been set for the week of March 30, 1964, in El Paso.

[redacted] stated that he planned to approach the prosecution of the case along the following lines:

1. Prove the identity of Nagell as the person in the bank in question on the afternoon of September 20, 1963;

2. Prove that Nagell was the person who approached the teller's window in the bank, pushed a gun through the window and made a statement to the effect that it was a real gun;

3. Prove that Nagell fired two shots from the gun into the wall behind the teller's cage; that Nagell then fled from the bank; and that he was apprehended by a police officer on duty at the bank when he (Nagell) attempted to flee in his 1957 Ford.

[redacted] also advised that he does not feel that information developed in this Espionage - X investigation has any bearing on the bank robbery matter and would be of no value to him. Accordingly, our El Paso Office will not furnish the office of the United States Attorney, El Paso, information developed in this security investigation.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

1 - Mr. Herbert J. Miller, Jr.
Assistant Attorney General

1 - 91-18339 (Nagell)

JTW:jcl
(7)

REC-1 62-109060-46

MAR 19 1964

MAR 23 1964

MAILED 27
MAR 18 1964
COMM-FBI

MAIL ROOM TELETYPE UNIT

SEE NOTE PAGE TWO

FBI/DOJ

Mr. J. Walter Yeagley
Assistant Attorney General

b6
b7C

NOTE:

Subject is under indictment for bank robbery. When arrested, he had in his possession a notebook and other data indicating possibility of subversive activities and associations. Assistant U. S. Attorney [redacted] had indicated that he believed the subject might endeavor in some way to use this information as part of his defense and [redacted] requested that we determine whether subject actually was involved in subversive activities. We are continuing our security investigation of subject. In referenced letter we advised Yeagley and Miller that the office of the U. S. Attorney, El Paso, would be furnished pertinent information developed in instant investigation.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: March 18, 1964

FROM : SAC, BALTIMORE (65-3323) - RUC -

SUBJECT: RICHARD CASE NAGELL, aka
ESP - X

OO: El Paso

Re: El Paso airtel 3/10/64
El Paso airtel 3/4/64

In response to reairtel 3/10/64, Baltimore will discontinue its investigation set out in re El Paso airtel of 3/4/64.

A check of the Baltimore indices with reference to the persons named in reairtel of 3/4/64, failed to disclose any would have been engaged in espionage activities.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8 BTJ/JW

(2) - Bureau (REGISTERED MAIL)

3 - El Paso (2) (65-951) (REGISTERED MAIL)
(1) (91-1189)

1 - Baltimore

BFN:elt
(6)

REC-28 64-48933-47

EX 101

11 MAR 19 1964

NAT. INV. SEC.

72 MAR 27 1964

1 - Wacks

SAC, El Paso (65-951)

3-20-64

Director, FBI (64-48933)

RICHARD CASE NAGELL
ESPIONAGE - X

Reurairtel 3-10-64 in which it was requested that the names listed in your 3-4-64 and 3-6-64 airtels and enclosures thereto be checked through Bureau indices. It is noted that various field offices are also checking these names through their office indices. It would appear to be a duplication of the efforts of the 18 field offices involved to check Bufiles as requested. Accordingly, the names will not be searched at the Bureau. In the event, however, that the results of the field office checks develop information on any individual indicating it would be beneficial to have Bufiles searched on that person, submit your recommendations.

JFW:jal
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-3-81 BY SP-8 BTY/lw

MAILED 20
MAR 19 1964
COMM-FBI

64-45933-48

REC-12

10 MAR 19 1964

EX-108

Nolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☑ TELETYPE UNIT ☐

D-3 2 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

1

Date 3/9/64

Mrs. [redacted] was contacted at her home located at [redacted] Queens, New York, on February 28, 1964, by Special Agents Thomas J. Dowling and Benjamin P. Grogan, who identified themselves to her as Special Agents of the Federal Bureau of Investigation. She was told that the Special Agents wished to talk to her about her brother, Richard Case Nagell; that she would not have to speak with the interviewing agents; that anything she might say could be used in court; and that she had a right to counsel before making any statement. [redacted] advised that she had no objection to being interviewed and that she would cooperate in any way possible. b6 b7C

She advised that her brother, Richard Case Nagell, last resided with her in her home for a 5 or 6 week period which ended just prior to Christmas, 1962. While in New York, he was for the most part unemployed and seeking a position. She noted that he did obtain a position as a store detective but that this lasted for only several days when he decided that this was not the type of investigative work he wanted to do.

When questioned as to whether or not she knew of any activity on the part of her brother which could have been of a subversive nature, she stated that she knew of no such activity; that she did not believe her brother capable of taking part in such activity; and that if she ever became aware that he was engaging at any time in such activity she would have nothing to do with him.. At this point she noted that approximately a month prior to the interview she had received several letters that were returned to her from El Paso, Texas, which she had written to her brother, indicating that he was no longer at the El Paso County Jail. She subsequently received a letter from her brother indicating that he was at the Medical Center for Federal Prisoners, Springfield, Missouri. She noted that she answered this letter immediately, but has not as yet heard from her

---

On 2/28/64 at 82-25 Grand Avenue Queens, New York File # NY 65-23126

by SAS BENJAMIN P. GROGAN and THOMAS J. DOWLING : kgm Date dictated 3/5/64

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

brother. She stated that she expected to hear from her brother immediately after he received her letter and the fact that she has not heard has made her uneasy. She noted that she offered, if permitted, to visit him, and that she hoped to ascertain as a result of this visit, the reason he attempted to rob a bank in El Paso, Texas, on September 20, 1953. She advised that she has had no reason to believe that her brother is not responsible for his actions, and she noted that in one letter he wrote to her that the bank robbery attempt was a pre-meditated action on his part. She advised that her brother has been in a depressed state of mind ever since he had been accused of taking a bribe and fired from his position with the California State Liquor Authority. She noted that she believed, as her brother claims, that this purported bribe was set up to remove her brother from his position with the California State Liquor Authority because of his honesty and failure to handle investigations as instructed by superiors.

When questioned as to whether or not her brother, Richard Case Nagell, maintains any type of property at her residence, she advised that he does maintain a military type metal foot locker, and that he has maintained it at her residence since his discharge from the United States Army. She noted that as this foot locker is her brother's property, she is not aware of its contents, although she believes it contains momentoes of his military service, including his medals and a complete uniform. She advised that she does not even know whether or not the foot locker is open or locked.

It is noted that during the course of the interview her husband, [redacted] was present.

b6
b7C

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 03-04-2015 By: J89J28T90

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
NEW YORK	EL PASO	3/17/64	2/27 - 2/29/64

TITLE OF CASE

RICHARD CASE NAGELL, aka

REPORT MADE BY: THOMAS J. DOWLING — TYPED BY: kgm

CHARACTER OF CASE

~~CONFIDENTIAL~~

ESPIONAGE - X

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-8 BTJ/rw

b6
b7C

REFERENCES

Report of SA [redacted] dated 2/4/64, at El Paso.

NY tel to Bureau and SAC, El Paso, dated 2/29/64.

El Paso airtel to Bureau, dated 3/4/64

CLASS. & EXT. BY 5668 SLD/GCL (1)(6) (JFK) 4/3/97

- P -

INFORMANTS

The confidential sources contacted with negative results concerning the captioned individual on 2/27 and 28/64, who are described in the enclosed report as being familiar with certain phases of Cuban activities and/or Communist activities in the NYC area, are identified as follows:

cc 6 ms Bureau (64-48933) 3/19/64 Rm 5713 dw

CLASS. & EXT. BY SP-8 BTJ/rw 9-3-81
REASON-FCIM II, 1.2.4.2
DATE OF REVIEW 3-17-84

APPROVED: JFM — SPECIAL AGENT IN CHARGE

COPIES MADE:

(5) Bureau (64-48933) (RM)
2-El Paso (65-951) (RM)
1-New York (65-23126)
1 xerox copy made 3-20-64 JFW/ajv

DO NOT WRITE IN SPACES BELOW

64-48933-49

REC-53

17 MAR 1964

EX-108

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY	AEC, Yeagley	State, by r/s	
REQUEST RECD.	3-19-64 JFW/javy		
DATE FWD.	Army, CIA by r/s 3/20/64		
HOW FWD.			
BY	JFW/javy		

NOTATIONS

NATIONAL SECURITY INFORMATION CONFIDENTIAL

NY 65-23126

CONFIDENTIAL

Source

(U)
(U)
(U)
(U)

Contacting Agent

[redacted]
MAURICE LAUZIERE
[redacted]
FRANCIS J. O'BRIEN
FRANCIS J. O'BRIEN
FRANCIS J. O'BRIEN
ROBERT O. JOHNSON
ROBERT O. JOHNSON
[redacted]
JOSEPH T. QUIGLEY
JOSEPH T. QUIGLEY
[redacted]
JOHN A. HAAG
JOHN A. HAAG
JOHN A. HAAG

b6
b7C
b7D

LEAD

NEW YORK

AT NEW YORK, NEW YORK. Will conduct investigation outlined in [redacted] El Paso airtel, 3/4/64.

CONFIDENTIAL

COVER PAGE
- B* -

FD (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: THOMAS J. DOWLING   Office: New York, New York
Date: MAR 17 1964

Field Office File No.: 65-23126   Bureau File No.:

Title: RICHARD CASE NAGELL

DECLASSIFIED BY SP-4 BT/... ON 9-3-81

Character: ESPIONAGE - X

Synopsis: Confidential informants familiar with certain phases of Cuban and/or Communist activities in the NYC area, when contacted during February, 1964, advised that the subject is unknown to them. Subject's sister, [redacted] when interviewed on 2/28/64, advised that subject last stayed at her home during the latter part of 1962. She indicated that she knows of no subversive activity on the part of the subject, and stated further that she would have nothing to do with him if she ever found out he had ever been involved in such activities. She advised subject maintains a metal-type foot locker at her residence, and has maintained it at her home for a number of years. She noted that she does not know the contents of this foot locker nor is she even aware of whether it is opened or locked.

b6
b7C

DETAILS

4/3/97 5668SLD/GCL (JFK)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and

Confidential informants familiar with certain phases of Cuban and/or Communist activities in the NYC area, when contacted during February, 1964, advised that the subject is unknown to them.

5-113 (1-10-61)

Domestic Intelligence Division

CONFIDENTIAL

INFORMATIVE NOTE

Date 3/18/64

Subject, when arrested in El Paso on bank robbery charges, had in his possession note book and other material contents of which indicated possible subversive association and connections. We have been checking out items listed in this material but to date there is no indication subject has engaged in subversive activities. Logical leads in Mexico have now been covered. (X)

DECLASSIFIED BY SP3BJ/SW
ON 6-17-98
9-3-81

JFW CLASS. & EXT. BY SP8BJV/lw
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 3-18-84

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

CONFIDENTIAL

(Rev. 12-13-56)

FBI

Date: March 20, 1964

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL REGISTERED
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (64-43933)

FROM: SAC, MIAMI (65-3024) (RUC)

RICHARD CASE NAGELL, aka.
ESPIONAGE - X
(CO: El Paso)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-8 BTJ/dw

Re El Paso airtels to Bureau, 3/4 and 3/10/64.

The following telephone numbers for the Miami area found on papers in possession of subject are listed to the following subscribers:

379-9593	Pay station, Shelnor Hotel 420 N. E. 1st Avenue, Miami
371-9768	Pay station, Gesu Catholic Church 118 N. E. 2nd Street, Miami
FR 1-9315	Hillside Sundries, Miami
FR 3-3381	Sir John Hotel, Miami
379-8811	Time of day service

Miami indices were reviewed on those names listed for the Miami area and the "unidentified" areas, and no identifiable security references were located.

3 - Bureau
2 - El Paso (65-951)
1 - Miami
RLO/neb
(6)

REC-21

MAR 21

Approved: _____ Sent _____ Per _____
Special Agent in Charge

(Rev. 10-29-63)

FBI

Date: 3/23/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, LOS ANGELES (65-7445) RUC

RE: RICHARD CASE NAGELL, aka.
ESP - X

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-8BT-1/1W

00: El Paso

ReBuairtel 3/17/64.

[redacted] stated on 3/23/64 he and his wife, [redacted] reside at [redacted] Los Angeles, California. Los Angeles Office indices negative on both. [redacted] did not recognize name or photograph of subject. When further descriptive data was furnished [redacted] he recalled he had met subject on one occasion about a year ago at "The Happy Rabbit," a beer joint at 2709 West 6th Street, Los Angeles.

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b7C

Subject told [redacted] he either was or had been a Yellow Cab driver, that he had a Japanese wife who had divorced him. [redacted] said he possibly told subject he worked as a machinist at Aero-Space Manufacturing Corporation, 3825 Cohasset Street, Burbank, California, but cannot recall having told subject anything else. [redacted] stated he thinks subject left the bar at the same time he did which may account for subject having [redacted] license number. [redacted] drives a cream colored 1962 Buick Special, four door, license [redacted] (California DMV verifies this license is for this car.) [redacted] said he does not work on any classified material and has no clearance. [redacted] was born in Japan, naturalized in Hawaii on 1/21/54, certificate [redacted]

3-Bureau (RM)
2-El Paso (65-951)(RM)
1-Los Angeles
JHH:ged
(6)

REC-21 65-7445-52

12 MAR 25 1964

NOT RECORDED

MAIL ROOM

Approved: _____ Sent _____ Per _____
Special Agent in Charge

[redacted] of the opinion he and subject only conversed about ten or fifteen minutes on this one occasion and he has no information apart from above concerning subject. b6 b7C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 3/25/64

FROM : SAC, NEW YORK (65-23126)

SUBJECT: RICHARD CASE NAGELL
ESPIONAGE - X

ReBuairtel, 3/17/64.

[redacted] recontacted by SA THOMAS J. DOWLING of the NYO on 3/20/64. The contents of subject's trunk being held at her home were tactfully discussed. She indicated again that she does not know what the exact contents of this trunk are; that this trunk has been maintained by the subject in her home for about ten years; that she had no objection to examining the trunk in order to ascertain its contents, but that she would have to request the subject's permission before doing so. She indicated that in asking permission she would have to give him a reason as to why she wished to examine the trunk and she, therefore, requested as to whether or not she could advise her brother that the FBI was interested in ascertaining the contents. She noted that in any event, she could take no action for several weeks inasmuch as she was leaving on that day on a two week vacation. She was advised that the NYO would recontact her upon her return.

The El Paso Office, UACB, is requested to ascertain whether or not subject will execute consent to search allowing the NYO to examine contents of the trunk in question.

The Bureau is requested to advise what further action if any, should be taken by the NYO.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-4 BTP/lw

2-Bureau (RM)
2-El Paso (65-951) (RM)
1-New York (65-23126)

REC- 53

64-48933-53

17 MAR 26 1964

EX-114

TJD:EG
(5)

NAT. SEC.

1 - Mr. Wacks

SAC, El Paso (65-951) 4/2/64

REC-135

Director, FBI (64-48933)-53

RICHARD CASE NAGELL
ESPIONAGE - X

ReNYlet 3/25/64.

El Paso submit its recommendations concerning contact with subject for purpose of determining whether he will execute Consent to Search Waiver allowing the New York Office to examine contents of his trunk located in residence of his sister. New York Office take no further action until so instructed by the Bureau.

1 - New York (65-23186)

JFW:mec
(5)

NOTE:

Subject is under indictment for bank robbery and his trial was supposed to start this week. When arrested he had in his possession a notebook and other data indicating possibility of subversive activities and associations. While in jail, he allegedly told a fellow prisoner that in a trunk located in his sister's home in Long Island, New York, there was micro-film containing names of various Communist Party members, agents, couriers, and their activities. Interview with the sister has developed that the subject does have a trunk in her home but she is unwilling to allow the trunk to be opened unless her brother consents. New York has requested El Paso to ascertain if subject will execute waiver unless advised to contrary by the Bureau.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8BTJ/dW

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

APR 6 1964

MAIL ROOM ☑ TELETYPE UNIT ☐

identifiable with the following which were found listed in papers owned by the subject as set forth in an FD 302 which accompanied the referenced El Paso airtel dated 3/4/64:

Nite and Day Restaurant
Liborio Restaurant
[redacted]
MBI Export and Import Ltd.
[redacted]
Suzanne's Restaurant

b6
b7C

[redacted]

b6
b7C
b7D

[redacted]

b6
b7C

b6
b7C

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: 3/24/64

FROM: SAC, NEW YORK (65-23126)-S-

SUBJECT: RICHARD CASE NAGELL aka
ESP-X

Re El Paso airtels to the Bureau 3/4/64 and 3/10/64; WFO airtel to Bureau 3/13/64; Philadelphia airtel to the Bureau 3/16/64; NY teletype to Bureau 2/29/64 and report of SA THOMAS J. DOWLING dated 3/17/64, at NY.

It is noted that the referenced Philadelphia airtel instructed the NYO to conduct investigation at [redacted] Long Island, NY. It is noted that subject's sister, [redacted] resides at this address and has been interviewed concerning the subject. b6 b7C

Referenced WFO airtel directed the NYO to a reference pertaining to a [redacted] it being noted that this name appeared under the caption "Unidentified Areas," in FD 302 dated 3/4/64 which accompanied the referenced El Paso airtel dated 3/4/64. It is noted that the files of the NYO indicate that [redacted] when interviewed by SAS of the FBI on 3/19/62, admitted that he had been the Founder and Executive Secretary of the FAIR PLAY FOR CUBA COMMITTEE(FPCC). During the course of this interview he identified [redacted] as the individual who became the west coast area representative of the FPCC. [redacted] stated he believed [redacted] to be associated with the SWP as he impressed him as a Marxist who was opposed to the CP. [redacted] on 12/15/60, advised that [redacted] was then a member of the SWP in Los Angeles, California. b6 b7C b7D

The files of the NYO of the FBI contain no information deemed to be pertinent to this investigation

2-Bureau (Rm)
1-El Paso (65-951)(RA)
1-New York

REC- 25 64-48933-54

TJD:ms
(4)

MAR 27 1964

57 APR 2 1964

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-4-81 BY SP-8BTJ/JW

NAT. SEC.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: March 19, 1964

FROM : SAC, DENVER (65-1028)(RUC)

SUBJECT: RICHARD CASE NAGELL, Aka.
ESPIONAGE - X
(OO: EL PASO)

Re El Paso airtels dated March 4, 9, and 10, 1964.

Indices of the Denver Office reflect no information regarding [redacted] Mountain States Telephone directory examined March 9, 1964, by SA [redacted] reflected that address [redacted] Aurora, Colorado, is listed to [redacted] telephone number [redacted]

Indices of the Denver Office reflect that [redacted] Hop Sing Association, 1923 Curtis Street, Denver, Colorado.

According to El Paso airtel dated March 10, 1964, no further investigation will be conducted.

b6
b7C

(3) - Bureau (RM)(AM)
2 - El Paso (65-951)(RM)(AM)
1 - Denver
JCL:nll
(6)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8BT-1/1W

REC-121 64-48933-55

MAR 23 1964

EX-114

68 APR 2 1964

NAVINT. SEC.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: 3/26/64

FROM : SAC, ALBUQUERQUE (65-360) RUC

SUBJECT: RICHARD CASE NAGELL
ESPIONAGE - X
OO: EP

Re Bureau airtel 3/17/64 and El Paso airtels of 3/10 and 3/4/64.

The Albuquerque indices contain no pertinent information identifiable with the New Mexico names and places as listed in the 302's forwarded to this office by El Paso airtel of 3/4/64.

2 - Bureau (RAM)
1 - El Paso (65-951) (RAM)
1 - Albuquerque
RJW:fd
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-8 BH/JW

REC- 25 64-48933-56

10 MAR 30 1964

EX-102

NAT. SEC.

25

58 APR 6 1964

FBI

Date: 3/26/64

Transmit the following in _____ (Type in plain text or code) CONFIDENTIAL

Via AIRTEL REGISTERED MAIL (Priority or Method of Mailing)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, EL PASO (65-951) (P)

RE: RICHARD CASE NAGELL, aka.
ESPIONAGE - X

TRANSMITTED SP3 BH/sw
6-17-98
404643

OO: EL PASO

ReBuairtel dated 3/17/64.

The below listed offices are requested to expedite their investigation in this matter in order that the El Paso Office will be in possession of the results of all investigation by the week of 3/30/64, it being noted that the subject is due to appear in the US District Court, El Paso, during the week of 3/30/64, to stand trial on the bank robbery charge.

Requests of the Bureau:

(U) The Bureau is requested to forward one copy of this airtel to Legat, Tokyo, in view of the fact that Legat, Tokyo is conducting investigation in this matter.

4 - Bureau (REG. AM)
(1 - Legat, Tokyo)
2 - Albuquerque (REG. AM)
2 - Boston (REG. AM)
2 - Jacksonville (REG. AM)
2 - Kansas City (65-1700) (REG. AM)
2 - New Haven (REG. AM)
2 - New York (65-23126) (REG. AM)
2 - San Antonio (REG. AM)
2 - Tampa (REG. AM)
2 - WFO (65-9158) (REG. AM)
1 - El Paso

MAR 30 1964

CONFIDENTIAL

DJR/jcs
(23)

EX-105

CLASS. & EXT. BY sp-8 BH/sw
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 3-26-64

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

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UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI DATE: 1/29/64

ATTN: FBI LABORATORY, CRYPTANALYSIS-TRANSLATION SECTION

FROM : SAC, EL PASO (65-951) (P)

SUBJECT: RICHARD CASE NAGELL, aka.
ESPIONAGE - X

OO: EL PASO

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-4-81 BY SP4 BTY/tw

ReBulet to El Paso dated 1/16/64.

Enclosed for the Cryptanalysis-Translation Section of the FBI Laboratory are twelve (12) photographs of negatives which were located in the property of RICHARD CASE NAGELL at the El Paso County Jail in El Paso, Texas, on 1/27/64.

It is noted that eleven (11) of the twelve photographs contain writing in a foreign language.

It is noted that the subject has made inferences that he has been engaged in some type of intelligence activity. It is noted that articles in his possession contain names of individuals purported to be connected with the CIA. He has also hinted that he may have been attempting to go to Cuba and that his robbing of the State National Bank of El Paso was "due to the direction he had taken towards going to Cuba." It is noted that the subject was formerly a Captain in the U. S. Army and claims to have been trained in the Army's Counter Espionage School.

It is further noted that the AUSA in El Paso is concerned about the property that NAGELL had in his possession at the time of his arrest and is of the opinion that the subject may use the property in his possession in connection with his defense with respect to the bank robbery charges.

Requests of the FBI Laboratory

The Cryptanalysis-Translation Section of the FBI Laboratory is requested to translate the information

NOT RECORDED
12 JAN 30 1964

(2) - Bureau (Encs 12) (REGISTERED)
1 - El Paso

ENCLOSURE

DJR/jcs
(3)

MAR 10 1964

SERIALIZED

NAT. SEC.

appearing on photographs 1 through 12.

The FBI Laboratory is requested to conduct an examination of the above mentioned photographs and the translations of the information contained in the photographs to determine if any coded writing may be involved.

The Bureau has instructed that this matter receive expeditious attention.

The Laboratory is requested to immediately return the above mentioned photographs and translations of the information contained in the photographs to the El Paso Office as soon as possible in order that a supplementary report may be prepared containing information appearing in the photographs, it being noted that this action must be taken by the El Paso Office as soon as possible in order that all angles regarding possible espionage on the part of the subject may be resolved prior to the time that the case involving bank robbery charges against the subject comes up in the U. S. District Court in El Paso. No trial date has been set as yet in view of the fact that the subject is being sent to Springfield, Missouri, to undergo psychiatric examination for a 30-day period.

-17-63)

DECODED COPY

☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

URGENT 3-26-64
TO DIRECTOR AND EL PASO
FROM NEW HAVEN 262005

RICHARD CASE NAGELL ESP-X

RE EL PASO AIRTELS, MARCH 4 AND 10 LAST AND BUREAU AIRTEL, MARCH 17 LAST.

PERTINENT NAMES CONTAINED IN TWO FD 302'S SUBMITTED WITH EL PASO AIRTEL, MARCH 4 LAST, SEARCHED THROUGH INDICES OF NEW HAVEN OFFICE AND FILES OF NEW HAVEN OFFICE FOUND TO CONTAIN NO INFO IDENTIFIABLE WITH THESE NAMES AND NO INFORMATION INDICATING ANY ESPIONAGE ACTIVITIES ON THE PART OF INDIVIDUALS LISTED. RUC

RECEIVED: 4:17 PM RTS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP-4 BTJ/LW

REC-17 64-48933-59

EX-117

12 APR 1 1964

66 APR 8 1964

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

7-44 (Rev. 2-18-63)

SAC, El Paso (65-951)

February 24, 1964

Director, FBI (64-48933)

RICHARD CASE NAGELL, aka.
ESPIONAGE - X

REGISTERED MAIL

Attached is the final portion of the translation which you requested by letter dated 1/29/64.

The contents thereof, where pertinent, must be reported under appropriate captions and afforded whatever investigative attention is necessary.

64-48933
NOT RECORDED
MAR 4 1964

Disposition of the foreign language material submitted in this connection is set forth below:

Retained until completion of Cryptanalysis examination.

1 - Mr. Sullivan (Attn.: Mr. Branigan, sent direct with enclosure)

FN,RCH:amm
(4)

Enc. (4)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM TELETYPE UNIT

ENCLOSURE
MAR 1 0 1964

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7-4-81 BY SP8BTJ/dw

SUMMARY FROM GERMAN

Yoshida's "Right Hand"

"The first Germany Station during his information trip around the world was Berlin. Jun Murai flew from Stockholm to the Spree in order to be able to report to his chief, the Japanese Premier Yoshida, about this 'admirable and unique city.' Bonn, well, Bonn will be visited too, 'but Berlin is more important.' For years the Japanese knew little about Germany; Murai says, 'almost nothing.'... Murai is called Yoshida's 'right hand.' ... He has sincere admiration for the Germans. 'The friendship between us and Germany cannot be destroyed - two countries with the same problems!' (Japan's problem No. 1: overpopulation!)

"'The reconstruction in Japan? As in Germany. We are working very hard.'"

(The newspaper is unidentified)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP-8BTJ/JW

SUMMARIZED BY: [redacted] amm

February 6, 1964

b6
b7C

64-49933

ENCLOSURE

TRANSLATION FROM JAPANESE

Two Worlds in Germany (An Account of Travel) by Jun Murai, Director of the Investigation Division in the Cabinet

Writer's Note

I took a month and a half trip to Europe and America. What I am writing here is my impression of Germany and France. The difference between East Germany and West Germany is just like that between communism and democracy. A comparative study may give us some light on our future direction. I believe that the speedy reconstruction of West Germany is a lesson to Japan. I intend to write an article on the political and economical situation in the next edition. Many points in France are similar to those in Japan. At the request of the League of Management Groups, I made a speech which is published here.

1. Symbols of East Germany and West Germany

Two Berlins

The German people are engaged in this reconstruction work under two governments. A comparative study of two Germanys may give some light to the world. I am greatly interested in two Berlins. The large city is divided in two sections and they look entirely different from each other. It is a fact that both sections suffered from the war. West Berlin looks more lively than East Berlin. The citizens of West Berlin are making an effort to rebuild the city and shops are increasing every day.

On the other hand, the citizens of East Berlin just follow the government and do not say anything about their reconstruction work. In other words, they seem to have no interest in rebuilding the city.

In West Berlin, commodities are as much available as in London or any other cities and their qualities are also good. On the other hand, a small amount of food items and general goods is available in East Berlin. Only ration

TRANSLATED BY: [redacted] SSG
February 17, 1964

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ENCLOSURE

stations have some commodities. I heard from some people that following the riot of June 17, the food situation has greatly improved. Although a worker in East Germany earns only 300 marks a month, he has to pay 3 marks for a can of tuna fish.

People in West Berlin appear to be settled and confident. They do not show any sign of war effects. On the other hand, people in East Berlin look gloomy and unhappy. They just follow whatever the government tells them to do.

The best spot to make a comparative study of two Germanys is Wannsee, which is a summer resort. The boat I was riding suddenly turned around on the lake and I noticed the boundary line on it. On the side of East Germany, I noticed no one swimming or boating.

Stalin Alley and Cultural Center

I have listed only bad points of East Germany. However, there are some good points. One of them is Stalin Alley. It is a large street which is 100 meters wide and 2 kilometers long. Along both sides of the street, 8-story buildings are lined up. This street is called a miracle street in East Germany. After looking at this street, students and young people believe that no great ideals can be realized without a Communist government.

A portion of the buildings is used for the living quarters of workers. Workers appear to be happy living in the buildings.

Several thousand houses for workers in the Ruhr district look very good. The houses built under the Marshall Plan are popular because workers can own them after a period of 10 years. In comparison with these houses, the buildings on Stalin Alley are big but workers like them. In a way, it is a large project and serves the purpose of Communist propaganda. The East German government makes a good use of Stalin Alley for its propaganda.

It appears that the Soviet political system is to accomplish an unusual project first and it is used for propaganda among the people. This system works very well in backward nations but to the German people, it is a laughing stock.

Another spot that drew my attention in East Germany was the Cultural Center. The two-story building

is beautiful. Of course, the portraits of Marx, Lenin, and Stalin are displayed in the building. The Soviet Union is expecting a lot from this center. The Cultural Center is for young people but young Germans do not come to this building. Libraries in West Berlin are crowded by young people of East Berlin. This is a good contrast between the two worlds.

In East Berlin, the Soviet Government and the East German government are making every effort to appease East Germans but they do not pay any attention to the governments. The German people feel that they are superior to the Russian people and they have nothing to learn from them. The Soviet Union feels that it cannot do anything with the Germans.

2. Facts of the Riot in East Germany

Causes of the Riot

Visitors to Berlin were interested in knowing the causes and actual state of the riot on June 17 and the steps taken by the Soviet Union. I made the following conclusion as a result of talks with leaders of the riot.

The first cause of the riot was the Soviet dictatorship. The Hitler's dictatorship was only replaced by the Soviet dictatorship. The second cuase was the Soviet emphasis placed on the heavy industry. As a result, East Germans had a poor living. The third cause was the poor harvest. The fourth cause was the people's dissatisfaction under the Soviet rule for eight years. East Germans knew the government's failure in every respect and decided to oppose the Soviet rule.

When civil engineering and construction workers on Stalin Alley came out to oppose an increase of the work quotas on June 16, riots broke out all over East Germany. In the meantime, riots also broke out in Czechoslovakia, Bulgaria and Poland and the Soviet Union had to send its troops to the troubled spots. In other words, nations in East Europe had waited for an opportune time and East Berlin set the fire.

Actual Facts of the Riot

When civil engineering and construction workers carried out a riot on June 16, large riots broke out all over East Germany. On June 16, about 20,000 workers participated in the riots and the number increased to 100,000 the following day. The important cities that carried out riots are Magdeburg, Halle, Jena, Leipzig, and Dresden. According to information from a brave leader who participated

in the riot and took down the red flag from the gate of Brandenburg, the streets were crowded with rioters on the morning of the 17th (about 7:00 a.m.). The rioters took streetcars on their way. A people's militia unit arrived in six trucks but they did not interfere with the riot. As a matter of fact, an officer waved his hand constantly. Soviet troops in 20 trucks arrived but they just followed the rioters without saying anything. When the rioters arrived in front of the gate, they were met by West Berliners and they cried, "We are not slaves. Give us freedom." The Soviet troops saw the Soviet flag being replaced by the German flag but they did not do anything at all.

In the city of Berlin, 2 incendiary fires and 100 minor cases broke out.

The rioters made the following demands:

(1) Removal of Premier Grotewohl and Deputy Premier Ulbricht

(2) Establishment of a provisional government

(3) Execution of free elections

(4) Removal of blockage between East Berlin and West Berlin

(5) Abolishment of the People's Police

(6) Reduction of taxes and prices of commodities.

The situation became so tense that the East German government was unable to maintain the public peace and order. However, it ended around 9:00 p.m. when Soviet armored troops arrived and many rioters suffered injuries. In order to put down the riot, the Soviet Union mobilized 15,000 military personnel with 84 tanks and 20 armored cars in addition to 10,000 policemen of East Germany. Judging by the expression of leaders, one could tell how unhappy East Germans were. The People's police force was helpless before the rioters because they know what their fellow Germans wanted.

Soviet Steps

The Soviet Union supressed the rioters with its troops. On the other hand, it is interesting to see what steps the Soviet Union took later. The first step was an appeasement policy. At Malenkov's invitation, Premier Grotewohl went to Moscow and discussed various problems with Malenkov from August 20 through 22. As a result of this discussion, a joint communique was published. The

joint communique stated that the two parties concluded an agreement to cancel the reparations and to strengthen their relations in the commerical, economic, scientific and technical fields.

The first important point is the cancellation of reparations; the second point is to return industrial installations to East Germany; and the third point is to reduce the financial share of East Germany for the Soviet troops in East Germany. As the payment of reparations was to discontinue from January 1, 1954, the reduced amount is $ 2,537,000,000 (in the world value of 1938), and as 33 factories were to return to East Germany, the value is estimated at 2,700,000,000 marks. In regard to East Germany's share, it will not exceed 5 per cent of its national budget and under no circumstances, will it exceed the level of the 1949 payment. Whereas the payment for 1949 was 2,100,000,000 marks and for 1953, 1,600,000,000 marks, the amount for 1954 was fixed to be 1,600,000,000 marks.

The first effort was made for improvements with more emphasis on the life of consumption. All the slogans showing the superiority of the Russian people were removed from Berlin. In other words, the slogans of Lenin and Stalin disappeared and only some slogans of Marx remained. As Marx was born in Germany, the special consideration was given to his slogans.

The second step was to punish leaders of the riot with heavy sentences. According to an announcement of the Minister of All German Affairs of West Germany, 17 persons were sentenced to death, 2 to life, and 164 to various terms.

The third step was to organize an action unit with Germans who were loyal to the Soviet Union in order to punish those who had received American rations and counter-revolutionary elements.

The fourth step was to announce that the riot was encouraged by American agents and that there was no reason for Germans to carry out the riot.

In addition, the Soviet Union took various other steps. At any rate, the current riot was a painful experience for the government of East Germany. It appears that East Germany will adopt an appeasement policy in the future.

3. Successful American Food Rations

On July 11, the government of East Germany published a communique. The communique stated that the United States food proposal was another conspiracy after the failure of the June 17 riot and that $57,500,000 worth of food items, such as butter, cheese, animal fat, vegetable oil, etc., would be obtained on credit from the Soviet Union on July 20. In general, East Germany talks about abstract things but West Germany takes up practical things for the people.

The distribution of United States food rations began in West Berlin on July 27(sic). Until July 20, 637,000 parcels (a parcel contained 8 kg. of food items, such as 2 pounds of flour, 2 pounds of oil, 1 pound of dried vegetables and 4 cans of condensed milk) were distributed. The ration stations were opened following the riot. On the first day, about 50,000 East Berliners came to receive their rations; on the second day, the number increased to 100,000 and on the third day, it reached 200,000. In this manner, about 1,000,000 East Germans received their rations in a period of six days. Under these circumstances, the government of East Germany could not afford to let them alone. On account of the government's interference, the number decreased to 20,000 a day. This instance alone tells the shortage of food items in East Berlin. There were a dozen ration stations in West Berlin. I visited one. They had a list of East Germans. West Berliners knew the details of family conditions of East Berliners. No red tape was required for their rations.

Some East Germans came from 100 miles away and when they received their rations, they showed their smiles. The government of East Germany is unhappy about the situation. At any rate, two worlds can be seen in Berlin and a good comparison can be made between Communism and democracy.

4. Refugees from East Germany

Following the termination of World War II, nearly 8,000,000 Germans have escaped to West Germany from East Germany. Including those from Poland, the number reaches about 10,000,000, which exceeds the population of Australia. The government of West Germany has a separate ministry (called the Ministry of Refugees). It is said that about 80 per cent of the refugees arrived in West Germany through Berlin.

I visited one of the 10 refugee camps in West Berlin. The camp was surrounded by barbed-wire entanglements and no communications with the outside were allowed.

Escapees are usually interned in a camp and thoroughly investigated because communists come into West Berlin in order to engage in underground activities. Although escapees are interned in camps, they are happy because they know that they are in the Western sector. They often talk about the restricted life in East Germany and the harsh treatment of the government. I met a young man who had only little fingers. I was told by a woman that she had been imprisoned for three months for a criticism of the government.

Following their investigations, refugees are not released in Berlin but sent to other parts of West Germany. Most of the refugees want to go to the industrialized zone in the North. However, the government divides them evenly between the North and South and provides them with living quarters.

After the riot, the number of refugees has decreased. In March and April of 1953, there were about from 3,000 to 5,000 refugees a day. After June 17, the number decreased to from 200 to 300 a day. The main reasons are that the government of East Germany employed an appeasement policy, that those who wanted to escape to West Germany have gone already, that one can escape anytime he wants due to the relaxation of travel restrictions, and that some Germans feel that if all Germans leave East Germany, it will be part of the Soviet Union permanently. The refugee problem is very serious. The Refugee Party is the 4th strongest one in Germany and more than 20 members were elected in the general election.

5. Communist Activities in Germany

It is difficult to understand Communist activities in West Germany by just looking at the number of communists, their leaders, and the plans of their struggle. A spokesman of West Germany's security office made the following remarks:

"Bad neighbors always cross our fence and spray poison. We have to stop them from coming in and sterilize the poison. Our position with communists is something like this."

It is useless to judge the Communist strength by the Communists in West Germany. One must not forget that the government of East Germany is the leader of Communist activities, issues direct orders, and sends agitators to West Germany. A large quantity of propaganda materials is printed in East Germany and distributed in West Germany. In other words, the Communist Party in West Germany takes orders from East Germany.

The first political offensive of East Germany is to show that the life in East Germany is better than that in West Germany and the Soviet Union is making every effort to reconstruct Germany. Stalin Alley is a good example of this policy. Malenkov pointed it out also on August 23. Under this political offensive, East Germany is expected to employ an appeasement policy.

The second political offensive is to alienate West Germany from the United States. East Germany states that the government of Adenauer is a puppet of the United States and it is the people's enemy and must be overthrown. An appeal has been made for the unification of Germany because the German people want it more than anything else. The government of Adenauer does not want the unification but Premier Grotewohl and the Soviet Union are ready to discuss this problem. In connection with the ratification of the joint European defense treaty, Adenauer is accused of provoking another war.

The third political offensive is to send agitators to West Germany with direct orders. It is said that during the recent election, about 3,000 agitators infiltrated West Germany. About a half of the agitators were arrested and following the election, they were sent back to East Germany. As the Communist Party is disliked in West Germany, Communists conceal their identity and are engaged in progressive and peace movements. It is said that there are from 70 to 80 organizations receiving funds from East Germany.

The amount of funds received from East Germany is very large, and the volume of propaganda materials is tremendous. East Germany also uses the medium of radio for its propaganda.

Germans Unshaken by Communist Propaganda

In spite of the intense activities of East Germany, the Communist Party's activities in West Germany are insignigicant. The German people are not interested in Communist activities. In 1846 (sic), the membership of the Communist Party was about 300,000. At the present time, the number decreased to 100,000. In the general election in August, 1949, the Communist Party obtained 1,360,000 votes (about 5.2 per cent) and occupied 14 seats in the Diet. On the other hand, in the current election, it only obtained 600,000 votes (2.2 per cent) and occupies one seat in the Diet.

For instance, when a demonstration is held, no one joins it. Shortly before the ratification of the joint European defense treaty, the Communist Party carried out a demonstration but only 300 people joined it.

Labor unions in West Germany do not pay any attention to an appeal of East Germany. An officer of the Labor Federation stated, "We do not participate in political movements nor do we make any unreasonable economic demands that hurt the industry." Under these circumstances, there is no way for the Communist Party to cooperate with labor unions.

Without the activities of East Germany, the Communist activities in West Germany are no problem. On the other hand, West Germany is exposed to great danger. If another war breaks out, West Germany will be overrun by Soviet troops and anticommunists punished. If the German people had no confidence in themselves, they would make some compromises with the Soviet Union. However, the German people are not interested in any appeal of East Germany.

There are several reasons that the Communist strength is declining.

The first reason is that the German people know Communism well. More than 8,000,000 fellow Germans from East Germany talk about the life in East Germany. East Germany is in a difficult position to explain why East Germans want to go to West Germany whereas no one in West Germany wants to go to East Germany. West Germans see many fellow Germans coming from East Germany to get rations and they understand the reasons of the riot.

The second reason is that in comparison with East Germany, West Germany is recovering speedily and people enjoy higher standards of living. The economic recovery is assisted by the United States and the government of Adenauer is following the right direction. I met an officer of the Social-Democratic Party, who stated, "My party criticizes the policy of Adenauer toward the United States but I personally feel that there is no other way to rebuild the country."

The third reason is that Germans know that they are superior people. For this reason, they do not pay much attention to the Soviet Union. They feel that the Soviet Union has no qualifications to be a world leader and that they should lead the Soviet Union. Most of the Soviet technical improvements made after the war were made under the leadership of Germans.

Judging by the fact that only 10 per cent of the population in East Germany converted to Communism, one can tell why Germans in West Germany are indifferent about Communism.

The fourth reason is that the influence of Christianity is strong in Germany. Most of the Germans I met were Christians. The M. R. A. movement is strong in Germany because it is based on Christianity. The Christian Democratic Party headed by Adenauer is predominant. One can easily understand why the Communist Party was defeated.

The fifth reason is that Germans know that World War III will not break out for a while. They feel that they should rebuild their country rather than worrying about the questionable war.

6. Driving Force for the Reconstruction of West Germany

All the German politicians, industrialists, workers, officials, women, and children have self-confidence and hope to rebuild their country. The dark period is over as far as they are concerned. They are eager to make Germany a powerful country.

As a matter of fact, the reconstruction work is admirable. Many tourists praise it very highly. The state of reconstruction is as follows:

(1) The German people are tenacious. They know that they are superior people and that they rebuilt the country again after World War I. Although they receive financial aid from the United States, they are responsible for the reconstruction. The main emphasis is placed on the reconstruction.

(2) The prospect of reconstruction is bright. The volume of industrial production has increased by 162 per cent in comparison with the prewar days and 250 per cent in comparison with 1948. The funds for reconstruction, workers' houses, transportation facilities, and farm machinery are provided by the source of industrial products. Since last year, Germany has made some gains in foreign trade as the volume of exports was $4,000,000,000 whereas the volume of imports was $3,800,000,000. The state of foreign trade is much better than that of Great Britain or France.

(3) The question of reparations and foreign debts has been settled. Germany has already made agreements with the United States and France to reduce its debts by 65 per cent and 20 per cent respectively.

(4) The frame of rearmament has been drawn. According to the present budget, one third of its expenditure is used for the occupation troops. Germany has already ratified the joint European defense treaty and has 460,000-man armed forces including 12 divisions.

In this manner, Germany is making great progress in its economic recovery. Germany is fully cooperating with the United States. Although it receives economic aid from the United States, it is not a puppet of the United States.

Germans know that they have to rebuild their country by themselves and are working very hard for the reconstruction, no matter what propaganda they receive from East Germany.

The Return of Germany by Norbert Muhlen

Norbert Muhlen is a Jewish economist born in Germany but naturalized in the United States. In the introduction of his book, Muhlen stated that the retention of Nazi influence by the German people is the greatest advantage to the Soviet Union.

The Jewish economist introduced [illegible] and ideological conditions to the world after [illegible] Muhlen is not optimistic about the economic recovery [illegible]. In the conclusion, the author stated that the German people once supported the Nazi regime but have now completely liquidated the Nazi influence. Muhlen also stated that the word, "democratization" sounds to the German people like the word "non-Germanization." However, they are forced to have a tragic living as a defeated people but resisting stubbornly against Communism.

(The Return of Germany of Norbert Muhlen, Chicago, Reagnery Press, 1953, P 310, $4.00)

FD-36 (Rev. 12-13-56)

FBI

Date: 3/26/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL
(Priority or Method of Mailing)

CONFIDENTIAL

...LINED
...CLASSIFIED
...WHERE SHOWN
OTHERWISE

Wanless 12-3-81

CLASS. & EXT. BY SP4BJ/SW
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 3-26-84

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-9-81 BY SP4BJ/SW

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, BOSTON (65-4731) (RUC)

RICHARD CASE NAGELL
ESPIONAGE - X

Re El Paso airtel, 3/4/64, and Buairtel, 3/17/64.

BS indices reflect that [redacted] c/o International Red Cross Society of China, Peking, China, was in contact with [redacted] Lynn, Mass., [redacted] was believed to be a prisoner of the Chinese Communist Government. b6 b7C

The name [redacted] under unidentified areas is believed identical to [redacted] who was the subject of an ESP - R investigation. New York origin. [redacted] was subsequently convicted of Espionage in USDC, SD of New York.

Mass. Registration [redacted] was also noted under caption Miami, Florida area. This car, according to the records of the Registry of Motor Vehicles, Boston, Mass., is registered to [redacted] Milford, Mass., for a 1956 Plymouth Sedan, two door, color gray and white.

3- Bureau (64-48933) (RM)
2- El Paso (65-951) (RM)
1- Boston (65-4731)

WJM:bar
(6)

64-48933-60

REC-104

11 MAR 28 1964

DECLASSIFIED BY SP3BJ/SW
ON 6-17-98

Approved: _____ Sent _____ Per _____
Special Agent in Charge

NAT. SEC. INT.

CONFIDENTIAL

C-4 72 APR 8 1964

BS 65-4731

~~CONFIDENTIAL~~

By airtel dated 2/11/63, Houston advised that [redacted] had been arrested on 2/5/63 and charged with burglary. Houston file 26-12058. At the time of arrest, [redacted] was driving the above car. No further information is available in Boston files. No lead is being set forth for Houston to furnish additional information since it is not known whether information is pertinent to this investigation.

b6
b7C

CONFIDENTIAL

1 - Wacks

SAC, New York (65-23126) 4-22-64

Director, FBI (64-48933) - 63

EX-103 REC-124

RICHARD CASE NAGELL
ESPIONAGE - X

ReEPlet 4-9-64.

Further action with respect to possible examination of contents of subject's trunk not desired at this time. El Paso, however, remain alert to importance of obtaining consent to search from subject and, if future events indicate subject may be agreeable, submit recommendations to Bureau.

2 - El Paso (65-951)

JFW:cej:pdb
(6)

NOTE:

Subject is under indictment for bank robbery. When arrested, he had in his possession a notebook and other data indicating possibility of subversive activities and associations. While in jail, he allegedly told a fellow prisoner that in a trunk located in his sister's home in Long Island, New York, there was microfilm containing names of various CP members, agents and couriers, as well as their activities. His sister, when interviewed, admitted subject had a trunk in her home, but was unwilling to allow the trunk to be opened without her brother's consent. EP has recommended against contacting subject in this regard, pointing out that subject is prone to make civil rights complaints; there is a definite question regarding his mental stability; he has been very uncooperative in attempts to interview him in the past; and his trial is scheduled for the latter part of April, 1964.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP-8 BTY/LW
9-17-94 SP 8 MAC/LW
(JFK)

MAILED 6
APR 22 1964
COMM-FBI

Tolson
Belmont
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APR 24 1964
MAIL ROOM TELETYPE UNIT

TIONAL FORM NO. 10
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: 4/9/64

FROM : SAC, EL PASO (65-951) (P)

SUBJECT: RICHARD CASE NAGELL
ESPIONAGE - X

OO: EL PASO

Re New York letter to Director dated 3/25/64 and Bulet to El Paso dated 4/2/64.

Noted subject's trial in US District Court, El Paso, Texas, on a Bank Robbery charge has been postponed until the latter part of April, 1964. Subject has been very uncooperative in connection with the interviews conducted with him by the Agents of the El Paso Office during the past six months. Subject is prone to make civil rights complaints. There is a definite question regarding the subject's mental stability. The subject has reportedly attempted suicide in the past.

In view of the above, it is believed that it would be highly undesirable to contact the subject at this time to request him to execute a Consent to Search Waiver allowing the New York Office to examine contents of his trunk located in the residence of his sister. The El Paso Office definitely recommends against such action.

SUBJECT HAS ATTEMPTED SUICIDE.

(2) - Bureau (REG.)
2 - New York (65-23126) (REG.)
1 - El Paso

DJR/jcs
(5)

REC-53 64-48933-63

APR 13 1964

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP4 BTY/sm

For Informational Purposes Only

The originals removed from this file and replaced with duplicate copies of the original were accessioned to the National Archives and Records Administration (NARA) pursuant to the JFK Records Collection Act of 1992. Provision of the JFK Act allowed for certain information to be postponed from public release until the year 2017; therefore, the pages have NOT necessarily been released for public review in their entirety.

Under the JFK Act, originals to all material deemed assassination records must be accesssioned to NARA regardless of whether the material is open in full or released with information postponed. Therefore, any documents or pages from FBI files accessioned to NARA pursuant to the JFK Act are no longer considered the possession of the FBI. The duplicate pages have been inserted strictly for research purposes.

The copies contained herein do not necessarily show the most up-to-date classification.

To attain a copy of the publicly released version of any materials maintained in the JFK Collection at the NARA facility in College Park, MD, you may contact the JFK Access Staff, at 301/713-6620.

The following materials were removed from this file and are maintained in the JFK Collection at NARA:

File & Serial Number	JFK Subject Identifier (for NARA purposes)
64-48933-NR (4-22-64)	Church Comm.

For Informational Purposes Only

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The following materials were removed from this file and are maintained in the JFK Collection at NARA:

File & Serial Number	JFK Subject Identifier (for NARA purposes)
64-48933-65	Church Comm.

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File & Serial Number	JFK Subject Identifier (for NARA purposes)
64-48933-66	Church Comm.

For Informational Purposes Only

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: MAY 21 1964

FROM : SAC, NEW YORK (65-23126) (RUC)

SUBJECT: RICHARD CASE NAGELL
ESP - X
(OO: EL PASO)

ReEPairtel to Bureau, 5/15/64.

NYreport of SA THOMAS J. DOWLING, dated 3/17/64, setsforth results of investigation conducted by NYO.

NYlet to Bureau, 3/24/64, sets forth result of indices check regarding certain names found in subject's possession.

No information developed by NYO which would tend to show Communist and/or Cuban activities on part of subject.

No further action being taken by NYO, UACB.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP8 BTY/dw

REC-53

2 - Bureau (RM)
2 - El Paso (65-951) (RM)
1 - New York

TJD:mab
(5)

64-48933-68

18 MAY 25 1964

NAT. INT. SEC.

SUBVERSIVE CONTROL

JUN 2 1964

FD-36 (Rev. 12-13-56)

FBI

Date: 5/22/64

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL REGISTERED AIR MAIL (Priority or Method of Mailing)

CONFIDENTIAL

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, EL PASO (65-951) (P)

RE: RICHARD CASE NAGELL, Aka.
ESPIONAGE - X

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

OO: EL PASO

Re El Paso airtel to the Director dated March 6, 1964 and Legat, Tokyo letter to the Director dated March 24, 1964.

In view of the nature of the information set out in referenced Legat, Tokyo letter and the letter which was enclosed with referenced Legat, Tokyo letter and to insure that the information contained in the above-mentioned communications is properly reported, Legat, Tokyo is requested to submit a report covering its investigation in this case. Legat, Tokyo should include, where pertinent, information in its report which was originally set out in the letterhead memorandum attached to referenced El Paso airtel.

CLASS. & EXT. BY SP-8 BTJ/dw
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 5-22-84

Request of the Bureau:

The Bureau is requested to forward to Legat, Tokyo one copy of this airtel in order that Legat, Tokyo be cognizant of the above-mentioned request of the El Paso Office.

[redacted] REC- 13 64-48933-69

4 - Bureau (64-48933) (REG. AM)
(1 - Legat, Tokyo (65-105)
1 - El Paso

DJR/pwm
(5)

cc to Legat, Tokyo by r/s for info 5/26/64 SFW/pwm

6 MAY 25 1964 CONFIDENTIAL

NAT. SEC. INFO.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

DECLASSIFIED BY SP3 BTJ/SW ON 6-18-84

For Informational Purposes Only

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The following materials were removed from this file and are maintained in the JFK Collection at NARA:

File & Serial Number	JFK Subject Identifier (for NARA purposes)
64-48933-70	Church Comm.

For Informational Purposes Only

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File & Serial Number	JFK Subject Identifier (for NARA purposes)
64-48933-72 p. A, 1, 56, 57, 58	

For Informational Purposes Only

FD-263 (5-1-59)

FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
LOS ANGELES	EL PASO	6/12/64	2/3/64 - 6/9/64

TITLE OF CASE

RICHARD CASE NAGELL, aka

REPORT MADE BY [redacted] TYPED BY ps

b6 b7C

CHARACTER OF CASE

ESPIONAGE - ~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

REFERENCES: Report of SA [redacted] dated 2/4/64 at El Paso.
Los Angeles airtel, 2/20/64.
Bureau airtel, 2/27/64.
El Paso airtel, 3/4/64.
Los Angeles airtel, 3/23/64.
El Paso airtel, 5/15/64.

~~CLASS. & EXT. BY~~ ~~REASON-FCIM II 1-2.4.2~~ ~~DATE OF REVIEW~~ ~~6-12-84~~ ON 4/3/97 BY SC68 SLD/GCL (JFIO) 9-8-84

- RUC -

ADMINISTRATIVE:

At the time subject's brother, [redacted] was interviewed he exhibited a slip of paper upon which he had written the name of Assistant U. S. Attorney [redacted] said he had phoned [redacted] in January, 1964, and told him that his brother was crazy. He also expressed concern to [redacted] about the bank robbery trial of his brother. [redacted] stated [redacted] laughed and told him not to worry.

In regard to referenced El Paso airtel of 3/4/64, it is being pointed out that the names under Los Angeles Area and

APPROVED [redacted] SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

64-48933-73 REC-9

25 JUN 17 1964

COPIES MADE:

(5) - Bureau (64-48933)(RM)
3 - El Paso (65-951)(RM)
1 - Los Angeles (65-7445)

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY	AEC, Treasury, State, Army			
REQUEST RECD.	7-2-64			
DATE FWD.	7-2-64			
HOW FWD.	C/S			
BY	JFW/lacy			

NOTATIONS

NAT. INT. SEC.

b7E

~~CONFIDENTIAL~~

74 JUL 2 1964

U.S. GOVERNMENT PRINTING OFFICE 16—76324-1

~~CONFIDENTIAL~~

the majority of names, etc., under Unidentified Areas refer to police characters, political figures, newspaper reporters, second and third rate bars and night clubs in the Los Angeles area. This conglomeration of miscellaneous information is typical of the collection of documents usually brought in to Field Offices by "nut" complainants.

Medical records attest to subject's mental instability. His family considers him to be mentally disturbed. He is presently undergoing mental tests as ordered by the USFC in El Paso.

In view of this, the multitude of leads suggested by papers in subject's possession were not completely covered by the Los Angeles Office.

INFORMANTS

Careful consideration has been given to each source used in the body of this report, and T symbols were used only in those instances where the identities of the sources must be concealed.

SOURCE	LOCATION
LA T-1 [redacted]	b6 b7C b7D
LA T-2 [redacted]	(X)
LA T-3 [redacted]	
LA T-4 [redacted] (X)(4)	To SA WILLIAM R. WHITE, 3/6/64.
LA T-5 [redacted] (X)(4)	To SA WILLIAM R. WHITE, 3/3/64.

~~CONFIDENTIAL~~

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

Copy to:

Report of: [redacted]
Date: 6/12/64

Office: Los Angeles, California

b6
b7C

Field Office File No.: 65-7445

Bureau File No.: 64-48933

Title: RICHARD CASE NAGELL

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

Character: ESPIONAGE - X

Synopsis: Mother, brother, former wife, and friend of RICHARD NAGELL all consider him to be mentally disturbed. No indication NAGELL involved in espionage, Communist Party, or "Fair Play for Cuba Committee" activity. NAGELL told his brother he had been to Cuba and once jokingly told his former wife he was thinking of going to Russia. Information concerning NAGELL's bank accounts set forth. SUBJECT HAS ATTEMPTED SUICIDE.

- RUC -

9-8-81
CLASS. & EXT. BY sp4 871/tw
REASON-FCIM II 1-2.4.2
DATE OF REVIEW 6-12-84

DETAILS: JAPAN

[redacted]
(divorced from RICHARD C. NAGELL)

On February 3, 1964, [redacted] furnished the following information to SAs [redacted] at her residence at [redacted] Los Angeles, California:

She filed for divorce from RICHARD NAGELL in Los Angeles on April 19, 1962, but has not received the final decree. NAGELL stayed out late nights, beat her, never gave

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4/3/97 DECLASSIFIED BY 8668 SLD/GCL (DFC)

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~~CONFIDENTIAL~~

her any money, and did not like the children. She believes NAGELL's mother resides in the Los Angeles area, but she does not know the mother's address and has never met her. She repeatedly asked NAGELL to introduce her to his mother, but he always refused to do so.

[redacted] stated NAGELL never exhibited any political interest, never mentioned communism or the "Fair Play for Cuba Committee," or Cuba. Once in the summer of 1963 NAGELL was mad about something unrecalled and jokingly said he was thinking of going to Russia, but [redacted] is certain this was said in jest. b6 b7C

[redacted] is of the opinion there is something mentally wrong with NAGELL. He would fly into violent rages without apparent reason. She pointed out that her television set has a split plastic case and stated NAGELL hit the set with his fist once while angry and this resulted in this damage.

Although NAGELL did not like his children, during the marriage, he has frequently complained about not being with them since the divorce. He sends them cards from various places in the United States, but has never since the divorce furnished support for the children or [redacted] As a consequence, [redacted] has been supporting herself and the children through employment as a waitress and has to board the children out.

On March 6, 1964, [redacted] stated to SA [redacted] that she never knew NAGELL to be involved in espionage in any manner. She further commented that they were always in financial difficulty during their residence in the United States. During the marriage NAGELL had a bank account at the Bank of America, Wilshire and Vermont, Los Angeles, but [redacted] doubts there was ever much money in the account. She said that since the separation in April of 1962, NAGELL has sent her a total of about $180.00.

There is no information in the files of the Los Angeles Office of the FBI identifiable with [redacted]

~~CONFIDENTIAL~~

LA 65-7445

~~CONFIDENTIAL~~

Mrs. FRANCES M. NAGELL,
nee Frances Kaufman
(mother of RICHARD C. NAGELL)

On March 5, 1964, Mrs. FRANCES NAGELL furnished the following information to SAs [redacted], and PHILIP J. REILLY at her residence at 856 South Catalina Avenue, Apartment 104, Los Angeles: CALIF

b6
b7C

Mrs. NAGELL stated that for many years and for various reasons, none of which relate to this case, there has been dissension in the family. However, until the time that RICHARD NAGELL was in the airplane crash, they had gotten along well together. Since the crash there has been a marked change in RICHARD NAGELL, and Mrs. NAGELL is certain her son has some form of mental trouble.

She saw RICHARD in Chicago, Illinois, in 1954, and she moved to Los Angeles in May of 1955. It was then seven years before she heard directly from him or saw him. She ran into RICHARD by chance on the street in Los Angeles, saw that he needed help, and thereafter tried to give him both moral and financial assistance.

Mrs. NAGELL gave her son $1,000.00 on one occasion and much smaller amounts on other occasions. He never expressed appreciation for this help. RICHARD never seemed to have enough money. She does not know if he had a bank account or not.

Mrs. NAGELL was trying to locate RICHARD after he had disappeared for several days. She knew he could often be found at The Happy Rabbit, a beer joint at 2709 West Sixth Street, Los Angeles. She went there and found RICHARD, and he flew into an uncontrollable rage because she had gone inside this bar, claiming it was no place for a decent woman. Mrs. NAGELL stated it was really not that bad a place. She became definitely convinced after this incident that there was something seriously wrong with her son. But even prior to this time she observed RICHARD became extremely angry over nothing, and he would cry without explaining what was troubling him.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

After above mentioned incident, RICHARD again would have nothing to do with her. She kept track of him through her other son, LOUIS, who is a year and a half older than RICHARD. Mrs. NAGELL was in a way happy to have the boys get together after years of estrangement. She described LOUIS as being an almost hopeless alcoholic. She thought since both sons had serious problems, they might be able to help each other. LOUIS has told her, however, that he was never able to straighten out RICHARD.

She stated that RICHARD never discussed communism, never mentioned Cuba or the "Fair Play for Cuba Committee" or gave any indication he was in any manner involved in espionage.

On March 9, 1964, Mrs. NAGELL informed SA [redacted] that she wanted to point out that RICHARD had never physically abused her, that the abuse was always vocal. She also mentioned that she herself has been under psychiatric care for several years, and she does not think her problem has yet been eliminated.

There is no information in the files of the Los Angeles Office of the FBI identifiable with Mrs. FRANCES NAGELL.

[redacted], true name [redacted] brother of RICHARD C. NAGELL)

b6
b7C

On March 5, 1964, [redacted] furnished the following information to SAs [redacted], and PHILIP J. REILLY at his residence at [redacted] California, telephone [redacted]

[redacted] stated he got in trouble at age 16 and since that time has used his mother's maiden name as his last name. He considers himself to be the "black sheep" of the family and has had little contact with other family members until the last year or two. At one time in Korea he discovered he was in the same army outfit as his brother, RICHARD, and looked him up. RICHARD was an officer in intelligence while [redacted] was an enlisted man, and RICHARD did not want to have much contact with [redacted] However, when their mother told RICHARD that [redacted]

~~CONFIDENTIAL~~

had cancer of the throat in 1962, RICHARD went to [redacted] and offered to help him. [redacted] later discovered he did not have cancer and also discovered that RICHARD was the one who needed help. [redacted] frequently saw RICHARD in 1962 and until about August of 1963 when RICHARD left the Los Angeles area.

[redacted] considers RICHARD to be mentally disturbed. He recalled an afternoon when both were at The Happy Rabbit and the newspapers carried an account of the burglary of the local armory. RICHARD told [redacted] he had pulled the burglary and had some machine guns in his car parked on the street near the beer joint. [redacted] immediately said he would like to see the machine guns and the two of them walked out to the car. [redacted] saw no guns and upon asking RICHARD where they were the latter replied he did not know what [redacted] was talking about. RICHARD said he had no recollection of telling [redacted] anything about guns or burglarizing any armory. In addition to this [redacted] said that RICHARD was usually in a state of deep depression. RICHARD complained about his wife divorcing him and about his employment problems.

RICHARD never spoke in favor of communism but he did say that he thought the American government should do more for him in view of his army service. He never mentioned Russia. When RICHARD returned from Mexico City in 1962, he told [redacted] he had gone to Cuba from Mexico. He gave no reason for having made this trip. [redacted] has no information indicating RICHARD was ever involved in espionage. He never heard RICHARD mention the "Fair Play for Cuba Committee."

[redacted] does not know if RICHARD had a bank account; he does know RICHARD usually was broke.

There is no information in the files of the Los Angeles Office of the FBI identifiable with [redacted]

[redacted] Los Angeles

(friend of RICHARD C. NAGELL)

[redacted] furnished the following information to SA [redacted] on March 9, 1964:

CONFIDENTIAL

[redacted] resides in a boarding house at [redacted] Los Angeles. He is employed by the Hartford Insurance Company, 548 South Spring Street, Los Angeles.

He has known RICHARD NAGELL for about one year. He met him through [redacted] of the California Alcoholic Beverage Controll at The Happy Rabbit. [redacted] does not know any members of NAGELL's family nor does he know of any other close friends of NAGELL. b6 b7C

NAGELL left Los Angeles the first or second week of September, 1963. Just before leaving he told [redacted] he would be traveling and asked him to share his Post Office box so he could forward on the government disability checks which he receives monthly. He also asked [redacted] to mail him an almanac whenever it was convenient as he liked to refer to the almanac from time to time as a general source of information. [redacted] complied with both requests. Near the end of each month [redacted] has sent the checks to NAGELL at a Post Office box in El Paso, Texas. He also sent him an almanac with a yellow cover as he recalls it. [redacted] did not mark or alter this almanac in any way.

[redacted] recently received a form letter from a hospital in Missouri, informing him he had been named as a correspondent authorized to communicate with RICHARD NAGELL. [redacted] has received no indication that NAGELL is in any sort of trouble, and he wondered what was behind the hospital letter.

[redacted] has never heard anything about his receiving four reels of microfilm or any personal papers should NAGELL die. [redacted] does not have a key to any safety deposit box and does not know if NAGELL does or does not have a safety deposit box. [redacted] has heard NAGELL mention his sister but knows nothing concerning any Japanese gas mask or anything else stored with her which is to be turned over to him upon NAGELL's death.

About a month or two after NAGELL left Los Angeles he wrote to [redacted] probably just on one occasion, and that concerned paying the rent on the joint postal box.

[redacted] is of the opinion NAGELL is a paranoiac in that he is depressed at the manner his ex-wife treated him and the manner in which the local, state, and Federal governments have treated him. [redacted] definitely considers NAGELL to be mentally disturbed.

CONFIDENTIAL

[redacted] has never heard NAGELL speak in favor of communism or Cuba. He has never heard of the "Fair Play for Cuba Committee." [redacted] has no indication NAGELL was ever involved in espionage. b6 b7C

NAGELL never had much money, just his income from driving a Yellow Cab and from his disability check. [redacted] does not know if NAGELL had a bank account.

There is no information in the files of the Los Angeles Office of the FBI identifiable with [redacted]

BANK ACCOUNT INFORMATION

On March 5, 1964, LA T-1 [redacted] whose information may not be made public except upon issuance of a subpoena duces tecum. [redacted] b7D

On March 9, 1964, LA T-2 [redacted] whose information may not be made public except upon issuance of a subpoena duces tecum, [redacted]

[redacted] b6 b7C b7D

INFORMATION FROM INFORMANTS
AND SOURCES OF INFORMATION

On March 9, 1964, SA [redacted] was advised by the following that they had no information concerning RICHARD NAGELL: b6 b7C

[redacted] Investigator, Immigration and Naturalization Service, Los Angeles, who is cognizant of many Cuban activities in Los Angeles.

[redacted] the pro-Castro movement in Los Angeles 1960-1961.

[redacted] Los Angeles, who is acquainted with some activities of the "Fair Play for Cuba Committee," Los Angeles.

LA T-3 [redacted] who is cognizant of many Cuban activities in Los Angeles.

LA T-4 and LA T-5, who are familiar with Communist Party activity in the general area where RICHARD NAGELL has resided in Los Angeles.

There is no information of substance in the files of the Los Angeles Office of the FBI identifying NAGELL with any Communist Party, Cuban, or espionage activity.

b6
b7C

[redacted] stated on March 23, 1964, to SA [redacted] that he and his wife, [redacted] reside at [redacted] Los Angeles, California. [redacted] did not recognize name or photograph of RICHARD NAGELL. When further descriptive data was furnished [redacted] he recalled he had met NAGELL on one occasion about a year ago at The Happy Rabbit, a beer joint at 2709 West Sixth Street, Los Angeles

NAGELL told [redacted] he either was or had been a Yellow Cab driver, that he had a Japanese wife who had divorced him. [redacted] said he possibly told NAGELL he worked as a machinist at Aero-Space Manufacturing Corporation, 3825 Cohasset Street, Burbank, California, but cannot recall having told NAGELL anything else. [redacted] stated he thinks NAGELL left the bar at the same time he did which may account for NAGELL having [redacted] license number. [redacted] drives a cream colored 1962 Buick Special, four door, license [redacted] (California Department of Motor Vehicles verifies this license is for this car.) [redacted] said he does not work on any classified material and has no clearance. [redacted] was born in Japan, naturalized in Hawaii on January 21, 1954, certificate number [redacted]

[redacted] is of the opinion he and NAGELL only conversed about ten or fifteen minutes on this one occasion, and he has no information apart from above concerning NAGELL.

There is no information in the files of the Los Angeles Office of the FBI identifiable with [redacted]

FD-323 (Rev. 11-29-61)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Los Angeles, California
June 12, 1964

In Reply, Please Refer to
File No. LA 65-7445

~~CONFIDENTIAL~~

Title RICHARD CASE NAGELL

Character ESPIONAGE - X

Reference Report of SA [redacted] b6 b7C
dated as above at Los Angeles, California.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1 - Mr. Jones

SAC, El Paso (65-951) 8/17/66

REC-124

Director, FBI (64-48933) - 75

EX-102

RICHARD CASE NAGELL
ESP - X

Reurlet 8/3/66.

For your information, Bufiles reveal that [redacted] of Columbia University was the first witness to testify before the Senate Foreign Relations Committee in March, 1966, concerning the hearings on U.S.-China relations. He made the observation that the U.S. should continue to contain Red China but that attempts to isolate Communist China have been unwise and in a fundamental sense unsuccessful. [redacted] was born in Shanghai, China, and lived in China for some 17 years both as a child, 1921-36 and as an adult, 1947-49 while working for the Institute for Current World Affairs and the "Chicago Daily News." Our files reveal that [redacted] served in the U.S. Marine Corps from March, 1942, until December, 1945. He was subject to an applicant-type investigation in 1947 which was favorable. b6 b7C

Mark Julius Gayn is an author, foreign correspondent, radio and television commentator and a veteran of eight years as a foreign correspondent in the Orient. He was the subject of an internal security investigation in the 1940s based on an allegation he was in the possession of classified government documents. The complaint against him was dismissed 9/12/45. He was interviewed by Bureau Agents in 1953 at which time he was very cooperative and furnished information concerning the persons of interest to the Bureau. He stated he has always been opposed to communism and claimed to know nothing about any espionage activities. In view of the nonspecific information furnished by subject, no further action by you appears to be warranted.

ARJ: [illegible] (4)

NOTE: Subject, who is described as not stable mentally due to brain damage resulting from an airplane crash during the Korean War, when being interviewed concerning a Civil Rights matter stated he wished to furnish two names to the Bureau and that these names would be significant and meaningful to the FBI. The names given were Mark Julius Gayn and [redacted] but no specific allegation was made concerning these names.

COMM-FBI

367

AUG 22 1966

MAIL ROOM TELETYPE UNIT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-8-81 BY sp-8BTJ/lw

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: 8/3/66

FROM : SAC, EL PASO (65-951)

SUBJECT: RICHARD CASE NAGELL
ESPIONAGE - X

Rerep SA [redacted] dated 7/24/64 at El Paso. b6 b7C

On 7/22/66 RICHARD CASE NAGELL was interviewed as the victim in El Paso case entitled "UNSUB; RICHARD CASE NAGELL - VICTIM, CIVIL RIGHTS", by SA's RICHARD H. PICKEN and ROBERT G. ABEGGLEN. After NAGELL furnished a signed statement regarding his Civil Rights allegation, he stated that he had two names that would be of interest to the FBI. NAGELL stated that he would not give any specific information regarding these two men or his involvement with them inasmuch as he did not wish to become involved in this matter. NAGELL stated the two names were MARK J. GAYN and [redacted] He stated that these names were very significant and would be meaningful to the FBI.

NAGELL stated that he first met MARK J. GAYN in 1957 in Hong Kong, and that GAYN was a "New York Times" writer. NAGELL stated that he met GAYN in Toronto, Canada, in 1962 and again in Montreal, Canada, in 1963, and that GAYN was connected with a foreign government in the Far East which was not friendly to the U.S. NAGELL would not furnish any additional information regarding GAYN.

NAGELL stated that [redacted] whom he first met in Washington, D.C., in December, 1962, was with the State Department and in 1963 was in Japan, China, Korea, and Formosa with the State Department.

REC 5 64-45933-7

11 AUG 5 1966

2 Bureau (RM)
2 El Paso
(1 44-369)

RGA:CLB
(4)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-6-81 BY SP-8 BTY/tw

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5010-108

NAGELL added that both GAYN and [redacted] were working together and that he (NAGELL) saw [redacted] give GAYN some film. At this point NAGELL refused to discuss the matter any further or furnish any additional or specific information, adding that he had given enough information to identify these men and that this would be meaningful to the FBI Headquarters in Washington, D.C. NAGELL reiterated that he did not want to get involved in this matter any further. b6 b7C

This information is being furnished the Bureau as a matter of record as to the information furnished by NAGELL.

El Paso indices contain no information regarding GAYN or [redacted] and El Paso, therefore, is unable to evaluate the validity of NAGELL's statements regarding these individuals.

The Bureau is requested to advise if the information furnished by NAGELL is of any significance and El Paso is taking no further action UACB.

Routing Slip
0-7 (Rev. 9-25-67) (Copies to Offices Checked)

TO: SAC,

- ☐ Albany
- ☐ Albuquerque
- ☐ Anchorage
- ☐ Atlanta
- ☐ Baltimore
- ☐ Birmingham
- ☐ Boston
- ☐ Buffalo
- ☐ Butte
- ☐ Charlotte
- ☐ Chicago
- ☐ Cincinnati
- ☐ Cleveland
- ☐ Columbia
- ☐ Dallas
- ☐ Denver
- ☐ Detroit
- ☐ El Paso
- ☐ Honolulu
- ☐ Houston
- ☐ Indianapolis
- ☐ Jackson
- ☐ Jacksonville
- ☐ Kansas City
- ☐ Knoxville
- ☐ Las Vegas
- ☐ Little Rock
- ☐ Los Angeles
- ☐ Louisville
- ☐ Memphis
- ☐ Miami
- ☐ Milwaukee
- ☐ Minneapolis
- ☐ Mobile
- ☐ Newark
- ☐ New Haven
- ☐ New Orleans
- ☐ New York City
- ☐ Norfolk
- ☐ Oklahoma City
- ☐ Omaha
- ☐ Philadelphia
- ☐ Phoenix
- ☐ Pittsburgh
- ☐ Portland
- ☐ Richmond
- ☐ Sacramento
- ☐ St. Louis
- ☐ Salt Lake City
- ☐ San Antonio
- ☐ San Diego
- ☐ San Francisco
- ☐ San Juan
- ☐ Savannah
- ☐ Seattle
- ☐ Springfield
- ☐ Tampa
- ☐ Washington Field
- ☐ Quantico

TO LEGAT:

- ☐ Bern
- ☐ Bonn
- ☐ Buenos Aires
- ☐ Hong Kong
- ☐ London
- ☐ Manila
- ☐ Mexico, D.F.
- ☐ Ottawa
- ☐ Paris
- ☐ Rome
- ☐ Santo Domingo
- ☐ Tokyo

Date January 14, 1969

RE:

RICHARD CASE NAGELL, aka
IS - RG

Felt 1-Jvo

☐ For information ☐ Retention optional ☒ For appropriate action ☐ Surep. by

☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.

☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks: **Re WFO let 12/27/68, copy of which has been furnished to BA and NY.**

WFO is requested to submit information in relet in LHM form. Information developed by BA should also be submitted in LHM form. NY's attention is directed to its airtel 11/21/68 re Assassination of President Kennedy (NY file 89-75) which indicates subject in NY. NY through established sources determine subject's residence and employment and furnish same to WFO for inclusion in requested LHM.

Enc.

Bufile **(64-48933)**

Urfile

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-8-81 BY SP-8 BJ/JW

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: 12/27/68

FROM : SAC, WFO (65-9158) (RUC)

SUBJECT: RICHARD CASE NAGELL, aka
IS - EG
(OO:EP)

ReBu R/S (0-7) dated 11/18/68, entitled "RICHARD CASE NAGELL, IS - EG."

ReBu R/S contains as an enclosure a Xerox copy of a news item which appeared in the 10/25/68 edition of "The Washington Post," a metropolitan newspaper of general circulation published in Washington, D.C. This news item reported that RICHARD CASE NAGELL, a Californian and a former U.S. Army captain who left the service in 1959, had been released by authorities of the German Democratic Republic (East Germany) after having been held for four months. NAGELL reportedly left by plane for the U.S. It is further reported that NAGELL was taken off a train by the East Germans in about July, 1968, while he was on his way from West Germany to West Berlin through East Germany. Apparently NAGELL made some remarks which the East Germans considered derogatory.

The Bureau requested Baltimore to check records of Fort Holabird and WFO to check State Department records for information regarding the subject, request check of Bufiles and thereafter, set out leads to have subject interviewed.

On 12/13/68, SE [redacted] reviewed the subject's file at the Passport Office, U.S. Department of State (USDS), and found it to contain the following additional information concerning the subject:

b6
b7C

(2) - Bureau
1 - El Paso (65-951) (Info) (RM)
1 - Los Angeles (65-7445) (Info) (RM)
1 - New York (65-23126) (Info) (RM)
1 - WFO

REC- 51 64-48933-77

18 DEC 30 1968

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-8-81 BY SP-8 RTJ/lw

JKN:sls
(6)

59 JAN 15 1969

RESEARCH-SATELLITE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108

RICHARD CASE NAGELL, who was born on 8/5/30, at Greenwich, New York, was issued passport number J-543069 on 5/24/68, at New York, New York, in response to application for passport dated 5/23/68, at New York, New York. It is further revealed that NAGELL planned to depart the U.S. in about June, 1968, via air for a 14 - 21 day vacation trip to England, Belgium, France and Italy. NAGELL listed his parents as LOUIS NAGELL, born in Norway, date unknown, a U.S. citizen; and FRANCES KAUFMAN, born in the U.S., date unknown. He listed the person to notify in the event of death or accident as [redacted] Wilmington, Delaware, and his permanent residence as [redacted] New York, New York (10016). NAGELL also revealed in his passport application that he was last married on 3/20/58, to [redacted] who was born on [redacted] and who is now a U.S. citizen. This marriage was terminated by divorce, date unknown. The subject's passport was valid for three years for travel to all countries except Cuba, mainland China, North Korea and North Vietnam. By operation of law effective 8/26/68, the validity of this passport was extended to 5/23/73.

The passport file contains the following description of the subject:

Height:	6 feet 1 inch
Hair:	Brown
Eyes:	Brown
Occupation:	Adjuster
Social Security #:	104-24-8340

Subject's passport file was reviewed by the U.S. Secret Service on 7/5/68.

On 12/9/68, SA [redacted] reviewed the subject's file at the Office of Security, USDS. This file contains copies of FBI reports submitted in the case entitled "RICHARD CASE NAGELL, ESP - X" (Bufile 64-48933). A review of these reports reveals that NAGELL had manifested evidence of mental instability in the past and had, on at least one occasion, according to a press article, attempted suicide. He has also reportedly

threatened to defect. It is further revealed that NAGELL served commendably in the Korean War and was later the sole survivor of an airplane crash in which he received severe head injuries which may have contributed to his mental instability. Subject's condition was diagnosed at the Veterans Administration Hospital, Bay Pines, Florida, in January, 1963, as "chronic brain syndrone associated with brain trauma with behavior reaction characterized by passive, aggressive and paranoid features." In May, 1964, NAGELL was convicted of attempted armed bank robbery in the U.S. District Court, El Paso, Texas, and sentenced to ten years in prison. His conviction was reversed on grounds relating to insanity and he was acquitted on 4/28/68.

In addition, the subject's file contains a telegram from the American Consulate General, Zurich, to the USDS dated 6/6/68. This telegram reveals that RICHARD CASE NAGELL, born 8/5/30, New York, New York, passport #J-543069, issued 5/29/68, appeared at the Consulate General (Congen), Zurich, on 6/4/68, and told a coherent story about "working for a secret U. S. Government agency on mission to Geneva where he was to meet the Japanese." NAGELL wanted Congen's assistance to get money which he claimed he had deposited in a New York bank before departing the U.S. NAGELL was told Congen could not assist him.

It is further revealed that NAGELL returned to Congen on 6/5/68, was seriously incoherent, appeared psychotic and possibly dangerous. On this occasion NAGELL claimed he had been interviewed by New Orleans District Attorney JAMES GARRISON on 5/14 - 16/68, in connection with "CIA and President KENNEDY death." NAGELL claimed GARRISON told him he is in danger of being killed, therefore, wanted to "inform CIA he was in Zurich." NAGELL also on this visit to Congen said the U.S. Government had previously withheld his passport from him.

By telegram dated 6/12/68, the USDS advised the American Consulate, Zurich, to assist NAGELL as appropriate and attempt to encourage him to return to the U.S.

The subject's file at the Office of Security, USDS, reflects that subject's release was arranged by Attorney [redacted] U.S. Mission, Berlin, Germany, who was aware of subject's inquiries, apparent mental instability and of his court record and who was asked to furnish same to the East German authorities. b6 b7C

The subject's file at the Office of Security, USDS, contains no additional information regarding him.

WFO files contain some but not all of the FBI reports submitted in the case entitled "RICHARD CASE NAGELL, ESP - X" (Bufile 64-48933). WFO indices contain no additional pertinent information concerning the subject.

Inasmuch as El Paso is the last Office of Origin in this matter known to WFO, and inasmuch as present whereabouts of the subject is unknown, El Paso is being continued as Office of Origin and is being furnished an information copy.

Information copies of this communication are also being designated for Los Angeles and New York since subject has relatives residing in their territories and since these offices have received previous correspondence regarding NAGELL.

From the information available, subject left for the U.S. following his release by East German authorities on 10/23/68. His present whereabouts is unknown. A careful study of all information available to WFO regarding the past behavior and mental condition of NAGELL has persuaded WFO to conclude that an interview of him would be worthless. Hence, unless advised to the contrary by the Bureau, WFO plans no further investigation in this matter.

11/21/63

AIRTEL

TO: DIRECTOR, FBI (62-109060)

FROM: SAC, NEW YORK (89-75)

SUBJECT: ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY, NOVEMBER 22, 1963, DALLAS, TEXAS

There is enclosed for the Bureau, Dallas and El Paso Offices the following which was made available to the NYO on 11/19/68, by RICHARD CASE NAGELL:

1. Two typewritten pages captioned [redacted] containing information concerning a letter allegedly written by RICHARD CASE NAGELL on 8/13/63, to FBI Director J. EDGAR HOOVER informing him of OSWALD's plan to kill President KENNEDY. b6 b7C

2. Two pages from the New Yorker Magazine, 7/13/68, issue concerning NAGELL.

3. A letter to the New Yorker Magazine dated 11/14/68, signed RICHARD C. NAGELL.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-8-81 BY SP8BLY/lw Per FOIA Release on Kennedy

(2)-Bureau (Encls. 4)
1-Dallas (89-43) (Encls. 4) (INFO)
1-El Paso (Encls. 4) (INFO)
1-New York
JJA:mg
(6)

64-45923-
NOT RECORDED
133 NOV 27 1968

DEC [illegible] 1968

ORIGINAL FILED IN 62-109060-1115

4. A newspaper clipping from the Washington Post, dated 10/25/63, concerning NAGELL's release from East Germany.

RICHARD CASE NAGELL personally appeared at the NYO on 11/19/68, and stated that he had given the information contained in number one above to SAS EDWARD J. MURPHY and [redacted] of the El Paso Office where he was arrested by them on 1/6/64, for attempted Bank Robbery. He insisted that he did not give the information to anyone else. b6 b7C

NAGELL said he obtained copies of these typewritten pages from his friend [redacted] Wilmington, Delaware, (telephone number [redacted] on 11/10/68. [redacted] informed him that he received the information from [redacted] (assistant of JAMES GARRISON). [redacted] reportedly received the information from either [redacted] Los Angeles Attorney or [redacted] a resident of California. They allegedly received the information from [redacted] who served time with NAGELL at Mc Neill Penitentiary in February or March of 1966.

NAGELL insisted this was not so and indicated that someone in the El Paso Office released the information to an unauthorized person.

Items 2,3 and 4 do not relate directly to NAGELL's allegation but are being enclosed for further background information.

NAGELL's letter to the Bureau is referred to in the report of SA [redacted] at El Paso dated 6/9/64, entitled "RICHARD CASE NAGELL aka ESPIONAGE-X Bufile 64-48933, El Paso file 65-951, NYfile 65-23126." Page 53 of this report sets out that no record of this letter could be located.

No action is being taken by the NYO in this matter. It is being furnished for information purposes by airtel since NAGELL said that if action was not immediately taken, he would go to higher authorities and it is possible that inquiry may be made of the Bureau from other sources.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: 1/21/69

FROM : SAC, BALTIMORE (65-3323) -RUC-

SUBJECT: RICHARD CASE NAGELL, aka
IS - EG
(OO:EL PASO)

Re Bureau Routing Slip dated 11/18/68, and WFO letter to the Bureau dated 12/27/68.

DCII, Fort Holabird, Maryland, checked 12/24/68, for SA JAMES E. BARRETT, reflects five USAIRR file references possibly identical with subject, as well as the following file references:

NIS #S/NONI-64-M05081216;
OSI #S/F-18-H-63-43-27358;
OSI #S/F-18-SH-63-43-31433.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-9-81 BY SP8 BT-1/LW

The file references at USAIRR, Fort Holabird, Maryland, were made available and reviewed by SA BARRETT during the period 1/14 - 15/69. Four of the file references were found to be not identical with captioned subject. File number X1-332650 concerns RICHARD CASE NAGELL, born 8/5/30 in New York. This file contains no pertinent information in addition to that set forth during previous review of the file by Baltimore on 2/27 - 28/64, results of which were set forth in Baltimore airtel to Bureau dated 2/28/64, in caption "RICHARD CASE NAGELL, aka, ESP - X, OO:EP", copies of Baltimore airtel were furnished to El Paso and WFO.

Enclosed for information of Los Angeles and New York are copies of Baltimore airtel to Bureau dated 2/28/64, referred to above.

REC-90 64-48933-18

(2) - Bureau (REGISTERED MAIL)
1 - El Paso (65-951) (REGISTERED MAIL)
1 - Los Angeles (65-7445)(Encl. 1)(Info)(REGISTERED MAIL)
1 - New York (65-23126)(Encl. 1)(Info)(REGISTERED MAIL)
2 - WFO (65-9158) (REGISTERED MAIL)
1 - Baltimore
JEB:mao
(8)

JAN 22 1969

RESEARCH-SATELLITE

59 JAN 23 1969

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108

BA 65-3323

Subject's USAIRR file contains copies of 1964 Bureau reports concerning him under the character "ESP - X". The file contains no information subsequent to 1964.

WFO is requested to review the above listed NIS and OSI files for pertinent information concerning subject.

F B I

Date: 2/14/69 CONFIDENTIAL

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, NEW YORK (65-23126) (P)

SUBJECT: RICHARD CASE NAGELL, aka
IS - EG
(OO:EP)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

DECLASSIFIED BY 5668SCD/GCL ON 11.4.97 (JFK)

Re Bureau R/S, dated 1/14/69.

Enclosed herewith for the Bureau are five copies of an LHM, dated and captioned as above. El Paso is also being furnished two copies of enclosed LHM.

Suitable pretext used during interview of [redacted] was the FBI's desire to contact NAGELL with respect to his recent travel to East Germany for the purpose of determining whether he was a target for EGIS recruitment. (U)

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No communication being prepared at this time for Secret Service, NYC, since it has no prior information concerning NAGELL.

All established sources and agencies in NYC area were contacted by NYO for information concerning NAGELL's residence and employment with negative results.

LEAD:

NEW YORK

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-8-81 BY SP-8BTJ/dlw

CLASS. & EXT. BY SP-8BTJ/dlw
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 2-14-89

12-3-84

AT NEW YORK, NEW YORK Will maintain contact with [redacted] for any information re current whereabouts of NAGELL.

REC-24 64-48933-79

ENCLOSURE

3 - Bureau (Encls. 5) (RM)
2 - El Paso (Encls. 2) (RM)
1 - Washington Field (65-9158) (INFO) (Encl. 1) (RM)
1 - New York
AGE:jtg
(8)

AAG Tingley, attn [redacted] Supv SS

FEB 28 1969

b7E

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

56 MAR 4 1969

RE SEARCH CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

New York, New York
February 14, 1969

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-8-81 BY SP-4BTJ/JW
(5668SLD/GCL - 4/3/97 - JFK)

Richard Case Nagell
Internal Security - East Germany

On October 25, 1968, "The Washington Post," a metropolitan newspaper of general circulation published in Washington, D. C., carried a news item which reflected that Richard Case Nagell, a Californian and a former United States Army Captain who had left the service in 1959, had been released by authorities of the German Democratic Republic (East Germany) after having been held for a period of four months. It was further reported that Nagell was taken off a train by the East Germans during July, 1968, while he was on his way from West Germany to West Berlin through East Germany.

On February 13, 1969, [redacted] New York, were afforded an interview under a suitable pretext by a Special Agent of the Federal Bureau of Investigation (FBI), at which time they advised that Richard Case Nagell was the brother of [redacted]

b6
b7C

They further advised that Nagell uses their residence address as his permanent address and receives mail at this address. In addition, he, from time to time, takes up residence at this address and, in this regard, was staying with them until as recently as a week ago. At that time, Nagell indicated to [redacted] that the cold weather was becoming uncomfortable and left the residence for an unknown destination.

Nagell contacted the [redacted] family by telephone several days later and indicated he would be on the road for a short period of time and might return to the residence address within the next three weeks.

Neither [redacted] could furnish any information with respect to the present whereabouts of Nagell.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE b4 1592 1

Richard Case Nagell

[redacted] advised that Nagell has not had any employment of any kind recently and has been living on his disability check which he receives from the United States Government in connection with a service-incurred disability. In addition, [redacted] stated that Nagell had recently been to Washington, D. C., where he had been in contact with the Veterans Administration for the purpose of increasing the amount of his disability check. To date, this matter has not been resolved.

b6
b7C

6 (Rev. 5-22-64)

FBI

Date: 2/18/69

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

REC-106

TO: DIRECTOR, FBI (64-48933)

FROM: SAC, WFO (65-9158) (RUC) (65-68 SCD/GCL - 4/3/97 - JFK)

RICHARD CASE NAGELL
IS - EG

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP4BTJ/LW

Re Bureau routing slip (0-7), dated 1/14/69; BAlet, 1/21/69; WFOlet dated 12/27/68, and NY airtel and LHM, 2/14/69.

Enclosed herewith for the Bureau are 5 copies and for El Paso, Los Angeles, New York, and Baltimore 1 copy each of an LHM dated and captioned as above.

For the information of all Offices referenced, Bureau routing slip requested WFO to submit info in referenced WFOlet of 12/27/68 in LHM form.

SE [redacted] reviewed the subject's file at the Passport Office, U. S. Department of State (USDS), on 12/13/68.

REC-106 64-48933-80

SA [redacted] reviewed the subject's file at the Office of Security, USDS, on 12/9/68.

3 - Bureau (Enc. 5)
1 - El Paso (65-951) (Enc. 1) (Info) (RM)
1 - Los Angeles (65-7445) (Enc. 1) (Info) (RM) ~~(AM)~~
1 - New York (65-23126) (Enc. 1) (Info) (RM)
1 - Baltimore (65-3326) (Enc. 1) (Info) (RM)
1 - WFO

25 FEB 28 1969

AGENCY [redacted]
REQUESTED

JKN:bjr
(8)

4 MAR 11 1969

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

b6
b7C
b7E

WFO 65-9158

On 1/30/69, SA [redacted] Office of Special Investigations (OSI), advised SA [redacted] that the subject's OSI file contains no additional pertinent information since it was reviewed on 2/28/64 by IC [redacted] of the WFO, FBI. [redacted] stated that OSI file references S/F-18-H-63-43 (27358 and 31433) were included in this previous file review. b6 b7C

On 2/4/69, IC [redacted] was furnished copies of Naval Intelligence Service (NIS) files #NIS #S/NONI-64-M05081216-1218 containing info concerning subject. A review of the information on 2/5/69 by SA [redacted] failed to reveal any additional pertinent information concerning the subject.

For the information of interested Offices, referenced NY airtel and LHM, 2/14/69, revealed that NAGELL's present whereabouts is unknown; however, that he may return to the home of his sister, [redacted] New York, within the next three weeks. NY will maintain contact with [redacted] for any information re current whereabouts of NAGELL.

Inasmuch as El Paso is the last Office of Origin in this matter known to WFO, and inasmuch as present whereabouts of the subject is unknown, El Paso is being continued as Office of Origin and is being furnished an information copy.

Information copies of this communication are also being designated for Los Angeles and New York since subject has relatives residing in their territories and since these Offices have received previous correspondence regarding NAGELL.

Routing Slip
0-7 (Rev. 9-25-67)

(Copies to Offices Checked)

TO: SAC,

☐ Albany	☐ Houston	☐ Norfolk	☐ Tampa
☐ Albuquerque	☐ Indianapolis	☐ Oklahoma City	☑ Washington Field
☐ Anchorage	☐ Jackson	☐ Omaha	☐ Quantico
☐ Atlanta	☐ Jacksonville	☐ Philadelphia	
☑ Baltimore	☐ Kansas City	☐ Phoenix	**TO LEGAT:**
☐ Birmingham	☐ Knoxville	☐ Pittsburgh	☐ Bern
☐ Boston	☐ Las Vegas	☐ Portland	☐ Bonn
☐ Buffalo	☐ Little Rock	☐ Richmond	☐ Buenos Aires
☐ Butte	☐ Los Angeles	☐ Sacramento	☐ Hong Kong
☐ Charlotte	☐ Louisville	☐ St. Louis	☐ London
☐ Chicago	☐ Memphis	☐ Salt Lake City	☐ Manila
☐ Cincinnati	☐ Miami	☐ San Antonio	☐ Mexico, D.F.
☐ Cleveland	☐ Milwaukee	☐ San Diego	☐ Ottawa
☐ Columbia	☐ Minneapolis	☐ San Francisco	☐ Paris
☐ Dallas	☐ Mobile	☐ San Juan	☐ Rome
☐ Denver	☐ Newark	☐ Savannah	☐ Santo Domingo
☐ Detroit	☐ New Haven	☐ Seattle	☐ Tokyo
☑ El Paso	☐ New Orleans	☐ Springfield	
☐ Honolulu	☑ New York City		

Date 2/28/69

RE: RICHARD CASE NAGELL, aka (5668 SLO/GCL-4/2/97-JFK)
IS - EG

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-8-81 BY SP-8 BLY/lw

☑ For information ☐ Retention optional ☑ For appropriate action ☐ Surep, by _____

☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.

☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

ReNYairtel and LHM 2/14/69 and WFO airtel 2/18/69.

Since subject is using a NY address as his permanent residence, NY being designated office of origin. EP furnish copy of pertinent serials to NY.

In view of subject's suicidal tendencies and propensity for violence, data re subject being furnished to Secret Service. NY consider for inclusion on Security Index.

Enc.
Bufile 64-48933
Urfile NY 65-23126, WFO 65-9158, EP 65-951
BA 65-3326

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Washington, D. C. 20535
February 18, 1969

(5668 SCO/GCL - 4/3/97 - JFK)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-8-81 BY SP-8 BTJ/dwl

RICHARD CASE NAGELL
INTERNAL SECURITY - EAST GERMANY

The October 25, 1968, edition of "The Washington Post," a metropolitan newspaper of general circulation published in Washington, D. C., contained a news item reporting that Richard Case Nagell, a Californian and a former United States Army captain who left the service in 1959, had been released by authorities of the German Democratic Republic (East Germany) after having been held for four months. Nagell reportedly left by plane for the United States. It is further reported in this news item that Nagell was taken off a train by the East Germans in about July, 1968, while he was on his way from West Germany to West Berlin through East Germany. Apparently Nagell made some remarks which the East Germans considered derogatory.

On December 13, 1968, at the Passport Office, United States Department of State (USDS), a representative of the Federal Bureau of Investigation (FBI) reviewed the passport file of Richard Case Nagell. This file contains the following information concerning Nagell:

Richard Case Nagell, who was born on August 5, 1930, at Greenwich, New York, was issued passport Number J-543069 on May 24, 1968, at New York, New York, in response to application for passport dated May 23, 1968, at New York, New York. It is further revealed that Nagell planned to depart the United States in about June, 1968, via air for a fourteen to twenty-one day vacation trip to England, Belgium, France, and Italy. Nagell listed his parents as Louis Nagell, born in Norway, date unknown, a United States citizen; and Frances Kaufman, born in the United States, date unknown. He listed the person to notify in the event of death or accident as [redacted] b6 b7C

NY

44-48933 80

ENCLOSURE

RICHARD CASE NAGELL

Wilmington, Delaware, and his permanent residence as 22 East 29th Street, New York, New York (10016). Nagell also revealed in his passport application that he was last married on March 20, 1958, to [redacted] who was born on [redacted] at [redacted] and who is now a United States citizen. This marriage was terminated by divorce, date unknown. The subject's passport was valid for three years for travel to all countries except Cuba, mainland China, North Korea, and North Vietnam. By operation of law effective August 26, 1968, the validity of this passport was extended to May 23, 1973.

b6
b7C

The passport file contains the following description of the subject:

Height:	6 feet 1 inch
Hair:	Brown
Eyes:	Brown
Occupation:	Adjuster
Social Security Number:	104-24-8340

On December 9, 1968, at the Office of Security, USDS, a representative of the FBI reviewed the security file of Richard Case Nagell. This file contains the following information concerning Nagell:

A telegram from the American Consulate General, Zurich, to the USDS dated June 6, 1968, reveals that Richard Case Nagell, born August 5, 1930, New York, New York, Passport #J-543069, issued May 29, 1968, appeared at the Consulate General (Congen), Zurich, on June 4, 1968, and told a coherent story about "working for a secret U.S. Government agency on mission to Geneva where he was to meet the Japanese." Nagell wanted Congen's assistance to get money which he claimed he had deposited in a New York bank before departing the United States. Nagell was told Congen could not assist him.

It is further revealed that Nagell returned to Congen on June 5, 1968, was seriously incoherent, appeared psychotic and possibly dangerous. On this occasion Nagell claimed he had been interviewed by New Orleans District Attorney [redacted] on

May 14 - 16, 1968, in connection with "CIA and President Kennedy death." Nagell claimed Garrison told him he is in danger of being killed, therefore, wanted to "inform CIA he was in Zurich." Nagell also on his visit to Congen said the United States Government has previously withheld his passport from him.

By telegram dated June 12, 1968, the USDS advised the American Consulate, Zurich, to assist Nagell as appropriate and attempt to encourage him to return to the United States.

Nagell's file at the Office of Security, USDS, further reflects that subject's release was arranged by Attorney [redacted] b6 b7C [redacted] United States Mission, Berlin, Germany, who was aware of Nagell's injuries, apparent mental instability, and of his court record and who was asked to furnish same to the East German authorities.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI [illegible] your agency; it and its contents are not to be [illegible]

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-107-02

UNITED STATES GOVERNMENT

Memorandum

TO: DIRECTOR, FBI (64-48933) DATE: 3/4/69

FROM: SAC, EL PASO (65-951) (RUC)

SUBJECT: RICHARD CASE NAGELL, Aka.
IS - EG

CONFIDENTIAL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

OO: NY

Re NY airtel to the Director, dated 2/14/69.

Enclosed for the New York Office are one copy each of the following reports:

Report of SA [redacted] at Los Angeles, dated 6/12/64

b6
b7C

Report of SA ELDON D. RUDD, at Mexico, D.F., dated 6/3/64 (2 U)

Report of SA [redacted] at El Paso, dated 7/24/64, in the case captioned, "RICHARD CASE NAGELL, Aka., ESPIONAGE - X."

Noted that the subject has never been known to reside in the El Paso area and the initial interests of the El Paso Office regarding the subject stem from the subject's attempted robbery of the State National Bank of El Paso on 6/20/63.

The letterhead memorandum of the New York Office dated 2/14/69, contains the statement of the subject's sister and brother-in-law, [redacted], New York, to the effect that the subject uses their residence address as his permanent address and receives mail at this address. They further stated that from time to time the subject takes up residence at this address and was staying with them as recently as the first part of February, 1969.

REC-64 64-48933-81

4 MAR 10 1969

(2) - Bureau (RM)
1 - Baltimore (65-3323) (Info) (RM)
1 - Los Angeles (65-7445) (Info) (RM)
2 - New York (65-23126) (Enc. 3) (RM)
1 - WFO (65-9158) (Info) (RM)
1 - El Paso
DJR/bad
(8)

CLASS. & EXT. BY 9686 EH/1 W
REASON-FCIM II, 1-2.4.2 3
DATE OF REVIEW 3-9-89

RESEARCH-SA WHITE

7-8-81

DECLASSIFIED BY SP2BKJ/sw ON 6-18-98

55 MAR 19 1969

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CONFIDENTIAL

CONFIDENTIAL

In view of the fact that there is no investigation pending in the El Paso Office regarding the subject, the New York Office is being designated the office of origin in this matter.

Information copies are being furnished to Baltimore, Los Angeles and Washington Field in view of investigation conducted by those offices in this matter.

SUBJECT SHOULD BE CONSIDERED ARMED AND DANGEROUS BECAUSE HE FIRED HIS PISTOL IN AN ATTEMPTED BANK ROBBERY AND HAS ATTEMPTED SUICIDE.

CONFIDENTIAL

4-22 (Rev. 7-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19___

(1) ☑ Service Unit - Room 6524

(2) ☑ Attention E. H. MOSSBURG

Return to RM 706 9&D EXT 417
Supervisor Room Ext.

Type of References Requested:

☑ Subversive References Only

☑ Main _____ References Only

Type of Search Requested:

☑ Exact Name Only (On the Nose)

Subject Richard NAGELL

Birthdate & Place _____

Address _____

Localities _____

R# _____ Date 4/8/69 Searcher Initials _____

Prod. _____

FILE NUMBER SERIAL

NC

Richard C

64 - 40C

~~44 - 20134~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-18-98 BY SP5 DJ/SW

4-22 (Rev. 1-22-60) Reg

Federal Bureau of Investigation
Records Br[redacted]h

10-27, 1966

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [x] Attention [redacted] b6 b7C
- [x] Return to [redacted] 7126 6b

Supervisor Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [x] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

U. T. D. — 3/20/67

Subject Richard Case Nagell
Birthdate & Place 8-5-30 NY
Address _____

Localities _____

R# _____ Date 10-27 Searcher Initials mt

Prod. _____

	FILE NUMBER		SERIAL
	44-24340	(7-21-66)	I
	44-33629	(8-3-66)	I
I-Main	64-48923		I
	91-18339	(5-27-68)	I
I	62-109060-6844		
	~~64-48933-84~~		
	Richard C,		
	44-20134	(7-21-62)	I
	Richard		
	NR		
	R. Case		
	NR		
	R. C,		
	SI		
	Case		
	NR		

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-9-81 BY SP-8 BTJ/lw

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (64-48933) DATE: AUG - 5 1970

FROM : SAC, NEW YORK (65-23126) (C)

SUBJECT: RICHARD CASE NAGELL aka
IS - EG
(OO:NY)

Enclosed herewith for the Bureau and El Paso is one Xerox copy of a letter dated 7/20/70, and one Xerox copy of the envelop in which it was received by the NYO.

The NYO contemplates no investigation concerning this matter. No acknowledgement is being prepared by the NYO to NAGELL.

The above is being furnished for the information of the Bureau and El Paso Divisions.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-9-81 BY SP-8 BTJ/JW

ENCLOSURE ATTACHED

REC-59 64-48933-87
EX-109
18 AUG 6 1970

2-Bureau (Encls. 2) (RM)
2-El Paso (65-951) (Encls. 2) (RM)
1-New York

b6
b7C

SINO-SATELLITE

AGE:kme
(5)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ENCLOSURES TO BUREAU (2)

Buf1le 64-48933

NYf1le 65-23126

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-9-81 BY SP-4 BTJ/MW

64-48933-87

Richard C. Nagell
c/o [redacted]
Wilmington, Delaware 19803

LOS ANGELES, CALIF. PM 27 JUL

6c FRANKLIN D. ROOSEVELT U.S. POSTAGE

b6
b7C

Mr. John F. Malone
Assistant Director In Charge
201 East 69th Street
New York, N.Y. 10021

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-9-81 BY sp-8 BTJ/mlw

REGISTERED MAIL

20 July 1970

[redacted]
Attorney At Law
Suite 608, Southwest National Bank Building
[illegible]so, Texas 79901

b6
b7C

Dear [redacted]

Reference is made to my letter of 21 November 1968 and your reply dated 13 December 1968. As you will recall, these correspondences pertained to the return of certain items that were used in evidence against me at the first and/or second trial on the merits, namely, a U.S. passport, a set of handcuffs with key, a military certificate and a .45 caliber revolver.

I am happy to say that the passport was returned to me subsequently by an agency of the government which had discovered it in its files. Unfortunately, the laminated, wallet-size military certificate is still missing; and my sister denies having received it from any source.

Concerning the .45 caliber revolver, it is the property of Mr. [redacted] an investigator for the State of California Department of Alcoholic Beverage Control (ABC), who has executed the below certificate of ownership and request for its return.

In conjunction with your request for five dollars ($5.00) to cover mailing charges, please find that amount enclosed herewith. I would appreciate it if you would send the handcuffs and handcuff key to [redacted] also. Thank you.

Very truly,

RICHARD C. NAGELL

cc: John F. Malone, ADIC, FBI, NYC

C-E-R-T-I-F-I-C-A-T-E

THIS IS TO CERTIFY THAT I AM THE OWNER OF THE .45 CALIBER COLT REVOLVER ADDUCED TO IN THE ABOVE CORRESPONDENCE. I REQUEST THAT SUCH WEAPON, TOGETHER WITH MR. NAGELL'S HANDCUFFS AND HANDCUFF KEY, BE FORWARDED TO ME AT YOUR CONVENIENCE.

[redacted]
Senior Special Investigator
Department of Alcoholic Beverage Control
320 North [illegible] Avenue
Los Angeles, California
[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-9-81 BY SP-4 BTM/JW

CWL/jl

REC-2 64-48933-18

EX-106

July 30, 1975

Mr. Richard C. Nagell
1141 Ninth Street
Manhattan Beach, California 90266

Dear Mr. Nagell:

This is to acknowledge receipt of your letter dated July 21, 1975, with enclosure.

Please be advised that your correspondence is being made a matter of record in our files.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 6
AUG 1 1975
FBI

1 - The Deputy Attorney General
Attention: Susan M. Hauser

AHM:dw
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY SP-8 BFJ/dw

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

AUG 20 1975

MAIL ROOM ☑ TELETYPE UNIT ☐

GPO 954-546

REGISTERED MAIL

July 21, 1975

Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

Dear Mr. Kelley:

Reference is made to the fourth paragraph of the enclosed xerox copy of a letter dated May 1, 1975, received from [redacted]

b6
b7C

I have not authorized [redacted] or anybody else to file suit under the Freedom of Information Act or under any other Act or law to obtain any files related to me that may be in the possession of the FBI.

Sincerely,

Richard C. Nagell

Richard C. Nagell

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY SP-8 BTF/JW

REC-2 64-48933-8

EX-106

7/31/75 ack AHH:dw

21 JUL 23 1975

ENCLOSURE

4 - F.O.I.A.

Law Offices
FENSTERWALD AND OHLHAUSEN
910 SIXTEENTH STREET, N. W.
WASHINGTON, D. C. 20006
TELEPHONE (202) 223-1667

BERNARD FENSTERWALD, JR.
WILLIAM G. OHLHAUSEN

GORDON F. HARRISON
OF COUNSEL

NEW YORK ASSOCIATES
BASS & ULLMAN
747 THIRD AVENUE
NEW YORK, N. Y. 10017

May 1, 1975

Mr. Richard Nagell
1141 Ninth St.
Manhattan Beach, Calif. 90266

Dear Dick:

[redacted] has probably written recently about developments in the Court of Claims, so I won't repeat on him. b6 b7C

Other matters.

Enclosed is an article upon which I would like your comments, in as much detail as you have time. Could the picture be of [redacted]

Is it reasonable to assume that you have retrieved your tape from [redacted]? Additionally, would it be reasonable to guess that the three of the four people are [redacted]? Any chance of hearing a dub of the tape? Things are getting down to the wire here in Wasington.

Have you thought of the possibility of Freedom of Information suits under the new FOI Act for files with respect to you in possession of the FBI and CIA? If you sue and they don't produce, they have to explain why to a federal judge and, if he requires, show the file to him. It might help vis-a-vis the Court of Claims. It's another not-so-subtle form of pressure. Also might be very interesting. Give it some thought.

Warm regards.

Sincerely,

[redacted]

BF:crr
Encl.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY SP-9BTJ/

ENCLOSURE

64-48933-88

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI ( ) DATE: 7/30/75

FROM : SAC, LOS ANGELES ( ) (RUC)

SUBJECT: LEE HARVEY OSWALD
IS - R - CUBA
OO: Dallas

Re reports of SA [ ] at El Paso, dated 12/20/63 and 1/30/64, captioned as above; and reports of SA [ ] at El Paso, dated 2/4/64 and 6/9/64 in the case captioned "RICHARD CASE NAGELL, aka, ESPIONAGE - X, Bureau File 64-48933.

Enclosed for the Bureau are two copies each, and for Dallas is one copy each of the following 16 communications:

Referenced report, dated 12/20/63.

Referenced report, dated 1/30/64.

Letter of [ ] dated 6/20/67.

Letter of RICHARD C. NAGELL, dated 6/30/67.

Letter of [ ] dated 9/11/67.

Letter of RICHARD C. NAGELL, dated 11/21/68.

Letter of [ ] dated 11/23/68.

Letter of [ ] dated 6/18/75.

64-48933-

NOT RECORDED
145 AUG 8 1975

3 - Bureau (Enc. 32) (RM)
(1 - 64-48933) (RICHARD CASE NAGELL)
2 - Dallas (100-10461) (Enc. 16) (RM)
2 - Los Angeles
(1 - 65-7445) (RICHARD CASE NAGELL)

DJR/smm
(7)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY SP-3 BTJ/ddm
Per FOIA Release on Kennedy

SEP 24 1975

ORIGINAL FILED IN 105-82555-8734

[redacted] b7E

Letter of [redacted] dated 6/21/75. b6 b7C

Letter of [redacted] dated 6/23/75.

Letter of [redacted] dated 6/29/75.

Letter of RICHARD C. NAGELL, dated 6/30/75.

Letter of [redacted] dated 7/5/75.

Letter of [redacted] dated 7/7/75.

Letter of RICHARD C. NAGELL, dated 7/9/75.

Letter of RICHARD C. NAGELL, dated 7/16/75.

Enclosed 7/16/75 letter is addressed to the Assistant Director in Charge of the Los Angeles Office by RICHARD C. NAGELL. In the letter, NAGELL makes reference to the two referenced reports of the El Paso Office, dated 12/20/63 and 1/30/64 (enclosed) wherein NAGELL is mentioned and which apparently had been obtained from the FBI by Professor [redacted] Department of Philosophy, University of California at San Diego, La Jolla, California.

In his 7/16/75 letter, NAGELL complained that he had "never authorized the FBI to release any information about me to any private individual or non-official organization."

In addition, NAGELL complained these two El Paso reports in question contained incorrect information about him. He closed his letter by stating "I trust that this will clear up any question concerning the matter that conceivably might be raised in the future".

The writer of instant letter, now assigned to the Los Angeles Office, prepared the El Paso reports in question and well remembers encounters with NAGELL in El Paso, Texas.

The synopsis of referenced report, dated 2/4/64, reads as follows:

[redacted] b7E

Background: Subject entered U.S. Army 8/5/48 and honorably discharged as Captain 10/29/59. Received many campaign awards during Korean conflict. Sole survivor airplane crash 11/28/54, suffered facial disfigurement and given psychiatric examination. Subject claimed he was released from employment by State Beverage Department, Los Angeles, California, 6/8/62, having been accused of taking $20,000 bribe. Subject refused furnish police details of his shooting by unidentified assailant on 7/16/62 and subsequently filed Civil Rights complaint against police. In September, 1962, subject advised U.S. Embassy, Mexico City, he had been approached for recruiting in Mexico City, refused to elaborate, did not desire to return to U.S., was "bitter, disgusted, disillusioned and disaffected." Said if he did go to some other country it would cost U.S. millions, was "through being a good citizen" and thought he had gotten a "dirty deal all around." Advised FBI in New York City on 11/16/62 he wanted to expose Department of Alcoholic Beverage Control in California. Advised FBI in Jacksonville, Florida on 12/15/62 he had been approached shortly before in Washington, D.C., by individual believed to be working for Soviets; contacted CIA in Virginia for instructions, was sent to Miami, Florida, by his Soviet contact and said he believed he was actually working for Soviets. Subject's condition diagnosed at Veterans Administration Hospital, Bay Pines, Florida, in January, 1963, as "chronic brain syndrome associated with brain trauma with behavioral reaction characterized by passive, aggressive and paranoid features." Asked FBI in Miami on 1/24/63 if his Cuban or Russian sources gave him a pistol and microfilm would he be permitted to return same to his contact so he could be of further use to U.S. Government. Claimed to be constantly under surveillance. Advised FBI in Los Angeles on 4/19/63 he had taken former wife to court on same date for failure to comply with court order giving subject visitation rights with children. Subject's condition diagnosed by Veterans Administration, Los Angeles, on 6/4/63 as "depression, tearful, nervous, rigid. Would only utter words 'Got to see my kids.'"

[redacted] b7E

Attempted Bank Robbery: Subject arrested 9/20/63 in El Paso, Texas, on charge of attempting to rob State National Bank, El Paso, same date in violation Section 2113, Title 18, U.S. Code. Slashed wrist night of 9/20/63, felt he needed psychiatric treatment, highly emotional when interviewed, given to spells of crying, stated unable to get on feet since discharge from U.S. Army. Cell mate said subject apparently became member Communist Party during confused period after discharge, decided everything was against him in Los Angeles and made arrangements with Communist Party in Los Angeles to pick up visa and passport from contact in El Paso and eventually end up in Czechoslovakia. Subject reportedly attempted suicide three times enroute to El Paso but lost nerve. Advised FBI in El Paso on 1/6/64 he was instructed by agent of foreign government in September, 1963, to comply with agreement made in May, 1963, to participate in criminal offense against United States or be exposed to FBI, which caused subject to act as he did on 9/20/63. Subject ordered sent to Medical Center for Federal Prisoners, Springfield, Missouri, on 1/24/64, by U.S. District Court, El Paso, for 30-day period to undergo psychiatric examination. Alleged Connection with LEE HARVEY OSWALD: Subsequent to President's assassination, subject claimed acquaintance with OSWALD and wife. On 1/18/64, [redacted] disclaimed any knowledge of subject. Description and Identification Record: Set out. SUBJECT HAS ATTEMPTED SUICIDE. b6 b7C

Referenced report dated 6/7/64 contains information obtained from his military record, beginning on page 49. Information is set out therein regarding his health status.

In view of the information set out above, it would seem that NAGELL's appearance before the Church Committee, as suggested in the [redacted] letter, dated 6/18/75, could prove to be embarrassing for that Committee.

No further action is being taken in this matter by the Los Angeles Office.

CHARD B. RUSSELL, GA., CHAIRMAN
MISS.
TON, MO.
ON, WASH.
N.C.
N, NEV.
O, W. VA.
. YOUNG, OHIO
K. INOUYE, HAWAII
HAS J. MC INTYRE, N.H.
IEL B. BREWSTER, MD.
RRY F. BYRD, JR., VA.

LEVERETT SALTONSTALL, MASS.
MARGARET CHASE SMITH, MAINE
STROM THURMOND, S.C.
JACK MILLER, IOWA
JOHN G. TOWER, TEX.

United States Senate

COMMITTEE ON ARMED SERVICES

WILLIAM H. DARDEN, CHIEF OF STAFF
CHARLES B. KIRBOW, CHIEF CLERK

January 20, 1967

Mr. Richard C. Nagell
Register No. 83286-L
P. O. Box 1000
Leavenworth, Kansas 66048

Dear Mr. Nagell:

Permit me to acknowledge and thank you for your letter and the information it contains.

With every good wish, I am

Sincerely,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY sp 8BTJ/LW

6
64-4833-89
ENCLOSURE

individual representative of any foreign government.

In the summer of 1963 I received instructions to locate Mr. Tan [illegible] would, who was the indispensable link in the conspiracy, and [illegible] report the result finally. What I did neither, I believe, in response to [illegible] request on prior to my arrest, report to Mr. [illegible] regarded most to the security, financial matters of importance, concerning the [illegible] that of the general security of the United States [illegible] of the world.

At the very outset, when I became convinced the F.B.I. was more concerned with keeping me in custody (and with cleaning its dirty linen) than it was in seeking facts which would shed light on the assassination I lapsed into complete silence. Later, however, when I felt I was going to be indicted with Oswald on a charge of mental conspiracy, I made many requests to meet under the existing circumstances to fully refute the charges. I was sent letters by the old, kind lawyer whom my wife had chosen. That I would cooperate in the prosecution.

For what little it is apparently worth now, my opinion is that the motive of Oswald's murder was clearly, at that stage, incidental. Mine was arbitrary and also due in great part to the negligence of the F.B.I. That his arrest ultimately was the sole accusation, and that his own murder was not attributable to any conspiracy of which I knew or heard.

Sincerely,

[illegible]

[illegible]

NOT Legible

[illegible] January 3, [illegible]

[illegible]

[illegible]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY sp8bcl/lw

[illegible]:

[illegible] In regard thereto [illegible] U.S.S.R. [illegible]

[illegible]

3. [illegible]

[illegible]

Not Recorded

64-48933
ENCLOSURE

inspired nor was it instigated by any foreign government or organization or individual representative of any foreign government.

In the summer of 1963 I received instructions to initiate certain action against Mr. Oswald, who was the indispensable tool in the conspiracy, and thereafter depart the United States, legally. Although I did neither, I did, subsequent to obtaining a valid passport and prior to my arrest, dispatch a letter via registered mail, to the Director, Federal Bureau of Investigation, advising in sufficient detail of the aforesaid conspiracy and the identity of Mr. Oswald.

After the tragedy at Dallas, when I became convinced that the F.B.I. was more concerned with keeping me in custody (and with cleaning its dirty linen) than it was in resolving facts which would have shed light on the assassination, I clammed up completely. Later, however, when I felt I was going to be railroaded into either a prison or a mental institution, I made every reasonable effort under the existing circumstances to testify before the Warren Commission. I even sent letters to the Chief, Secret Service Division and Mr. J.L. Rankin, then General Counsel for the Commission.

For what little it is apparently worth now, my opinion is that the death of President Kennedy was indirectly, if not directly, resultant from a conspiracy and also due in great part to the stupidity or negligence of the F.B.I.; that Mr. Oswald definitely was the only assassin; and that his own demise was not attributable to any conspiracy of which I was cognizant.

Very truly,

3

/s/ RICHARD C. NAGELL
Register No. 83286-L

U.S. Penitentiary, Leavenworth, Kansas

Letter from Richard Case Nagell to Senator Richard Russell
January 3, 1967...(did not xerox well)

Hon. Richard B. Russell
United States Senate
Washington, D. C.

January 3, 1967

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/9-81 BY SP-8 BTJ/JW

Dear Senator Russell:

Reference is made to the enclosed clipping which is, I believe, self-explanatory. In regard thereto I would urge rather than attempting to learn more about Mr. Oswald's stay in the U.S.S.R. and his "dealings with a pro-Castro committee", that any future inquiry be directed along more productive lines. Further, I suggest that any field investigation deemed necessary be conducted by an agency that has no private axe to grind.

Mr. Oswald and his activities came under my scrutiny during 1962 and 1963. My inquiries, coupled with data furnished me by reliable sources, ascertained the following:

Mr. Oswald had no significant connection with the Fair Play for Cuba Committee. He had no significant contact or relationship with so-called pro-Castro elements, though he was led to believe he had such. He maintained no significant association with any Marxist-oriented group or movement. He was not affiliated with a racist group or movement. He was not an agent or informant, in the generally accepted sense of the words, for any investigative, police, or intelligence agency, domestic or foreign. He was involved in a conspiracy to murder the former Chief Executive during the latter part of September 1963. This conspiracy was neither Communist

64-48933-89
ENCLOSURE

FBI Director Clarence M. Kelley says there was no conspiracy involved in the assassination of President John F. Kennedy, the Boston Sunday Herald Advertiser reported. "I think it's solved now. And I don't know of any connection with any conspiracy," Kelley said in an interview. "We feel we have determined who assassinated the President and we feel that this will be borne out by the review of our investigation." The Senate Intelligence Committee was scheduled to issue a report this week on the Kennedy assassination and it was expected to recommend reopening the Warren Commission investigation.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY SP-6 BTJ/lw

1

ENCLOSURE

64-48933-89

Registered Mail

28 June

Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, DC 20535

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgnt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y
FBI/DOJ

Dear Mr. Kelley:

A recent news item appearing in the Los Angeles Times c
you as stating that there was no conspiracy involved in the
sination of President John F. Kennedy and that such determi
will be borne out by a review of the Bureau's investigation.

Enclosed herewith is a copy of my 3 January 1967 letter to U. S. Senator Richard B. Russell, the substance of which obviously is in conflict with the statement attributed to you.

Before you make further public comment on the Bureau's investigative prowess in this matter, I suggest that you personally review the sworn statement that I gave to FBI Special Agents [redacted] and Edward J. Murphy on 6 January 1964 at El Paso, Texas.

b6
b7C

EXP. PROC. JUL 1 1976

30

Sincerely,

Richard C. Nagell

Richard C. Nagell

Enclosures

REC-84 64-48933-89

REGISTERED

~~519109~~

Richard C. Nagell
Post Office Box 3673
Los Angeles, CA 90028

17 JUL 1

JTG:KLS/tmw

4 ENCLOSURES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-9-81 BY SP-8 BDJ/JW

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dirs.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : MR. CALLAHAN

DATE: 6/9/75

FROM : J. B. ADAMS

SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED Per FOIA Release on Kennedy DATE 5-9-81 BY SP4BTV/dw

On 6/6/75 Mr. John J. Buckley, Jr., Special Assistant to the Attorney General, called to advise that he had received a telephone call from an individual identifying himself as [redacted] a professor at Washington University in St. Louis. [redacted] indicated he had been approached by an ex-CIA agent whose true name is Richard C. Nagell and who has used aliases of Joseph Kramer and Robert Nolan. Nagell claimed he had written a letter to Mr. Hoover in September, 1963, warning that Oswald was going to kill Kennedy. Nagell did not use Oswald's name in the communication but used some other name as an alias. Nagell claimed he received no reply from the FBI and after the assassination wrote a letter to the Warren Commission explaining the failure of the FBI to act on his warning.

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Mr. Buckley advised that [redacted] had contacted the Attorney General's office regarding this matter rather than the FBI because he had gone to Senator Baker with this story and Senator Baker told him not to go to the FBI because they would destroy the letter. [redacted] advised Mr. Buckley that he had checked the Warren report and saw a reference to the claim by Nagell.

Mr. Buckley advised the Attorney General of this call and he instructed him to refer the matter to me. Mr. Buckley is not acquainted with [redacted] and is not in a position to evaluate his reliability, although he did say he was going to see [redacted]

ACTION:

Files should be promptly reviewed concerning this matter and the results made available to the Attorney General by memorandum.

JBA:ams (4)
1 - Mr. Gebhardt
1 - Mr. Wannall

Ltr AG
1-DAG; AAG,CD
6/12/75

64-48933-1C

NOT RECORDED
46 JUN 27 1975

ORIGINAL FILED IN

REC-84 64-48933-89

July 8, 1976

ST-105

Mr. Richard C. Nagell — ENC. 3.
Post Office Box 3673
Los Angeles, California 90028

8,-1,2

Dear Mr. Nagell:

In reply to your letter of June 28th, with enclosures, I would like to assure you that the FBI conducted a thorough investigation into the assassination of President Kennedy and we furnished numerous reports to the Warren Commission. That Commission, after careful study of these reports and information from other agencies and sources, arrived at the conclusion that Lee Harvey Oswald acted alone in committing this heinous crime.

I appreciated receiving your views and observations on this matter.

MAILED 10
JUL 9 1976
FBI

Sincerely yours,
C. M. Kelley

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-9-81 BY SP8BTJ/JW

Clarence M. Kelley
Director

1 - Los Angeles - Enclosures (3)
NOTE: Bufile 64-48933 reflects that correspondent was arrested on 9/20/63 in El Paso, Texas, and charged with attempting to rob the State National Bank of El Paso on that date. He furnished signed statement to Bu Agents on 1/6/64, advising that he was instructed by an agent of a foreign government in 9/63 to comply with an agreement made in 5/63 to participate in a criminal offense against the United States or be exposed to the FBI as being an agent of this foreign government. He claimed this forced him to act as he did on 9/20/63. Nagell has previously claimed to have had a connection with Lee Harvey Oswald and to have been acquainted with Oswald's wife, [redacted] but no evidence has ever been developed to substantiate this allegation. Nagell was examined at the Veterans Administration Hospital in Bay Pines, Florida, in 1/63 and his condition was diagnosed as "chronic brain syndrome associated with brain trauma with behavioral reaction characterized by passive, aggressive and paranoid features."

b6
b7C

JMG:kls/tmd (4)

APPROVED:
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training

MAIL ROOM TELETYPE UNIT

55 JUL 29 1976

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 04-17-2015 By: J89J28T90

(U) DIRECTOR, FBI [redacted] (C) [5/13/70]

(U) SAC, NEW YORK [redacted] (P) (C)

CONFIDENTIAL

(U) [redacted]
IS - R (UNSEC - KGB) (C)
(OO: NY)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

b7E b6 b7C

(U) Enclosed for the Bureau is a 4" x 9" brown envelope, addressed to [redacted] at the New York Office, postmarked in Washington, D.C. on 5/6/70. The envelope contains the return address of [redacted] [redacted] at the United Nations Secretariat, New York, New York. (C)

The envelope contained the enclosed 8½" x 11" reproduction which reads:

(U) "I would not murder for the Soviets
By Richard O. Nagell, as told to U.S. Senator Richard B. Russell, Ex-Captain Nagell, agent of the Red KGB, discloses the exact circumstances surrounding the instructions he received to dispose of Lee Harvey Oswald in September 1963." (C)

(U) RICHARD O. NAGELL is undoubtedly identical with the case entitled "RICHARD CASE NAGELL aka; Espionage-X" (Bufile 64-48933). (C)

(U) The NYO has no plausible explanation as to why the reproduction was mailed to the NYO or the use of TIKHOMIROV's name and address as the sender. (C)

(U) The NYO notes that the text on the insert was prepared on a different typewriter than the envelope. The neatness and exactitude of the addresses plus the (C)

3 - Bureau (Encs. 3) (RM)
(1 - 64-48933) (NAGELL)
1 - New York (65-23126) (NAGELL)
1 - New York

CDL:gfb
(5)

NOT RECORDED
178 MAY 22 1970

CLASSIFIED BY SP3BB/sw 4-9-81
DECLASSIFY ON: 25X 1,6 6-12-98

CLASS. & EXT. BY SP4STJ/JW
REASON-FCIM II, 1-2.4.2 2.3
DATE OF REVIEW 5-13-90

CONFIDENTIAL

ORIGINAL FILED IN

66 JUN 19 1970

b7E

(U) fact [redacted] given name is spelled as written by the Bureau as opposed to United Nations public source material, is also noted. (C)

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b7C

(U) Also enclosed for the Bureau is a copy of a letter prepared by RICHARD C. NAGELL on 11/29/68. (C)

REQUEST OF BUREAU

(U) The FBI Laboratory is requested to determine if the type on the envelope and/or the reproduction is identical with the type on NAGELL's letter of 11/29/68. If identical, the enclosures may be destroyed. (C)

(U) If not identical, it is requested that the type on the envelope and reproduction be compared with samples obtained from Soviet establishments maintained in the National Security file. If identical type is located, the material should be filed in the National Security file. (C)

(U) The Bureau is requested to advise if other field offices have reported receipt of similar reproductions regarding NAGELL. (C)

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1396722-0

Total Deleted Page(s) = 65
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Page 6 ~ b6; b7C;
Page 7 ~ b6; b7C;
Page 8 ~ b6; b7C;
Page 9 ~ b6; b7C; b7E;
Page 10 ~ b6; b7C; b7E;
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Page 15 ~ b6; b7C;
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FOI/PA# 1214363-0

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XXXXXXXXXXXXXXXXXXXXXXXX

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

(1530)
#1 Nicon theatre
#2 Dixie theatre
(1700–1800)
KNIGHT BEAT
[redacted]
(2330–0130)
REDD FOXX

TUES
BETWEEN 10–12,
WE 7 3766 (ANS. SV.)

[redacted]

D-439514 Q2 AX
FBI
LABORATORY

NUEVO LAREDO
#1
TEATRO ALAMEDA
#2
LA ROCA BAR & REST.
(DOWNSTAIRS) (1800–2130)

THE GREEN CAT
(2400 ONLY)

REFORMA REST. & BAR
GUERRERO 806, N. LAREDO
(1300–1700)
WATCH TV AT 6:30 P.M.
ABC MUSIC STORE
1002 HIDALGO
LAREDO, TEXAS

67.48933.6

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HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

ON THE BEACH BOOKSTORE
6 DUDLEY AV. VENICE

[redacted]

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[redacted]

- L.A.,
EMPL.: NISEI SUGAR BOWL CAFE
108 So. SAN PEDRO ST.
L.A. MA 9-9637

D-439514 Q2 AX
FBI LABORATORY

[redacted]

MILITARY ATTACHE - SOVIET EMBASSY
TOKYO

[redacted] - (CABINET RESEARCH OFFICE - C.R.O.) (NATIONAL RURAL POLICE AGENCY) (PRIVATE SECRETARY TO P.M. YOSHIDA) (INTELLIGENCE AGENCY IN CHINA) - NOW IN FUKUOKA-SHI.

[redacted] (山口)
LITERATURE DEPT.
TOHOKU DAIGAKU
(NAIKAKU CHOSA SHITSU)

[redacted]

64-9875[illegible]-1

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
[redacted] 89J28T90

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b7C

[redacted]

10:00 A.M.

MA 6-9511
(Booking office)
F.H.J. 817 So. CATALINA

[redacted]

JUDGE DEPT. 8
Clerk

[redacted]

~~CHAS. WALGENBACH~~

[redacted]

WASHINGTON, D.C.

LOPEZ PHOTOGRAPHY
354 S. SPRING ST.
MA 6-3632
8-17-62

~~PHONE MESSAGE~~

D-439514 Q1 'AX
FBI LABORATORY

64-98934

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19___

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [ ] Attention _____
- [ ] Return to _____
  Supervisor Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [x] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject Medical Aid to Cuba Committee

Birthdate & Place _____

Address _____

Localities _____

R# _____ Date 1/9 Searcher Initials 324

Prod. _____

FILE NUMBER	SERIAL
[redacted] b7E	
97-4176-3-23	

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19___

☐ Name Searching Unit - Room 6527
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention _____
☐ Return to _____
Supervisor Room Ext.

Type of References Requested:
☐ Regular Request (Analytical Search)
☑ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:
☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject Del Villar, Melitta mrs.
Birthdate & Place _____
Address _____

Localities _____

R# _____ Date 1/9 Searcher Initials 324

Prod. _____

	FILE NUMBER	SERIAL
	97-4196-34-32	P66
	100-357044-A	12/11/61
	National Guardian	
	melita (Van)	
	100-435888-3	
	105-21126-9	
	Villar, Melitta Van	
	97-3243-A	7/24/61
	National Guardian	

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

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☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention _____
☐ Return to _____
Supervisor Room Ext.

Type of References Requested:
☐ Regular Request (Analytical Search)
☐ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☑ Main ~~subm~~ References Only

Type of Search Requested:
☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject Healey, Dorothy
Birthdate & Place
Address

Localities

R# _____ Date 1/9 Searcher Initials 324

Prod. _____

	FILE NUMBER	SERIAL
	100-18459	Referred to Ident
	100-18459-244 Sum	8/17/61
	Healey, Dorothy Ray, Roxanne Sum (var)	
	100-18459-115 Pl Sum.	6/28/51
	Healey, Dorothy Ray (var)	
	100-3-074-26 Sum	7/28/51
	100-18459-86 Pl Sum	3/9/50
	100-18459-121 Sum.	7/26/51
	100-18459-123 Sum	7/18/51
	100-18459-124 Sum	6/28/51
	100-18459-127 Sum.	7/22/51
	100-18459-136 Sum	3/11/53
	100-18459-139 Sum	5/20/54
	Healey, Dorothy Harriet, Roxanne Sum (var)	
--9-	100-18459-198 Sum	4/17/61

4-22a (Rev. 11-17-59)

NUMEROUS REFERENCE

SEARCH SLIP

Subj: Healy, Dorothy

Supervisor _____ Room _____

R# _____ Date 1/9 Searcher Initial 224

Prod. _____

FILE NUMBER	SERIAL
Approx 200 secs not searched. Buildups, waiters and Alias not searched	

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HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

[redacted]

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D – MONTEREY PK.
REP. LARG. MEX-AMER
CONSTITUENCY IN U.S.

FG – A – E

PHOTO # 4265
IMPERIAL COPY SERVICE
549 So. VERMONT
(AUG 1962) L.A.

RELL CLEMENTS
PHOTO # 3198
(SEP 1948) FAYETTEVILLE
N.C.

~~TIJUANA~~

Medical Aid to Cuba
Committee (MACC)

[redacted]

FAIR PLAY FOR CUBA COMMITTEE
(FPCC) → (MACC)

[redacted] (MED. DIR.)

~~MEXICALI~~

[redacted] (MACC)

[redacted] L.A.
– L.A.

DORTHY HEALY – L.A.

JJM-80217 (54)
EL = 1821.00 OR 2071.00

D-439514 Q2 AX
FBI LABORATORY

74-48933-6

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19___

☐ Name Searching Unit - Room 6527
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention _____
☐ Return to _____
Supervisor Room Ext.

Type of References Requested:
☐ Regular Request (Analytical Search)
☐ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☑ Main a & _____ References Only
summa only

Type of Search Requested:
☐ Restricted to Locality of L. A. only
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject Fair Play for Cuba Committee
Birthdate & Place L.A.
Address _____

Localities _____

R# _____ Date 1-9 Searcher Initials 714

Prod. _____

	FILE NUMBER	SERIAL
	97-4196 Sub 26	

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19___

- ☐ Name Searching Unit - Room 6527
- ☐ Service Unit - Room 6524
- ☐ Forward to File Review
- ☐ Attention _____
- ☐ Return to _____
  Supervisor Room Ext.

Type of References Requested:

- ☐ Regular Request (Analytical Search)
- ☑ All References (Subversive & Nonsubversive)
- ☐ Subversive References Only
- ☐ Nonsubversive References Only
- ☐ Main _____ References Only

Type of Search Requested:

- ☐ Restricted to Locality of _____
- ☐ Exact Name Only (On the Nose)
- ☐ Buildup ☐ Variations

Subject Czechoslovak Socialist Republic
Birthdate & Place _____
Address _____

Localities _____

R# _____ Date 1-9 Searcher Initials 714

Prod. _____

	FILE NUMBER	SERIAL
	NR	

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HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADC J89J28T90

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b7C

EXECUTIVE DIRECTOR,
AMERICANISM EDUCATIONAL
LEAGUE

FAIR PLAY FOR
CUBA COMMITTEE
P. O. BOX 26251
L. A. 26

CUBA i (EMS) c/o
CZECHOSLOVAK SOCIALIST

MAS-7441 BAT.583
LOS ANGELES 12
331 U.S.P.O. & COURTHOUSE
BANKRUPTCY CLERK, U.S. DISTRICT COURT

U.S. ARMY SUPPORT COMMAND,
PHILADELPHIA
2800 So. 20TH ST.
PHILA 1, PA

HUAC
atty Hartsfield 7-0-67
2630 Cranbrook Blvd
atty for "HARRIET" [redacted] "BEUHAL"

Foreign Agents Act Amended

NICOLA'S (SUNSET)
LEAVING OUT FOR CITY
WHEELS

FBI LABORATORY
D-439514 Q1 AX

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADC J89J28T90

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b7C

[redacted]

EXECUTIVE DIRECTOR,
AMERICANISM EDUCATIONAL
LEAGUE

FAIR PLAY FOR
CUBA COMMITTEE
P. O. BOX 26251
L. A. 26

CUBA: (FEMS) c/o
CZECHOSLOVAK SOCIALIST
REPUBLIC
2349 MASSACHUSETTS AV.
N. W. WASH D

D-439514 Q1 AX
FBI
LABORATORY

SCRAMBLE: THE NEW
INFORMATION PLEASE ALMANAC
ATLAS AND YEARBOOK (1963).
PHILA 5, PA.

HUAC
atty Bartlefield 7-2-63
2630 Cranebrook Blvd
atty for "HARRIET" [redacted]
"BEUHAL"

Foreign Agents Act - Brandt

NICOLAI'S (SUNSET)
HANGOUT FOR CITY
WHEELS.

64-48933-6

64-48933-6

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

[redacted]

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U.S. ALIEN REG. [redacted]

J. PASSPORT # [redacted]

U.S. VISA # [redacted]

CAL. OP. PERMIT # [redacted]

SELF

U.S. PASSPORT # C 526729 (8-7-62)

MEX. TOURIST CD. # 152087 (8-17-62)

C.I.C. B & C # 10837

ABC B & C # 154 (EMPL. # 777792)

DE CRED. # 170

SPB CASE # 2481

CRE # X1 332 650

02 028 346 (5785871) (8129257)

RA 12 115 891 [redacted]

01 438 346 (5770449)

D-439514 Q2 AX

FBI LABORATORY

6-78933-6

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADC J89J28T90

[redacted]

ADMINISTRATOR OF VETERANS AFFAIRS
CENTRAL OFFICE, VETERANS ADMINISTRATION
WASHINGTON, D. C.

[redacted]

CHIEF, CONTACT OFFICE
CENTRAL OFFICE, VETERANS ADMINISTRATION
WASHINGTON, D. C.

VETERANS ADMINISTRATION REGIONAL OFFICE
1380 SEPULVEDA BLVD.
LOS ANGELES, CALIF.
MR. [redacted] MANAGER
V.A.R.O.

D-439514 Q1 'AX
FBI LABORATORY

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b7C

64-28933-6

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19___

☐ Name Searching Unit - Room 6527
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention _____
☐ Return to _____
Supervisor Room Ext.

Type of References Requested:
☐ Regular Request (Analytical Search)
☑ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:
☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject Nagell, Richard C.
Birthdate & Place _____
Address _____

Localities _____
R# _____ Date 1-9 Searcher Initials 148
Prod. _____

FILE NUMBER	SERIAL
44-20134	
91-18339	
63-0-14922	
62-9-26-524	
Richard Case (aka)	
64-48932	
[redacted]	
mrs. Richard Case Nagell	
64-48933-4 (aka)	
Mitsuki Nagell (wife)	
SI	
Joe Kramer (aka)	
100-3-4-6099 agt. #	
53	
[redacted]	

b7E

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

FIDELITY BOND
THE TRAVELERS INDEMNITY CO.
HARTFORD, CONN.
APPL. 4-8-63

RICHARD C. MAGEL
BOX 75801
3751 W. 6TH ST.
LOS ANGELES 5, CALIF.

[redacted]

D-439514 Q2 AX
FBI LABORATORY

MIAMI QJB 069
4 OR MY WIFE
#1 379-9593
#2 371-9768
#3 371-9315

TIME: 379-8811

LOCKER # 761-716 (SUN.)
GREYHOUND BUS STA.
R 58244 (MASS.)
SZG 919 (CALIF.)
LE 3000 (TEX.)
7W 21700 (FLA.)
930809 (FLA.)
WZG 848 (CALIF.)
CL 2028 (KAN.)
JAN 63

64-98933-6

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

CAROLA PAREDES
INTERNATIONAL STUDENT CENTER
(ANNEX)
301 PROSPECT ST.
NEW HAVEN, CONN.
(LIMA, PERU)

~~TOMMY TUCKER BAIL BOND AGENCY~~
[redacted]
(737-3766) ~~"THE PLAYGIRL"~~

[redacted]

[redacted]

JUFER RESTAURANT (SEP) 62
CALLE VERSALLES, MEXICO CITY.

LIBORIO RESTAURANT (OCT) 62
W. 47TH ST., NEW YORK, N.Y.

NITE & DAY RESTAURANT (NOV) 62
8TH AVE., NEW YORK, N.Y.

SUZANNE'S RESTAURANT (JAN) 63
N.E. 3RD AVE., MIAMI, FLA.

NUEVO LAREDO, MEX., (FEB) 63
CAFE REGIS, CALLE PINO - SUAREZ

JAPANESE GOV'T.) (R.O.K.)

D-439514 Q1 'AX
FBI LABORATORY

64-98933-6

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

1-9, 1964

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [ ] Attention _____
- [ ] Return to _____
  Supervisor Room Ext.

Type of References Requested:
- [ ] Regular Request (Analytical Search)
- [ ] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [x] Main all + summ. References Only

Type of Search Requested:
- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject Roybal, Edward R.
Birthdate & Place
Address

Localities

R# Date 1-9 Searcher Initials 733

Prod.

FILE NUMBER	SERIAL
94-57987	
94-57987	1 (summ. 11-13-62)
Roybal, Edward Raff (BU)	
SI	
Roybal, Edward	
140-0	60264

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

1-9, 1964

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [ ] Forward to File Review
- [ ] Attention _____
- [ ] Return to _____
  Supervisor Room Ext.

Type of References Requested:
- [ ] Regular Request (Analytical Search)
- [ ] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [x] Main all + Summ. References Only

Type of Search Requested:
- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup [ ] Variations

Subject Amtorg
Birthdate & Place
Address

Localities

R# Date 1-9 Searcher Initials 733

Prod.

FILE NUMBER	SERIAL (BU)
Amtorg Trading Corporation	
60-1443	
61-5381	
62-93099	
64-3404-D	
64-3504-D	
64-3704-D	
[redacted] b7E	
131-574	
61-3499	49 (Summ 9-2-41)
61-5381	316 p.1 (Sum. 5-5-41)
	1896 (Sum 3-4-43) 1846 (Summ 11-18-42)
	2157X (Sum 9-25-43) 2821 (Sum 7-47)
	3212 (Sum. 4-20-48)
-7-	3811 (Summ. 3-8-50)
	3971 (Summ 4-13-51)
	4165 (Sum 2-17-51)
62-98942	30 (Summ 4-25-53)
66-04	2129 (Summ 11-3-54)

Diss + Fish Comm. Refs, not listed.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

CAIK

40TH ASSEMBLY

[redacted]

b6
b7C

1171 No. MILLER AVE.
L.A. 63 (DEMOCRAT)

30TH CONGRESSIONAL DISTRICT
EDWARD R. ROYBAL
628 So. EVERGREEN AVE.
L.A. 23 (DEMOCRAT)

D-439514 Q1 'AX
FBI LABORATORY

THE OTHER SIDE OF THE
RIVER BY EDGAR SNOW

RED STAR OVER CUBA
BY NATHANIEL WEY LI

A. DOAK BARNETT
COLUMBIA UNIVERSITY

AMTORG

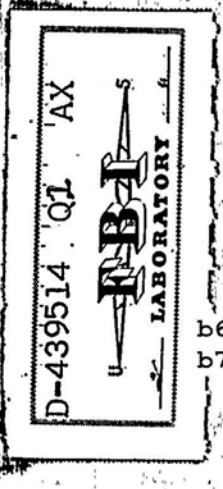
[redacted]

1ST UNITARIAN CHURCH
LOS ANGELES

[redacted]

64. 48933-6

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90



b6
b7C

[redacted]

[redacted]

M. B. I. EXPORT & IMPORT, LTD.
475 GRAND CONCOURSE, N.Y.C.

[redacted]

TOKYO-TO (56-5330)

[redacted]

CHIBA-KEN, JAPAN

67-18733-6

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

C. E, MEXICO D.F
PHONE:
11-28-47

JUFER REST
CALLE VERSALLES

LAREDO, TEXAS

#1 - RA 2-9401
2 - RA 2-9160

#1 - PLAZA THEATRE
#2 TIVOLI "

[redacted]

CREAM-COL. COMPACT

[redacted]

EMPL; AERO-SPACE
BURBANK
(SAME LOT AS
LOCKHEED).
ACCESS: MACHINIST

[redacted]

[redacted]

D-439514 'Q2 'AX
FBI LABORATORY
b6
b7C

64-48933-6

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

b6
b7C

[redacted]

CONTACT DIVISION

V.A.R.O. LOS ANGELES

[redacted]

FEB 12, 1962

13333.00 MAX AMT. LOAN,
(V.A. HAS FOR 2000.00)
V.A. WILL INSURE 15% OF
THE LOAN NOT TO EXCEED
2000.00.

MAR. 21, 1962

[redacted]

CHIEF, CONTACT OFF.

D-439514 QZ 'AX
LABORATORY

V.A. COMPENSATION:

BASIC	W/DEP.	MO.	YR.
128.00	30.00	158.00	1896.00
		(150,60)	

U.S. SENATOR KENNETH B. KEATING
(N.Y.)

[redacted] (CONTACT)

V.A. REGIONAL OFFICE
1380 SEPULVEDA BLVD.
LOS ANGELES, CALIF.
(NOW IN PASADENA V.A. OFFICE)

U.S. SENATOR THOMAS H. KUCHEL
(CALIF.)

67-92933-6

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADG J89J28T90

CAROLA PAREDES

INTERNATIONAL [illegible]

[illegible] CONGRESSIONAL DISTRICT
[illegible] R. [illegible]
[illegible] [illegible]
L.A. (DEMO)

[illegible]
[illegible]
[illegible]
L.A. 63 (DEMO.)

[illegible]
[illegible]
[illegible]

SEC. II (M.R.D.)
MANAGEMENT RESEARCH DETACHMENT
APO 500
(EFFORT AGAINST JAPANESE GOV'T.)
(U.S.)
[redacted]
V. LT. COL. [redacted]
Z.E.D. (NOT C.I.A.) DEACTIVATED FOR
INDISCREET OPERATIONS. TRIAL OPENED
18 JUN 58. DEF. ATTY. SOCIALIST
REP. (DIET) INOMATA KOZO.
(IN CONSPIRICY W/ [redacted]

H.I.D. DETACHMENT "C"
YANDO ISLAND (EFFORT AGAINST
JAPANESE GOV'T.) (R.O.K.)

D-439514 'QL' AX
FBI LABORATORY

b6
b7C

64-58933-6

C # [redacted]

SSA # [redacted]

SEL. SV. # [redacted]

NSLI POLICY # [redacted]

DIV. # 1 [redacted]

2 [redacted]

[redacted] (N.J.)

[redacted] # (CALIF.)

P. O. B. [redacted]

~~P.O.B.~~

P. O. B.

P. O. B.

[redacted]

[redacted]

CAL. OP. PERMIT # [redacted]

BNKRPTCY - [redacted] CENTRAL DIV.

PASSPORT # [redacted]

b6
b7C

[redacted]

WILMINGTON 2, DELEWARE

[redacted]

[redacted] - ATTY.

OFFICE - 1218 MARKET ST.

WILMINGTON 1, DELEWARE

OFFICE - OL 2-3155

RES. - [redacted]

[redacted] - ATTY.

(N.Y.C. - MANHATTAN)

RES. - [redacted]

MILBURN, N.J.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADC J89J28T90

D-439514 Q2 AX

FBI

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-17-2015 BY ADC J89J28T90

b6
b7C

[redacted]

SOVIET EMBASSY
WASHINGTON, D. C.

D-439514 Q1 'AX
FBI LABORATORY

C. I. A.

1. [redacted]
2.
3.
4.
5.
6.

[redacted] LYNN, MASS.
(DAC) (C.I.A.) [redacted]

67-8933-1

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1396722-0

Total Deleted Page(s) = 14
Page 158 ~ Duplicate - 132-133;
Page 159 ~ Duplicate - 132-133;
Page 164 ~ Duplicate - 132-133;
Page 165 ~ Duplicate - 132-133;
Page 172 ~ Duplicate - 128, 126, 127;
Page 173 ~ Duplicate - 128, 126, 127;
Page 174 ~ Duplicate - 128, 126, 127;
Page 209 ~ Referral/Consult;
Page 210 ~ Referral/Consult;
Page 211 ~ Referral/Consult;
Page 212 ~ Referral/Consult;
Page 229 ~ Duplicate - pgs 126-128;
Page 230 ~ Duplicate - pgs 126-128;
Page 231 ~ Duplicate - pgs 126-128;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1214363-0

Total Deleted Page(s) = 14
Page 158 ~ Duplicate - 132-133;
Page 159 ~ Duplicate - 132-133;
Page 164 ~ Duplicate - 132-133;
Page 165 ~ Duplicate - 132-133;
Page 172 ~ Duplicate - 128, 126, 127;
Page 173 ~ Duplicate - 128, 126, 127;
Page 174 ~ Duplicate - 128, 126, 127;
Page 209 ~ Referral/Consult;
Page 210 ~ Referral/Consult;
Page 211 ~ Referral/Consult;
Page 212 ~ Referral/Consult;
Page 229 ~ Duplicate - pgs 126-128;
Page 230 ~ Duplicate - pgs 126-128;
Page 231 ~ Duplicate - pgs 126-128;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXX

9-23-63

Airtel

To: SAC, El Paso

From: Director, FBI

RICHARD CASE NAGELL
THE STATE NATIONAL BANK OF
EL PASO
EL PASO, TEXAS
9-20-63
BANK ROBBERY

Re El Paso teletype 9-20-63.

Bureau files contain information concerning Richard Case Nagell, probably identical with subject, indicating an unstable background.

Report of SA Eugene J. Tuggey, Jr., dated 7-31-62, at Los Angeles, under caption, "UNSUB; Los Angeles Police Department, Richard C. Nagell - victim," indicates he made a civil rights complaint against officers of the Los Angeles Police Department on 7-25-62. He subsequently declined to furnish a signed statement, stating he was "hot under the collar," when he made the complaint. Nagell identified himself as a former Special Agent for the Alcoholic Beverage Control in the state of California having been suspended on 6-8-62. Nagell stated he had been arrested on a charge of being drunk on 5-30-62, following a domestic argument. Nagell stated he was born 8-5-30 in Greenwich, New York, and had served in the Counter Intelligence Corps while in the U. S. Army and was honorably discharged as a captain under serial number 0 2028346.

MAILED 11
SEP 23 1963
COMM-FBI

1 - Los Angeles
1 - Miami

MCT-6

REC 44 62-18339-1

19 SEP 24 1963

FDT:jgs;sda (6)

59 OCT 2 [redacted]

(SEE NOTE PAGE TWO)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM TELETYPE UNIT

Airtel to SAC, El Paso
Re: RICHARD CASE NAGELL

Nagell on 12-17-62, contacted the Jacksonville Office at which time he was inebriated and gave the impression of being mentally unbalanced. On 1-24-63, he contacted the Miami Office using the name Joe Kramer concerning an alleged security matter. On this occasion, Nagell stated he was constantly under surveillance.

The Los Angeles Office by teletype dated 8-14-63, advised that Nagell had contacted that office claiming he was in possession of information concerning organized crime in Gardena, California. The Los Angeles Office is instructed to advise El Paso of any other pertinent information in the possession of that office concerning Nagell.

Identification record was furnished to the El Paso Office on 9-21-63.

NOTE:

Nagell entered captioned bank, 9-20-63, and when female teller was confronted with a gun she fled and subject fired two shots into wall of bank. He was apprehended [redacted] Bureau records contain above information which is believed to relate to subject. b7D

COMMUNICATIONS SECTION
SEP
TELETYPE

URGENT 9-23-63 2-36 PM MST JPM

TM DIRECTOR, FBI AND SAC-S ST. LOUIS, MIAMI AND WFO

FROM SAC, EL PASO /91-1189/ 3 P

RICHARD CASE NAGELL, THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER TWENTY, NINETEEN SIXTY-THREE, BANK ROBBERY.

RE EL PASO TELETYPE TO BUREAU, SEPTEMBER TWENTY, LAST. AUTHORIZED COMPLAINT FILED SEPTEMBER TWENTY-ONE LAST BEFORE USC, EL PASO CHARGING SUBJECT WITH VIOLATION SECTION TWO ONE ONE THREE, TITLE EIGHTEEN, BANK ROBBERY. SUBJECT WAIVED HEARING AND IN LIEU OF TWENTY-FIVE THOUSAND DOLLAR BOND REMANDED CUSTODY U. S. MARSHAL. SUBJECT-S PERSONAL EFFECTS AND INFORMATION FURNISHED INDICATE EXTENSIVE KOREAN WAR RECORD AND AS A RESULT OF HIS EXPERIENCES HE APPEARS TO BE SUFFERING MENTALLY. JAIL DOCTOR, EL PASO, HAS EXAMINED SUBJECT AND HAS ORDERED PSYCHIATRIC EXAMINATION. SUBJECT HAS STATED HE WAS TREATED AT NEURO PSYCHIATRIC WARD, WALTER REED HOSPITAL, WASHINGTON, BY DOCTOR EDWIN A. WEINSTEIN IN NINETEEN

END PAGE ONE

REC-45 91-18339-2
64 OCT 2 1963
11 SEP 25 1963
TWO COPIES WFO

FIFTY-FIVE, ALSO PATIENT VETERANS ADMINISTRATION HOSPITAL, BAY PINE, FLORIDA, FROM DECEMBER TWENTY, SIXTY-TWO, TO JANUARY SIXTY-THREE WHEN DISCHARGED AGAINST MEDICAL ADVISE.

FOR INFO OF OFFICES NOT HAVING PREVIOUSLY RECEIVED FACTS REGARDING INSTANT ROBBERY. SUBJECT ENTERED ABOVE BANK, FOUR THIRTY P. M., SEPTEMBER TWENTY LAST AND APPROACHED TELLERS CAGE REQUESTING TRAVELERS CHECKS, DISPLAYED FORTY-FIVE COLT REVOLVER AND FIRED TWO SHOTS. APPREHENDED SHORTLY THEREAFTER OUTSIDE THE BANK AND UPON QUESTIONING APPEARS TO BE MENTALLY UNBALANCED.

ST. LOUIS, AT FEDERAL RECORDS CENTER, REVIEW SUBJECT-S SERVICE RECORD, ENLISTED SERIAL RA ONE TWO ONE ONE FIVE EIGHT NINE ONE. OFFICERS NUMBERS, ZERO TWO ZERO TWO EIGHT THREE FOUR SIX, AND ZERO ONE FOUR THREE EIGHT THREE FOUR SIX. ENTERED U. S. ARMY, AUGUST FIVE, NINETEEN FORTY-EIGHT, ALBANY, NEW YORK. DISCHARGED, OCTOBER TWENTY-NINE, FIFTY-NINE.

END PAGE TWO

WASHINGTON FIELD OFFICE -- AT WALTER REED, REVIEW RECORDS AND CONTACT DOCTOR EDWIN A. WEINSTEIN CONCERNING MEDICAL TREATMENT RECEIVED BY SUBJECT.

MIAMI -- AT VETERANS HOSPITAL, BAY PINE, FLORIDA, REVIEW RECORDS CONCERNING TREATMENT AND DIAGNOSIS OF SUBJECT THERE.

SUBJECT DESCRIBED -- WMA, DOB, EIGHT FIVE THIRTY, POB, GREENWICH, NEW YORK, SIX FOOT, TWO INCHES, ONE HUNDRED AND EIGHTY POUNDS, REDDISH BROWN HAIR, BROWN EYES, SCAR AREA LEFT TEMPLE APPROXIMATELY THREE INCHES.

ALL OFFICES SUTEL RESULTS.

END AND ACK IN ORDER PLS.

WA 5-44 PM OK FBI WA WS

SL4-44 PM OK FBI SL DEC

MM 4-45 PM OK FBI MM MSB

TU AND AL I DISC

FD-36 (Rev. 12-13-56)

FBI

Date: 9/24/63

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES (91-4006)(P)

RE: RICHARD CASE NAGELL, Aka.;
THE STATE NATIONAL BANK OF
EL PASO, El Paso, Texas
9/20/63
BR
00: EL PASO

Re Los Angeles teletype to the Bureau and El Paso dated 9/23/63.

Enclosed for the El Paso Office are the following-described serials from Los Angeles files 44-799 and [redacted] which are identical to captioned subject. These serials should be expeditiously returned to the Los Angeles Office when they are no longer needed by El Paso. These serials contain all information concerning NAGELL in the possession of the Los Angeles Office. b7D

LA 44-799

1. Newspaper article concerning NAGELL, published "Santa Monica Outlook," dated 7/18/62

2. Complaint form of SA [redacted] at Los Angeles dated 7/25/62 b6 b7C b7D

3-Bureau (AM)
2-El Paso (AM)(RM) [redacted]
1-Jacksonville (AM)(Info)
1-Miami (AM)(Info)
1-New York (AM)(Info)
1-San Diego (Info)
4-Los Angeles
(1 - 44-799)(1 - [redacted]
(1 - 165-223)
RHM,Jr.:pmb
(13)

13 REC- 103
91-18339-3
SEP 26 1963

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

COVER 1 OCT 2 1963

3. Report of SA EUGENE I. TUGGEY, JR., at Los Angeles dated 7/31/62

4. Letterhead memorandum dated 10/2/62

5. Cover letter from Legat, Mexico City to the Bureau dated 10/2/62

6. Los Angeles letter to the Bureau dated 11/8/62

7. Jacksonville airtel to the Bureau dated 12/17/62

8. Miami letter to the Bureau dated 1/25/63

9. Memorandum of SA [redacted] at Los Angeles dated 4/19/63 b6 b7C b7D

LA [redacted]

1. New York airtel to Los Angeles dated 11/19/62

2. New York letter to the Bureau dated 11/29/62

3. Los Angeles airtel to New York dated 12/10/62

4. Memorandum of SA LOGAN J. LANE at Los Angeles dated 9/4/63

On 9/23/63, the following information concerning NAGELL was obtained from a U. S. Veterans Administration (VA) Hospital at Sawtelle, California by SA [redacted] Medical records indicate NAGELL admitted to U. S. VA Hospital, Bay Pines, Florida, 12/20/62 and released 1/22/63. Records indicate NAGELL diagnosed as "chronic brain syndrome associated with brain trauma, with behavorial reaction characterized by passive, agressive, and paranoid features. Treated, unchanged."

These records indicate that NAGELL was admitted to the VA General Hospital 3/28/62 and 5/14/62, complaining of foreign matter in eyes. NAGELL was next admitted to the

hospital on 7/16/62 for a small caliber gunshot wound right chest. He was released 7/23/62 and records indicate he furnished only vague information concerning the matter.

[redacted]

b6
b7C
b7D

b6
b7C

In connection with the Los Angeles case entitled, [redacted] ET AL, FAILURE TO PROCESS WAGERING TAX STAMP - ITWI, OO LOS ANGELES," Los Angeles file 165-223.

The following information is furnished for the El Paso Office:

b3
b6
b7C

One of the principals in captioned matter is one [redacted] formerly of Chicago, Illinois. In connection with [redacted] gambling activities, numerous witnesses at Los Angeles were subpoenaed to testify before the Federal Grand Jury [redacted]

In view of the above, it has been speculated by interested parties that NAGELL could have fired the shots into the [redacted] home in an attempt to prove his story as he furnished it to IRS. To date, there is no evidence, only speculation, that NAGELL fired these shots.

The El Paso Office is requested to thoroughly interview NAGELL concerning the above-described shooting incident in an effort to establish if he is, in fact, the person committing this action. The Los Angeles Office should be immediately advised in order that the Beverly Hills, California Police Department and USA, Los Angeles, can be furnished this information.

SUBJECT SHOULD BE CONSIDERED DANGEROUS WITH SUICIDAL TENDENCIES.

U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
SEP 24 1963
TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

URGENT 9/24/63 1-13 AM AM AH

TO DIRECTOR, FBI AND

SAC, EL PASO

FROM SAC, LOS ANGELES 91-NEW 10 P

RE - CHANGED, RICHARD CASE NAGELL, AKA JOE CRAMER, JOE KRAMER, STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER TWENTY, NINETEEN SIXTY THREE, BR.

TITLE IS MARKED CHANGED TO REFLECT ALIASES WHICH SUBJECT HAS ADMITTED USING IN THE PAST.

RE EL PASO TELETYPE TO BUREAU, NINE DASH TWENTY LAST AND LOS ANGELES TELEPHONE CALL TODAY.

FOR INFORMATION JACKSONVILLE, SUBJECT ENTERED CAPTIONED FDIC INSURED BANK, FOUR THIRTY PM SEPTEMBER TWENTY, NINETEEN SIXTY THREE, AND APPROACHED EXCHANGE WINDOW WHICH SELLS TRAVELERS AND CASHIERS CHECKS AND ASKED TELLER FOR ONE HUNDRED DOLLARS IN TRAVELERS CHECKS IN TEN DOLLARS DENOMINATIONS. WHEN TELLER MOVED TO OBTAIN

END PAGE ONE

MCT-13
91-18339-4
10 SEP 25 1963

REC-64

53 OCT 2 1963

CHECKS, SUBJECT PLACED GUN INSIDE WINDOW, POINTED AT TELLER, TELLER FLED AND SUBJECT THEREAFTER FIRED TWO SHOTS INTO WALL, EIGHT FEET ABOVE FLOOR LEVEL. SUBJECT FLED BANK AND WAS APPREHENDED [redacted] AFTER SHORT CHASE. SUBJECT BOOKED [redacted] FOR INVESTIGATION ARMED ROBBERY. b7D LOADED FORTY FIVE COLT REVOLVER SN FOUR TWO ZERO NINE SEVEN SIX WITH TWO ONE SEVEN FIVE X UNDERNEATH RECOVERED FROM SUBJECT. TWO SHOTS HAD BEEN EXPENDED.

BUREAU-S ATTENTION IS DIRECTED TO REPORT OF SA EUGENE I. TUGGEY, JR. AT LOS ANGELES DATED JULY THIRTYONE, NINETEEN SIXTYTWO, CAPTIONED, QUOTE UNSUB- LOS ANGELES POLICE DEPARTMENT, RICHARD C. NAGELL DASH VICTIM, CIVIL RIGHTS UNQUOTE, LOS ANGELES FILE FORTY FOUR DASH SEVEN NINE NINE. JACKSONVILLE REFER YOUR LETTER TO BUREAU DATED DECEMBER SEVENTEEN, SIXTYTWO, CAPTIONED QUOTE RICHARD CASE NAGELL, AKA, SM DASH C UNQUOTE. MIAMI REFER YOUR FILE ONE ZERO FIVE DASH ZERO DASH THREE NINE NINE NINE AND MIAMI LETTER TO BUREAU, JANUARY TWENTY FIVE, SIXTY THREE.

FOR INFORMATION EL PASO, NAGELL WAS SUBJECT OF IMPERSONATION FILE IN NINETEEN FIFTY SIX AT LOS ANGELES, WHEREIN HE POSED AS AGENT OF QUOTE COUNTER INTELLIGENCE UNQUOTE.

NAGELL FURNISHED INFORMATION TO LOS ANGELES POLICE DEPARTMENT THAT HE KNEW MANY ORIENTAL GAMBLERS AND WAS INVESTIGATING THEM. WHEN REFUSED INFORMATION BY LOS ANGELES PD, NAGELL PRODUCED GREEN CARD STATING HE WAS COUNTER INTELLIGENCE AGENT. SINCE NOTHING OF VALUE OBTAINED, NO FURTHER ACTION WAS TAKEN.

ON JULY TWENTY FIVE, SIXTY TWO, SUBJECT MADE CIVIL RIGHTS ALLEGATIONS AGAINST LOS ANGELES PD WHICH IS LOS ANGELES FILE FORTY FOUR DASH SEVEN NINE NINE. NAGELL STATED HE HAD BEEN FIRED AS AGENT WITH ALCOHOL BEVERAGE CONTROL, AN AGENCY OF THE STATE OF CALIFORNIA, ON JUNE TWENTY TWO, SIXTY TWO. STATED HE WAS SHOT BY UNKNOWN ASSAILANT EVENING OF JULY SIXTEEN, SIXTY TWO, AND TREATED VETERANS ADMINISTRATION HOSPITAL. ALLEGED, WHEN LOS ANGELES POLICE DEPARTMENT QUESTIONED HIM REGARDING SHOOTING, HE REFUSED TO FURNISH ANY INFORMATION WHICH RESULTED IN LAPD IMPOUNDING HIS VEHICLE AND IDENTIFICATION AND NOT RETURNING THEM TO HIM. CLOSING OF SA TUGGEY REFERENCED REPORT SUBMITTED AND NO FURTHER ACTION TAKEN IN THIS MATTER.

ON SEPTEMBER TWENTY EIGHT, SIXTY TWO, SUBJECT VOLUNTARILY APPEARED AT THE AMERICAN EMBASSY, MEXICO CITY, AND FURNISHED ESSENTIALLY SAME BACKGROUND INFORMATION CONCERNING DISMISSAL BY ALCOHOL BEVERAGE CONTROL. STATED WHILE QUOTE MAKING A MEET UNQUOTE BETWEEN MALIBU AND OXNARD, CALIFORNIA ON JULY FIFTEEN, SIXTY TWO, HE HAD BEEN SHOT IN CHEST. SUBJECT COMPLAINED ABOUT COMPENSATION FOR THIS INJURY AND CIVIL RIGHTS MATTERS REFERRED TO ABOVE AND STATED THE US GOVERNMENT HAS LET HIM DOWN. HE DESIRED THE AMERICAN EMBASSY ASSIST HIM IN COLLECTING MONIES DUE HIM. SUBJECT THEN RAMBLED ON CONCERNING HIS DISREGARD FOR US GOVERNMENT AND STATED HE WAS COMPLETELY QUOTE DISAFFECTING UNQUOTE FROM THE US.

ON OCTOBER ONE, NINETEEN SIXTY TWO, NAGELL AGAIN APPEARED AT THE AMERICAN EMBASSY AND WANTED TO KNOW WHAT HAD BEEN DONE REGARDING HIS CASE. STATED HE MEANT IN REGARD TO GETTING THE STATE OF CALIFORNIA TO PAY HIM WHAT WAS DUE.

ON DECEMBER FIFTEEN, NINETEEN SIXTY TWO, NAGELL TELEPHONICALLY CONTACTED THE JACKSONVILLE OFFICE AND REQUESTED THAT HE BE INTERVIEWED BY FBI AGENTS ACQUAINTED

WITH DOMESTIC INTELLIGENCE MATTERS. HE AGAIN FURNISHED BACKGROUND THAT HE WAS A FORMER ARMY CAPTAIN INVOLVED IN COUNTER INTELLIGENCE WORK FOR APPROXIMATELY SEVEN YEARS. STATED HE HAD MARRIED A JAPANESE WOMAN FROM WHOM HE IS PRESENTLY DIVORCED. HE MENTIONED A JAPANESE DOCTOR WHOM HE SUSPECTED TO BE IN THE US FOR PURPOSES DETREMENTAL TO THE US INTERNAL SECURITY. HE STATED HE RECENTLY HAD BEEN IN WASHINGTON, D. C., AT WHICH TIME HE HAD BEEN APPROACHED BY AN UNKNOWN INDIVIDUAL WHOM HE FELT WAS EITHER AN FBI AGENT OR A SOVIET ESPIONAGE AGENT. STATED HE HAD ATTENDED A RECEPTION AT THE RUSSIAN EMBASSY IN WASHINGTON, C. C., IN SEPTEMBER, NINETEEN SIXTY TWO. DURING THIS INTERVIEW SUBJECT WAS NOTED BY AGENTS TO BE INEBRIATED AND WAS VAGUE.

AT THAT TIME NAGELL WAS RESIDING AT A MOTEL IN JACKSONVILLE.

ON THE EVENING OF JANUARY TWENTY FOUR, SIXTY THREE SUBJECT IDENTIFYING HIMSELF AS JOE KRAMER CONTACTED THE MIAMI OFF. AND INSISTED THE HE BE INTERVIEWED BY AN FBI AGENT. ON THAT EVENING HE WAS INTERVIEWED AT A STREET CORNER IN MIAMI PER HIS REQUEST. HE RELUCTANLY IDENTIFIED HIMSELF AS NAGELL, A FORMER SPECIAL INVESTIGATOR FOR THE LIQUOR CONTROL OFFICE, STATE OF CALIFORNIA, AND CAPTAIN

US ARMY WITH EXPERIENCE IN INTELLIGENCE WORK WITH CIC. SUBJECT WANTED TO KNOW IF HE WAS GIVEN A PISTOL WITH A SILENCER AND POSSIBLY SOME MICROFILM BY SOURCES, CUBAN OR RUSSIAN WOULD HE BE PERMITTED TO RETURN THESE ITEMS TO HIS CONTACT SO THAT HE COULD BE OF FURTHER SERVICE TO THE US GOVERNMENT. HE FURTHER STATED THAT HE DID NOT WANT TO COLLABORATE FULLY WITH THE US GOVERNMENT OR ANY ONE ELSE. SUBJECT THEN RAMBLED ON CONCERNING HIS AFFILIATION WITH INTELLIGENCE SERVICES AND SO FORTH. WHEN EFFORTS WERE MADE TO QUESTION HIM ON SPECIFIC ITEMS HE BECAME EVASIVE. SUBJECT EVENTUALLY IN THE INTERVIEW RELUCTANTLY FURNISHED HIS ADDRESS IN MIAMI. HE INDICATED THAT HE WAS CONSTANTLY UNDER SURVEILLANCE AND HAD NOT BEEN UNDER THE CARE OF A PSYCHIATRIST.

ON APRIL NINETEEN, SIXTY THREE, SUBJECT APPEARED AT THE LOS ANGELES OFFICE TO COMPLAIN ABOUT HIS DIVORCED WIFE VIOLATING THE DIVORCE DECREE CONCERNING VISITATION RIGHTS WITH HIS CHILDREN. STATED HE SUBPOENAED HIS WIFE IN COURT OVER THIS MATTER, AT WHICH TIME THE JUDGE REFUSED

TO HEAR HIS SIDE AND TOLD HIM NOT TO REAPPEAR IN COURT WITHOUT AN ATTORNEY. HE DEMANDED THAT THE FBI ASSIST HIM IN THIS MATTER.

ON AUGUST TWENTY THREE SIXTY THREE, ASSISTANT U. S. ATTORNEY THOMAS R. SHERIDAN AT LOS ANGELES, ADVISED THAT THE SUBJECT HAD BEEN EMPLOYED AS A CAB DRIVER, BEVERLY HILLS, CALIFORNIA. HE HAD CONTACTED SPECIAL AGENTS OF IRS AND INDICATED HE HAD CONFINDENTIAL INFORMATION CONCERNING HOODLUM ACTIVITY IN THE LOS ANGELES AREA. SHERIDAN QUESTIONED NAGELL- RELIABILITY AND CONTACTED THE LOS ANGELES OFFICE AT WHICH TIME HE WAS REFERRED TO REFERENCED REPORT AT LOS ANGELES CONCERNING SUBJECT.

IN CONNECTION WITH LOS ANGELES CASE ENTITLED QUOTE [redacted] ET AL, FAILURE TO POSSESS WAGERING TAX STAMP- ITWI, OO- LOS ANGELES UNQUOTE, LOS ANGELES FILE ONE SIXTY FIVE DASH TWO TWO THREE, ONE [redacted] BEFORE THE FEDERAL GRAND JURY, LOS ANGELES [redacted] NAGELL HAD INFORMED IRS AGENTS THAT HE KNEW [redacted] AND HAD BEEN CARRYING MONEY AND MAKING THREATS TO

b3
b6
b7C

SEVERAL WITNESSES INCLUDING [redacted] ON BEHALF OF ONE [redacted] b6 b7C

[redacted] AGAINST WHOM TESTIMONY WAS TO BE GIVEN. AT APPROXIMATELY THREE A.M. AUGUST TWENTY TWO, SIXTY THREE, FIVE TWENTY FIVE CALIBER BULLETS WERE FIRED THROUGH THE FRONT DOOR OF [redacted] NAGELL HAS BEEN CONSIDERED A SUSPECT IN CONNECTION WITH THE FIRING OF THESE SHOTS. LOS ANGELES WILL SUMMARIZE INFORMATION CONCERNING THIS MATTER AND FURNISH BY AIRTEL TO EL PASO WITH REQUEST THAT NAGELL BE INTERVIEWED CONCERNING HIS KNOWLEDGE OF THIS SHOOTING.

ON NOVEMBER FIFTEEN, SIXTY TWO, NAGELL CONTACTED THE LOS ANGELES OFFICE STATING HE HAD VALUABLE INFORMATION CONCERNING LOS ANGELES AND LAS VEGAS THAT HE FELT THE FBI SHOULD HAVE. HE THEN AGAIN FURNISHED DETAILED INFORMATION AS OUTLINED ABOVE, AND VOLUNTEERED HIS SERVICES. THIS MATTER IS IDENTICAL WITH NEW YORK FILE [redacted] b7D [redacted] THE NEW YORK OFFICE WAS FURNISHED A SUMMARY OF THE LOS ANGELES FILE CONCERNING NAGELL.

ON SEPTEMBER TWENTY THREE INSTANT, RECORDS VETERANS ADMINISTRATION HOSPITAL, LOS ANGELES, CALIFORNIA,

PAGE NINE

REFLECTS SUBJECT ADMITTED TO VA HOSPITAL, BAY PINES, FLORIDA, DECEMBER TWENTY DASH SIXTY TWO, AND RELEASED JANUARY TWENTY TWO, SIXTY THREE. RECORDS SHOW NAGELL LISTED AS QUOTE CHRONIC BRAIN SYNDROME ASSOCIATED WITH BRAIN TRAUMA WITH BEHAVIORAL REACTION CHARACTERIZED BY PASSIVE AGGRESSIVE AND PARANOID FEATURES, TREATED UNCHANGED UNQUOTE. RECORD SHOWS SUBJECT ADMITTED VA HOSPITAL LOS ANGELES, MARCH TWENTY EIGHT AND MAY FOURTEEN, SIXTY TWO, WITH QUOTE FOREIGN MATTER IN EYE UNQUOTE. AGAIN ADMITTED JULY SIXTEEN, SIXTY TWO, FOR GUNSHOT WOUND RIGHT CHEST. DISCHARGED JULY TWENTY THREE, SIXTY TWO. REFUSED TO IDENTIFY ASSAILANT.

SUBJECT CONSIDERED POTENTIAL SUICIDE RISK. HAS b7D

[redacted]

END PAGE NINE

b7D

LOS ANGELES WILL FURNISH MORE DETAILED INFORMATION.

DMV RECORDS AT LOS ANGELES REFLECT CALIFORNIA LICENSE L V Z ZERO SEVEN SIX REGISTERED FOR NINETEEN FIFTY SEVEN FORD SEDAN, VIN C SEVEN L T ONE THREE EIGHT FIVE FORTY TO RICHARD C. NAGELL, BOX SEVEN SIX ONE TWO ONE SANFORD STATION, LOS ANGELES, IN JANUARY OR DECEMBER LAST. LICENSE O C Z ONE FIVE FIVE REGISTERED FOR IDENTICAL VEHICLE TO NAGELL AT POST OFFICE BOX SEVEN FIVE EIGHT ZERO ONE, SANFORD STATION, LOS ANGELES IN FEBRUARY OR MARCH, LAST.

AIR MAIL COPIES FURNISHED TO SAN DIEGO, MIAMI, NEW YORK AND JACKSONVILLE.

SUBJECT SHOULD BE CONSIDERED DANGEROUS WITH SUICIDAL TENDENCIES.

END AND ACK PLS.

WA 4-49 AM OK FBI WA LET

EP 1-48 AM MST OK FBI EP CDW

TU MEN DISC PLS

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
SEP. 21 1963
TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

URGENT 9-20-63 10-27 PM MST DRH

TO DIRECTOR, FBI AND SAC/S LOS ANGELES, MIAMI, SAN DIEGO, AND NEW YORK. NEW YORK VIA WASHINGTON.

FROM SAC, EL PASO /91-NEW/ 4 PAGES

RICHARD CASE NAGELL, THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER TWENTY, NINETEEN SIXTYTHREE, BANK ROBBERY.

SUBJECT ENTERED CAPTIONED BANK, FDIC INSURED, APPROXIMATELY FOUR THIRTY PM THIS DATE AND APPROACHED EXCHANGE WINDOW WHICH SELLS TRAVELERS AND CASHIERS CHECKS. ASKED TELLER FOR ONE HUNDRED DOLLARS IN TRAVELERS CHECQUES IN TEN DOLLAR DENOMINATION. WHEN TELLER MOVED TO OBTAIN CHECKS, SUBJECT PLACED GUN INSIDE WINDOW POINTED AT TELLER. SUBJECT STATED QUOTE LADY, THIS IS A REAL GUN END QUOTE. TELLER FLED AND SUBJECT THEREAFTER FIRED TWO SHOTS INTO WALL APPROXIMATELY EIGHT FEET ABOVE FLOOR LEVEL. SUBJECT FLED BANK AND WAS APPREHENDED OUTSIDE BANK [redacted] AFTER SHORT CHASE. SUBJECT b7D IN CUSTODY [redacted] BOOKED ON CHARGE VAGRANCY., INVESTIGATION FOR ARMED ROBBERY AND INVESTIGATION AS POSSIBLE FUGITIVE FROM JUSTICE.

END PAGE ONE.

REC-64 91-18339-5

10 SEP 25 1963 RELAYED TO

53 OCT 2 1963

AGENTS IMMEDIATELY DISPATCHED TO BANK, PROCESSED SAME AND INTERVIEWED WITNESSES. BANK VAULT AND TELLERS CAGES BALANCED. NOTHING MISSING. ONE BULLET ABTAINED TO DATE FROM WALL. LOADED FORTY FIVE CALIBER COLT REVOLVER, SN TWO FOUR ZERO NINE SEVEN SIX WITH NUMBER TWO ONE SEVEN FIVE X BENEATH, WITH TWO SHOTS EXPENDED OBTAINED FROM SUBJECT. PERSONAL EFFECTS REVEAL NUMEROUS IDENTIFICATIONS WITH LOS ANGELES ADDRESS. ALSO INDICATE HAD EXTENSIVE WAR RECORD. SUBJECT WOULD NOT DISCUSS REASON FOR BEING IN BANK AND RAMBLES IN CONVERSATIONS. DRESSED NEATLY IN DARK SUIT, WHITE SHIRT AND DARK TIE. INDICATES HE HAS CONTACTED NEW YORK, LOS ANGELES AND MIAMI OFFICES. STATES WAS SHOT IN LOS ANGELES IN NINETEEN SIXTY TWO BUT REFUSES TO EXPLAIN CIRCUMSTANCES. STATES ADVISED FBI LOS ANGELES OF CIRCUMSTANCES. SPENT SOME TIME IN VA HOSPITAL, LOS ANGELES, NINETEEN SIXTYTWO. SUBJECT HAS BANK ACCOUNT SECURITY FIRST NATIONAL BANK, WILSHIRE AND VIRGIL BRANCH, LOS ANGELES ADDRESS FOR SUBJECT OF BOX SEVEN FIVE EIGHT ZERO ONE, SANFORD STATION, LOS ANGELES FIVE, CALIFORNIA, ACCOUNT NUMBER ONE TWO TWO THREE DASH ZERO THREE FIVE THREE DASH ONE SIX ZERO DASH ZERO ZERO TWO EIGHT FIVE SEVEN. POCKET BOOK INDICATES SUBJECT MAY HAVE WIFE WITH ORIENTAL BACKGROUND. SUBJECT WAS DRIVING

THE FOLLOWING LOS ANGELES ADDRESSES INDICATED., BOX SEVEN SIX ONE TWO ONE SANFORD STATION., THREE SEVEN FIVE ONE SIXTH FTREET, TWO EIGHT THREE ZERO AND ONE HALF WEST BLVD., FOUR SEVEN ONE TWO SATURN ST. LOS ANGELES NINETEEN, FOUR ZERO THREE SEVEN LEEWARD AVE. LOS ANGELES FIVE. MOST RECENT ADDRESS INDICATED ON DRIVERS LICENSE IN TWO ZERO TWO FOUR FIVE CAJON BLVD., SAN DIEGO, CALIFORNIA.

BUREAU REQUESTED TO ADVISE ANY PERTINENT INFORMATION BUFILES RE SUBJECT.

MIAMI AND NEY YORK ADVISE CIRCUMSTANCES OF CONTACT THOSE OFFICES.

LOS ANGELES ADVISE CIRCUMSTANCES OF CONTACT AND CHECK VA RECORDS RE HOSPITALIZATION NINETEEN SIXTY TWO. LOS ANGELES CHECK REGISTRATION BOTH CALIFORNIA LICENSE PLATES INDICATED ABOVE.

SAN DIEGO ADVISES INDICES CHECK AND ANY RECORD SUBJECT INDICATED SAN DIEGO ADDRESS.

LA AND SD TO BE ADVISED

END AND ACK PLS.

WA OK FBI WA 1-40 AM FOR RELAY

MM 12-41 OK FBI MM JVV

TU ALL DISC

NINETEEN FIFTYSEVEN FORD TWO DOOR FAIRLANE, FIVE HUNDRED, BEARING NINETEEN SIXTYTHREE CALIFORNIA LICENSE LVZ ZERO SEVEN SIX, VIN C SEVEN LT ONE THREE EIGHT FIVE FOUR ZERO. ADDITIONAL SET OF NINETEEN SIXTYT THREE CALIFORNIA PLATES OCZ ONE FIVE FIVE LOCATED IN TRUNK ALONG WITH BOX OF THIRTY EIGHT CALIBER WADCUTTER AMMUNITION, PEERLESS HANDCUFFS AND APPROXIMATELY FIFTY, FORTY FIVE CALIBER BULLETS LOOSE.

9/5/30/ SUBJECT DESCRIBED WMA, BORN AUGUST FIVE OF NINETEEN THIRTY, SIX FEET ONE, ONE HUNDRED EIGHTY POUNDS., DASK REDDISH HAIR, BROWN EYES, HAS THREE INCH INDENTATION AND SCAR LEFT TEMPLE, MARRIED, CALIFORNIA OPERATORS LICENSE NUMBER D EIGHT NINE ZERO ZERO ZERO ZERO, SELECTIVE SERVICE NO. FOUR DASH ONE ZERO ONE DASH THREE ZERO DASH SEVEN SEVEN FIVE, SOCIAL SECURITY NO. ONE ZERO FOUR DASH TWENTYFOUR DASH EIGHT THREE FOUR ZERO, VA IDENTIFICATION PLATE NUMBER WITH VA OUT PATIENT CLINIC TWO ONE DASH THREE SEVEN SEVEN DASH FOUR SIX FIVE DASH THREE DASH ZERO EIGHT DASH ZERO FIVE DASH THREE ZERO DASH M DASH NINE ZERO FOUR FOUR ISSUED BY OUT PATIENT CLINIC, ONE ZERO THREE ONE SOUTH BROADWAY, LOS ANGELES, USAR NUMBER ZERO TWO ZERO TWO EIGHT THREE FOUR SIX, RECEIVED HONORABLE DISCHARGE AS CAPTAIN ON OCTOBER TWENTY NINE OF NINETEEN FIFTY NINE.

END PAGE THREE.

Report Form
FD-263 (5 12 55)

FEDERAL BUREAU OF INVESTIGATION

Reporting Office	Office of Origin	Date	Investigative Period
EL PASO	EL PASO	9/26/63	9/20-25/63

TITLE OF CASE	Report made by	Typed By:
CHANGED RICHARD CASE NAGELL, aka., Joe Kramer, Joe Cramer, Robert C. Nolan; State National Bank of El Paso, El Paso, Texas 9/20/63	SA THOMAS B. WHITE, JR.	cfh
	CHARACTER OF CASE BANK ROBBERY	

Synopsis:

The title of this case is marked "Changed" in order to include the names of JOE KRAMER, JOE CRAMER, and ROBERT C. NOLAN, these names which the subject states he has used on other occasions.

REFERENCES

El Paso teletype to the Bureau, Los Angeles, Miami, San Diego, New York, and WFO dated 9/20/63.

- P -

ADMINISTRATIVE DATA

All of the personal effects of NAGELL including a suitcase, his personal automobile, and his personal papers were reviewed, however, the results of the review is not being set forth in its entirety inasmuch as it is believed that all is not

Approved	Special Agent in Charge	Do not write in spaces below
Copies made: 1 - Bureau 1 - AUSA, El Paso 2 - Los Angeles 2 - Tampa 2 - San Diego 2 - St. Louis (91-2508) 2 - WFO ~~3 - El Paso (91-1189)~~		91-18339-6 SEP 30 1963 MCT-15 REC-32 15

53 OCT 10 1963

pertinent to this investigation. Only those portions of his personal property which are believed to be pertinent are set forth in this report.

By teletype dated 9/20/63, the San Diego Office was requested to check the subject's most recent address as indicated on his driver's license as 20245 Cajon Boulevard, San Diego, California, however the San Diego Office subsequently advised by teletype dated 9/23/63 that there was no such address and requested that a recheck be made of subject's driver's license for the correct address.

It is indicated that the address as furnished to San Diego is correct on his driver's license.

By teletype dated 9/24/63, the Los Angeles Office advised that information had been obtained that NAGELL had been contacting IRS Agents there concerning [redacted] At approximately 3:00 a.m. on 8/22/63, five .25 caliber bullets were fired through the front door of [redacted] Further, that NAGELL has been considered a suspect in connection with the firing of these shots. b6 b7C

LEADS

SAN DIEGO DIVISION

AT SAN DIEGO, CALIFORNIA

Will check the credit bureau for any information as to NAGELL's residence in San Diego, California, (it is noted that on his driver's license he furnished his address as 20245 Cajon Boulevard).

ST, LOUIS DIVISION

AT ST. LOUIS, MISSOURI

Will at the Federal Records Center obtain from the subject's service record his enlisted serial number RA 12115891,

officer's serial number 02028346, decorations and citations bestowed on subject as well as campaigns engaged in.

WASHINGTON FIELD OFFICE

AT WASHINGTON, D. C.

At Walter Reed Army Hospital will check the records to determine the treatment given the subject, particularly any treatment at the Neuropsychiatric Ward. Will, if Dr. EDWIN WEINSTEIN is available, interview him for any information he may have concerning the subject's psychiatric condition.

TAMPA DIVISION

AT BAY PINES, FLORIDA

Review records at the Veterans' Hospital concerning treatment subject secured at this hospital as well as a diagnosis of his trouble.

LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA

Will furnish appropriate FD-302's concerning checks of various Veterans Administration establishments where subject received treatment. Also furnish a summary of information concerning NAGELL's being a suspect in firing through the door of [redacted] b6 b7C

EL PASO DIVISION

AT EL PASO, TEXAS

1. Will question NAGELL upon the receipt of information from Los Angeles concerning his firing shots through the door of [redacted]

EP 91-1189

2. Will follow and report the results of the psychiatric examination being conducted by doctors at the Federal Correctional Institution, La Tuna, Texas. Will follow and report the results of prosecution.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - AUSA, El Paso

Report of: SA THOMAS B. WHITE, JR. Office: El Paso
Date: September 26, 1963

Field Office File No.: EP 91-1189 Bureau File No.:

Title: RICHARD CASE NAGELL

Character: BANK ROBBERY

Synopsis:

At approximately 4:25 p.m. on 9/20/63, RICHARD CASE NAGELL appeared at teller's cage #9, State National Bank, El Paso, and attempted to rob the teller. He thrust a .45 caliber Colt blue steel, short barreled revolver through the window pointed at the teller and stated "This is a real gun, Lady". Upon the teller's turning and observing the weapon she fled and took cover. Subject fired two shots into the wall above the head of the teller and fled from the bank where he entered a 1957 Ford, 2-door Fairlane 500, bearing 1963 California license LVZ 076, VIN C7LT138540. Subject encountered [redacted] Patrolman and upon sight of officer, subject surrendered. Recovered in subject's possession was a loaded .45 caliber Colt revolver, SN 204976, containing six cartridges, two of which had been fired. Bank issued Federal Charter #2521 and has FDIC Certificate #A422570. Subject positively identified in lineup by teller whom he attempted to hold up. During interrogation subject appeared to be suffering from mental disturbance and attempted suicide on 9/20/63 upon incarceration in El Paso County Jail. Authorized complaint filed 9/21/63 charging subject with violation Section 2113, Title 18, USC (BANK ROBBERY). Bond set in the amount of $25,000 in lieu of which subject incarcerated in El Paso County Jail. SUBJECT HAS ATTEMPTED SUICIDE.

b7D

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PREDICATION

This investigation was predicated upon the receipt of a telephone call from [redacted] The State National Bank, who telephonically advised the El Paso Office at 4:32 P.M. on September 20, 1963 that there had been a shooting at The State National Bank, El Paso, Texas.

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Special Agents THOMAS B. WHITE, JR. and HARREL LEON DAVIS immediately proceeded to The State National Bank arriving there at approximately 4:38 P.M. Patrolman [redacted] was contacted at The State National Bank and he advised that he had just taken into custody an individual who had in his possession a .45 caliber revolver. He stated that this individual was handcuffed and in the custody of another officer on the second floor of the bank. The subject was removed from the bank immediately and was taken to the El Paso Office of the FBI. As he emerged from the bank in company of the officers he yelled at one of them "You better look in the trunk of the car there is a machine gun in there."

JURISDICTION

FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] State National Bank of El Paso, El Paso, Texas, advised that this bank had been issued Federal Charter Number 2521 and was in possession of Federal Deposit Insurance Corporation certificate number A-422570. [redacted] advised that in the event it was necessary to produce any bank records concerning the charter and FDIC certificate number, that he would be the proper person to produce the same. He advised that any subpoena should be directed to him.

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b7C

On 9/23/63 at El Paso, Texas File # EP 91-1189

by SA THOMAS B. WHITE, JR/cfh Date dictated 9/24/63

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EP 91-1189

PHYSICAL DESCRIPTION OF BANK AND SURROUNDING AREA

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVEST[redacted]TION

Date September 25, 1963

[redacted] Photographs were taken by Special Agent [redacted] of the interior of The State National Bank, El Paso, Texas, in order to depict both the over-all lobby of the bank as well as the immediate area of Teller's Cage Number 9. These latter photos also show the two bullet holes in the wall behind the Teller's Cage as well as a close up photograph of the two bullet holes.

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b7C

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] /st Date dictated 9/24/63

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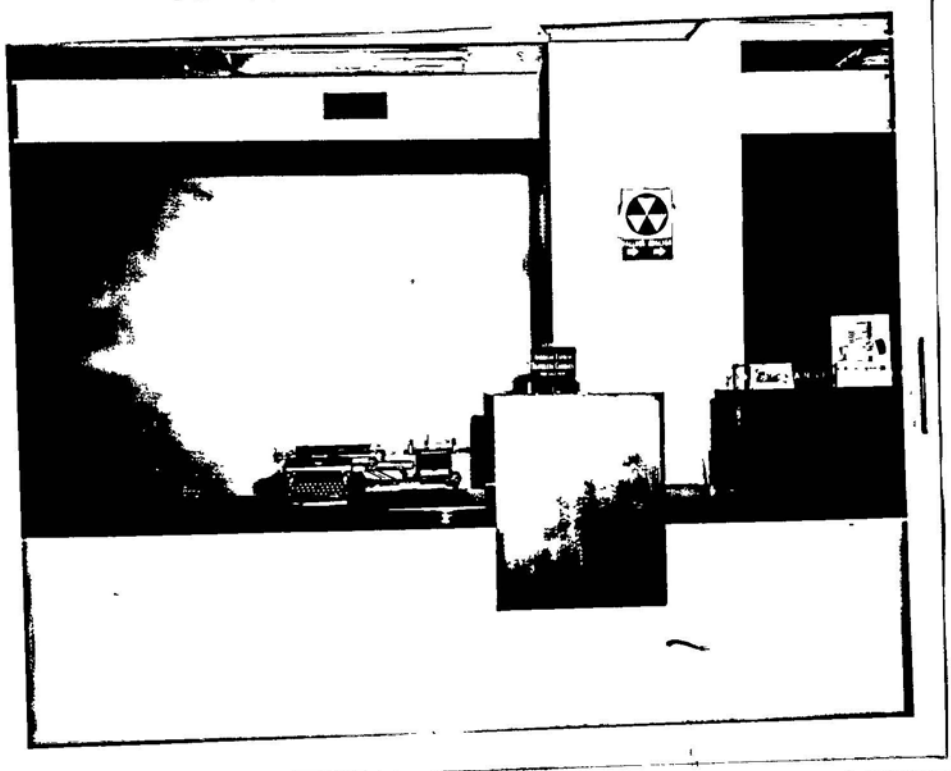

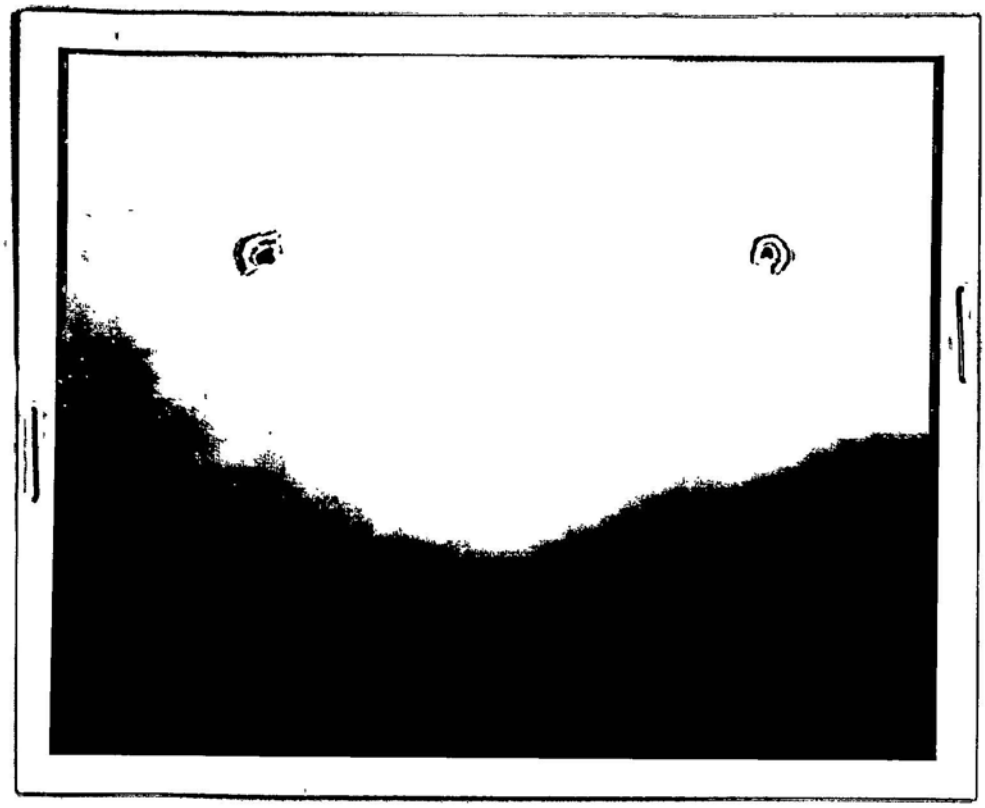

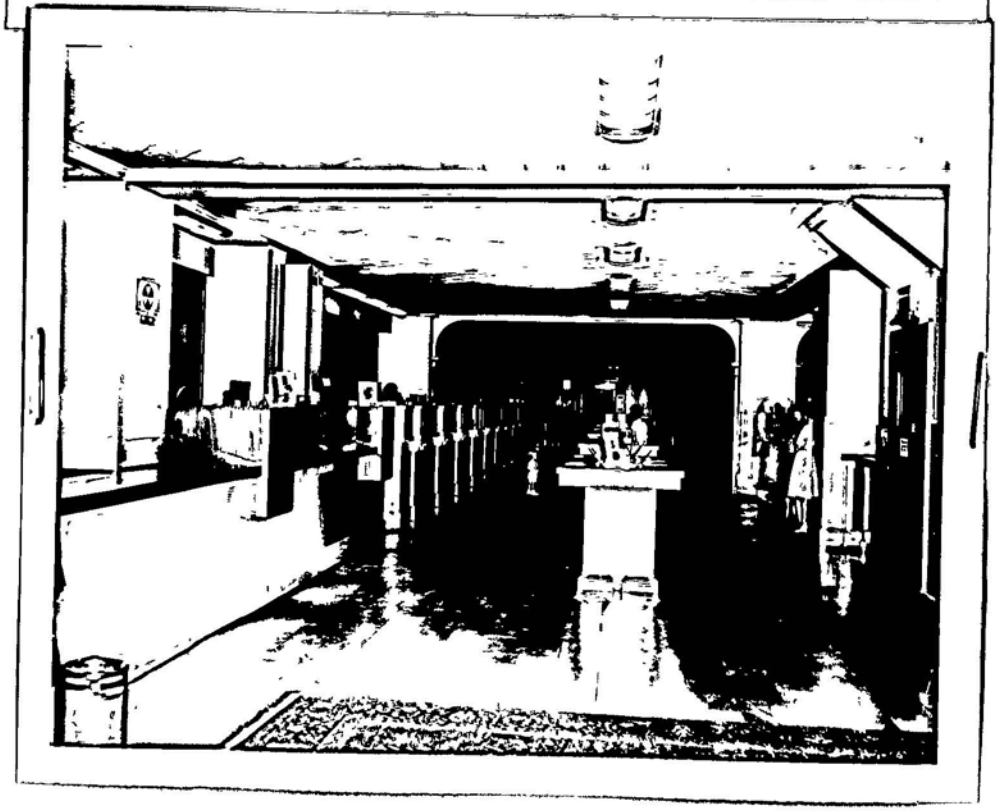

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

SA [redacted] prepared two drawings of the State National Bank of El Paso, El Paso, Texas. The first drawing entitled "The State National Bank of El Paso-first floor main bank" depicts the first floor of the bank. This drawing has a section near the Oregon Street exit of the bank that is marked off in heavy black lines. This section is identified as insert number one. b6 b7C

The second drawing entitled "Insert Number One" is a blown up in detail section of the area around cashier window number 9 at the El Paso National Bank. This section is an enlargement of that section which is marked off and identified as insert number one on drawing number one.

These drawings were prepared in connection with the September 20, 1963 robbery of the State National Bank of El Paso.

On 9/23/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] /mis Date dictated 9/25/63

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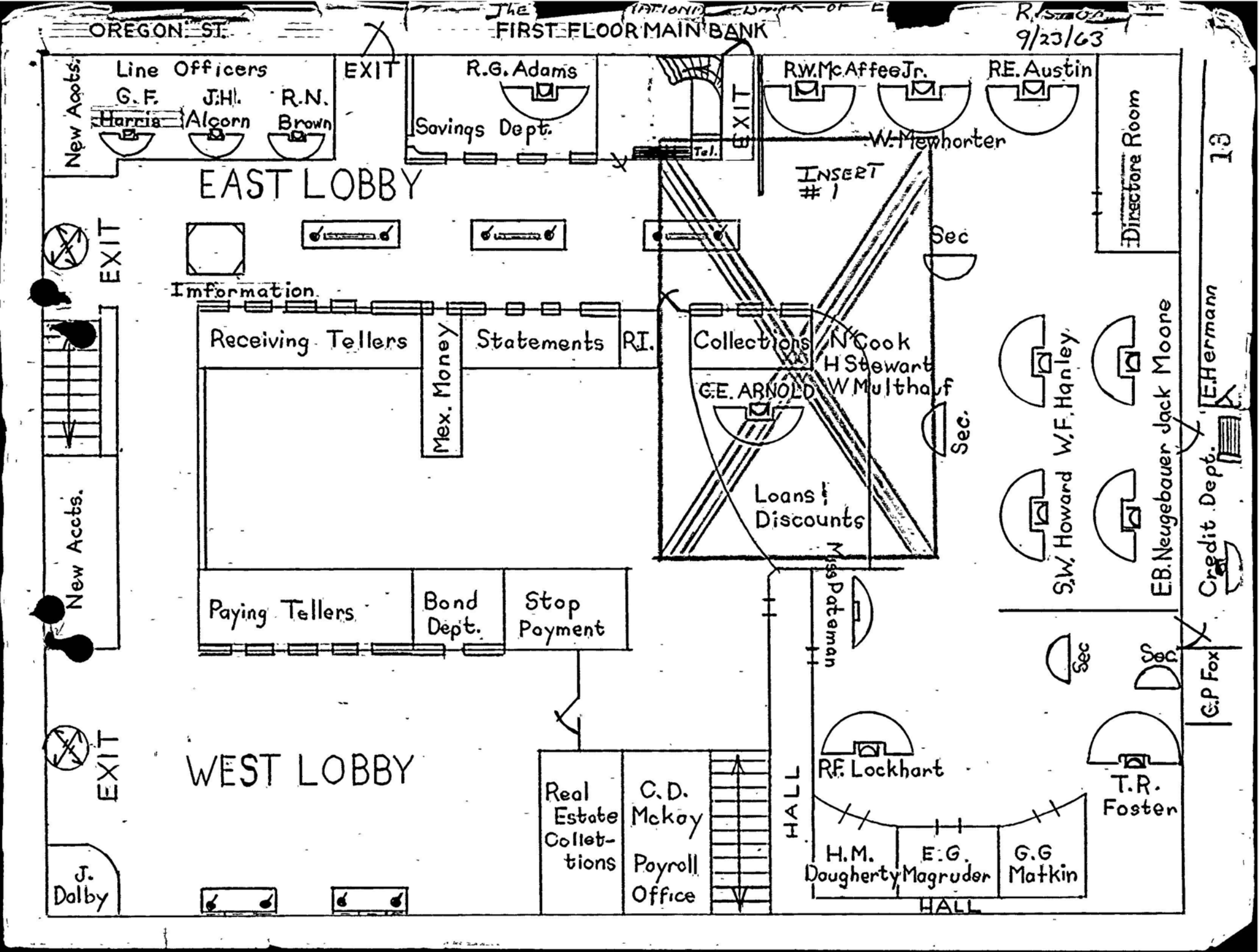
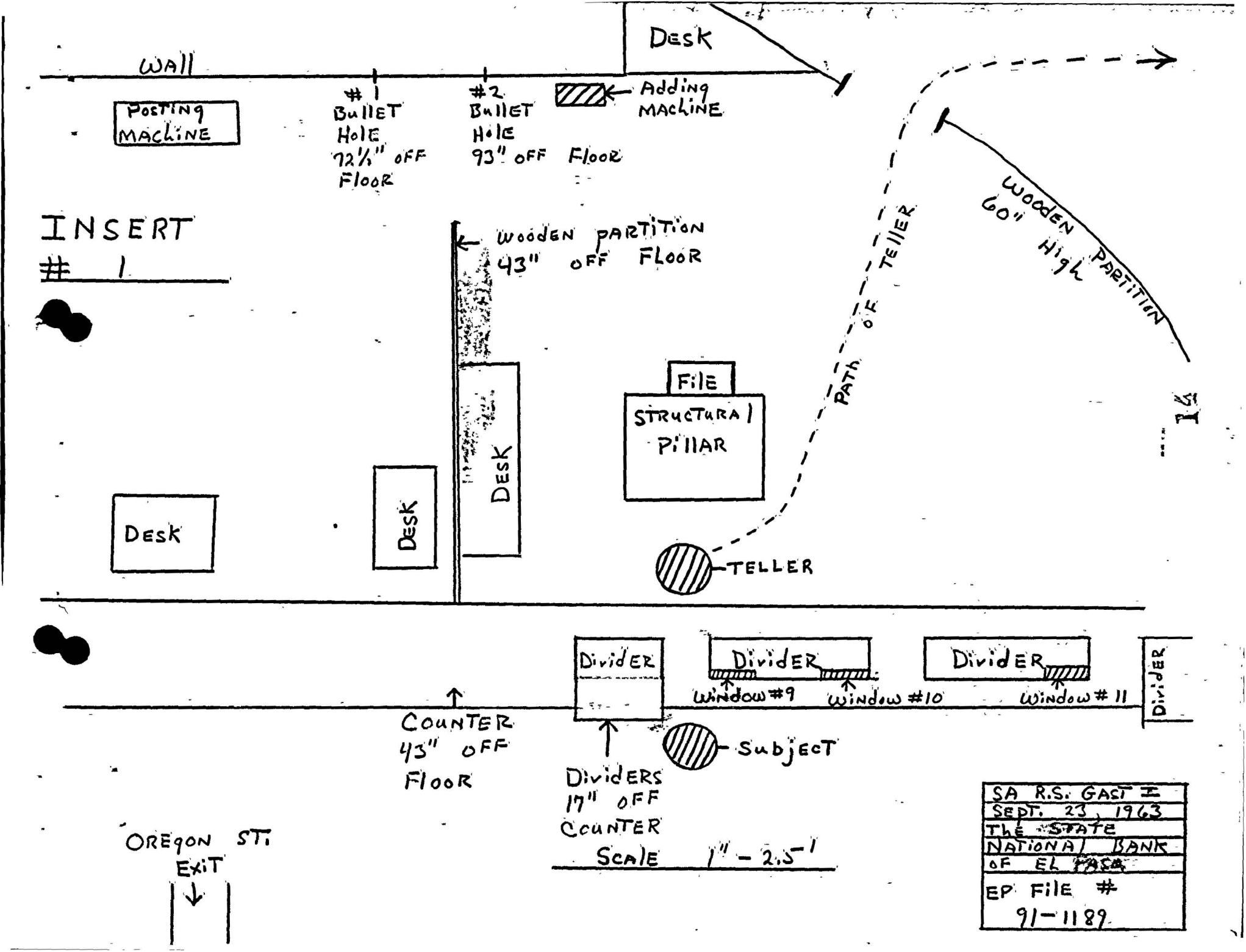

OREGON ST.
FIRST FLOOR MAIN BANK
9/23/63
Line Officers
G.F. Harris
J.H. Alcorn
R.N. Brown
EXIT
R.G. Adams
Savings Dept.
Tel.
EXIT
R.W. McAffee Jr.
R.E. Austin
W. Mewhorter
Directore Room
13
New Accts.
EAST LOBBY
INSERT #1
EXIT
Sec
Information
Receiving Tellers
Mex. Money
Statements
RI.
Collections
N. Cook
H Stewart
W Multhauf
C.E. ARNOLD
Sec.
S.W. Howard
W.F. Hanley
E.B. Neugebauer
Jack Moore
E. Hermann
Credit Dept.
Loans & Discounts
New Accts.
Paying Tellers
Bond Dept.
Stop Payment
Miss Pateman
Sec
Sec
C.P Fox
EXIT
WEST LOBBY
Real Estate Collet-tions
C.D. Mckay
Payroll Office
HALL
R.F. Lockhart
T.R. Foster
H.M. Dougherty
E.G. Magruder
G.G Matkin
HALL
J. Dolby


INSERT
1
WALL
DESK
POSTING MACHINE
#1 BULLET HOLE 72½" OFF FLOOR
#2 BULLET HOLE 93" OFF FLOOR
ADDING MACHINE
WOODEN PARTITION 43" OFF FLOOR
WOODEN PARTITION 60" HIGH
PATH OF TELLER
FILE
STRUCTURAL PILLAR
DESK
DESK
DESK
TELLER
DIVIDER
DIVIDER
DIVIDER
DIVIDER
WINDOW #9
WINDOW #10
WINDOW #11
COUNTER 43" OFF FLOOR
DIVIDERS 17" OFF COUNTER
SUBJECT
OREGON ST.
EXIT
SCALE 1" - 2.5'
SA R.S. GAST II
SEPT. 23, 1963
THE STATE NATIONAL BANK OF EL PASO
EP FILE # 91-1189

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] was contacted and stated that he b6 b7C
is the [redacted] the State National Bank of El Paso, El Paso, Texas. [redacted] said that on the afternoon of September 20, 1963, there was a police officer on duty at the State National Bank of El Paso due to the Treasury Department display which was in the bank. He went on to say that it is not the usual practice of the bank to have a police officer in attendance at all times during working hours.

In regard to the security system in the State National Bank of El Paso, [redacted] stated that [redacted] b6 b7C b7D b7E

[redacted]

[redacted] stated that the State National Bank of El Paso, El Paso, Texas, is located at the corner of San Antonio and Oregon Streets, El Paso, Texas. He went on to say that there are two doors which serve the bank on San Antonio Street, one of which is a revolving

b6 b7C

On 9/23/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] cfh Date dictated 9/23/63

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type door. There are also two doors fronting on Oregon Street according to [redacted] then made available a floor plan sketch of the State National Bank of El Paso. b6 b7C

EP 91-1189

MODUS OPERANDI

RICHARD CASE NAGELL was seen by a witness in the State National Bank of El Paso lobby during the early part of the afternoon of September 20, 1963.

His presence in the bank became known again when at approximately 4:30 p.m. on September 20, 1963, he asked where he might obtain Traveler's Cheques and was directed to tellers' cages 9 or 10 to secure Traveler's Cheques. He went to teller's cage number 9 and asked the teller for Traveler's Cheques amounting to $100 in $10 denominations. When the teller moved to obtain the checks, NAGELL placed a .45 caliber revolver, blue steel with a short barrel, inside the window of the teller's cage pointing at the teller. He then stated, "Lady, this is a real gun". The teller fled and NAGELL, thereafter, fired two shots into the wall eight feet above the floor level. He then fled from the bank and went to an automobile which he had left in the alley behind the bank and as he drove this 1957 Ford, two-door sedan, from the alley he was met by [redacted] Patrolman. NAGELL slammed on the brakes to the car and exclaimed to the officer "I give up you've got me". b7D

DESCRIPTIONS OF LOSS

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

[redacted] State National Bank, El Paso, Texas, advised that subsequent to the attempted bank robbery, all of the tellers in the bank had balanced out their cages and further, that the vault teller had balanced the vault cash. b6 b7C

In view of the above, [redacted] advised that there was nothing missing from the bank as a result of the attempted bank robbery.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA EDWARD JOSEPH MURPHY/shd Date dictated 9/23/63

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INTERVIEW OF BANK EMPLOYEES

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

b6
b7C

at the State National Bank of El Paso, El Paso, Texas.

said that on September 20, 1963, she was at the bank which normally sells Traveler's and Cashier's Cheques. She recalled that she returned from her coffee break at 3:30 p.m. and had one customer, a lady, after her return to the window. As the lady left the window a man walked up to the window and looked at She said that he was sort of hunched over in the shoulders, but was still taller than herself. It was her opinion that the man was hunched over to better look at her since he was close to the counter and the window of the teller's case is quite narrow. went on to say that the man wore a medium blue suit, white shirt, dark tie, and had reddish brown hair. She recalled that she said "Hello" to the customer at which time he said, "I want $100 in Traveler's Cheques". There was a short pause and then he said, "In tens". started to move to her left to get the Traveler's Cheques The man then said, "Lady, this is a real gun". glanced at the gun, which was held in the right hand of the customer about one half way into the teller's cage and pointed at her. She remembered that the gun had one barrel and was big and black.

b6
b7C
b7E

At this time, said nothing, but turned from the cage and ran out of the teller's booth and down the middle aisle of the center section of the teller's cages. She stated that this aisle separates banks of cages on the left and the right and runs the entire length of the bank. As she ran down this center aisle, she stated she heard two shots and that each shot inspired her to greater speed. stated that she did not scream, but kept running until she reached She stated that she told "Someone's got a gun", and that she and then jumped to the floor and crawled underneath the counter at

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b7C

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA cfh Date dictated 9/23/63

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b7C

[redacted] stated that although she was quite frightened by this incident, she felt she could remember the man who had held the gun on her.

[redacted] also stated that she was quite sure she could identify the man at a later time.

FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] b6 b7C stated that [redacted] the State National Bank of El Paso, El Paso, Texas. She stated that on September 20, 1963, at approximately 4:30 p.m. she [redacted] at the State National Bank of El Paso. She went on to say that she heard two shots fired and turned to look down the isle that separates the two banks of teller's cages in the bank. She saw [redacted] running toward her and heard her say "Someone's got a gun". She then fell to the floor with [redacted] and crawled underneath the counter of [redacted]

[redacted] stated that she did not see the man who fired the shots at the time the shots were fired.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] cfh Date dictated 9/23/63 b6 b7C

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FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

[redacted] stated that she is [redacted] the State National Bank and has been employed at the State National Bank for [redacted] years. b6 b7C

She was standing at an adding machine under the area in which the two shots hit the wall. She had just left the [redacted] to walk over to the adding machine and was facing the wall when she heard the first shot, then some plaster hit her in the face, and then she heard the second shot. She looked around and saw a man go through the door out onto Oregon Street. This man seemed to be in a hurry. She does not recall what this man was wearing, and she could not furnish a description of him.

At the time that she went to the adding machine, she had just left the [redacted] She left the [redacted] before the man walked up to the window, and thus, she did not see the man face to face.

She believes that the time of the occurence was approximately 4:35 since she looked at her watch at 4:30 to see how much time was remaining and how much work remained to be done.

She stated that she could furnish no further information of value.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA HOWARD W. RILEY/shd Date dictated 9/21/63

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FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] State National Bank, El Paso, Texas, was advised of the identity of the interviewing agent and furnished the following information: b6 b7C b7D

At approximately 4:30 p.m., September 20, 1963 a white male approached her window at the bank and asked, "Where can I get some Travelers Checks?" [redacted] replied, "Windows 9 or 10." She stated this individual walked away toward windows 9 and 10, and immediately thereafter she heard two gun shots.

[redacted] advised that she immediately ducked behind the counter and she did not see this individual again until he was brought back into the bank handcuffed by an [redacted] Officer. She advised that this individual was the same person that had asked her where he could get some Travelers Checks.

[redacted] described this individual as a white male, height, 5' 10-11", weight approximately 175 pounds, fair complexion, thin sandy blond hair, peculiar shaped face, dressed nicely in a dark blue suit with white shirt and tie.

She advised that she would recognize this individual if she should see him again.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] /mis Date dictated 9/21/63 b6 b7C

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FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] advised that she resides at [redacted] and that her home telephone number is [redacted] advised that her husband [redacted] is self-employed and resides with her at the mentioned address. b6 b7C

[redacted] was advised of the identity of the interviewing agent. She was also advised that she could not be required to furnish any information and that any information furnished by her could be used in a court of law.

[redacted] advised that she has been employed by The State National Bank, El Paso, Texas, for approximately the past [redacted] years and that she is presently employed [redacted] in [redacted] Department of the bank. b6 b7C

[redacted] advised that on September 20, 1963 at around 4:00 P.M., more or less, she was seated at her desk in [redacted] Department writing some letters. She stated that as she was writing letters at this particular time a man made a sudden movement in front of the railing which is in front of her desk. She advised that this sudden movement on the part of this individual attracted her attention and caused her to look up. She stated that when she looked up she saw this individual draw a "big gun" from either his shirt or trousers, she could not remember which. [redacted] was unable to furnish any particular description of this gun except to say that it was a black steel gun of some type and had a large round barrel. [redacted] advised that when this individual drew this gun he immediately fired two shots which went over the top of her head and lodged in the wall behind her desk. [redacted] advised that she did not hear this individual say anything either before or after the shots were fired. She stated that she did not see this particular individual enter the bank. She advised that when the shots were fired this individual was slightly to her left about ten feet in front of her. b6 b7C

[redacted] advised that she was extremely shocked when

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA WILLARD D. WHARTON/st Date dictated 9/24/63

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the shots were fired and did not move from her desk. She advised that the individual after firing the mentioned two shots turned and ran out the side door of the bank.

[redacted] advised that she had not seen this individual since the firing of the shots and in her opinion had never seen him prior to that time. b6 b7C

[redacted] advised that she did not hear this particular individual say anything to anyone and with reference to identifying him she said that she thought she might be able to identify this individual at a later time but that she was not sure of this due to the short period of time and under the circumstances which she observed him.

She advised that this individual at no time pointed the gun at her but apparently fired purposely over her head into the wall.

[redacted] furnished the following description of this individual: b6 b7C

Race	White
Sex	Male
Nationality	American
Age	30 to 35 years
Hair	Dark combed straight back, possibly oiled or plastered down
Eyes	Unknown
Complexion	Fair, light skinned
Clothing	Wearing a white shirt with a dark straight tie and a dark business suit either navy blue or black
Characteristics	She believes he was wearing dark framed glasses.
Height	Approximately 6 feet
Weight	170 to 175 lbs.
Build	Medium, slender

[redacted] advised that this subject had a pale complexion and was not sun tanned. She stated that she can't remember anything in particular which would distinguish him from other people except

that he was well and neatly dressed. She advised that she could furnish no more complete description of this individual in view of the fact that the incident happened so quickly and in a few seconds. [redacted] was unable to furnish any other pertinent information. b6 b7C

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] State National Bank, El Paso, Texas, was advised of the identity of the interviewing agent and furnished the following information: b6 b7C

On September 20, 1963, at approximately 4:30 p.m., he was walking from the Collection Department of the State National Bank toward the Discount Loan Department when he looked out toward the lobby and saw a white male with his arm outstretched with a pistol in his hand. He advised that this individual appeared to be aiming high and fired two shots over [redacted] head. After firing twice he turned and immediately ran out the far Oregon Street entrance to the bank. b6 b7C b7D

[redacted] stated that he thought it was a gag of some sort and continued on toward the Discount Loan Department. After he ran, the lobby became a scene of mass confusion and [redacted] stated that he only saw this individual at a distance after he was returned to the bank by an [redacted] Officer.

[redacted] advised that he is color blind but he would say that the individual firing the shots had a dark suit on with white shirt and tie. He described this individual as follows:

Height	Approximately 5' 10"
Weight	165 - 170 pounds
Hair	Black
Age	33 - 35

Well groomed, nice looking individual. b6 b7C

[redacted] stated that he had the impression he was not trying to hit anybody with the shots.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] mis Date dictated 9/23/63

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FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

[redacted] stated that he is a [redacted] the State National Bank, and that he has been employed at the bank for [redacted] years. He added that he has been around the bank [redacted]

b6
b7C

At approximately 4 P.M., he saw a car parked in the alley, just beyond the side door, when he had come back on his motorcycle. This car was a 1957 Ford, yellow and black, the black top and bottom and a yellow center. This car had a California license; and shortly after the subject was captured and returned to the bank building, [redacted] drove the car around from the alley where the subject had been apprehended and parked it in front of the bank building. At that time, he noticed a registration slip on the sun visor of the car, which showed the name NAGELL. He could not recall the first name of the subject.

He was painting on the other side of the wall from where the shots hit at approximately 4:20 P.M. He believes that the two shots were fired between 4:20 and 4:25. The wall on which [redacted] was painting encloses the air conditioning ducts in that part of the building.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA HOWARD W. RILEY/shd Date dictated 9/21/63

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Date September 23, 1963

1

[redacted] State National Bank, El Paso, Texas furnished the following information:

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He occupies a desk located behind a low (waist high) counter [redacted]

He stated that at approximately 4:35 to 4:40 p.m. on September 20, 1963 he was standing in the northeast corner of the bank (Oregon and San Antonio Street corner) at which time he heard what he believed to be two shots and a woman sighing or squealing. He stated that what he heard was not a scream. He advised that when he heard these two shots he walked to his desk near the main lobby entrance on Oregon Street.

He advised that at the time he arrived at his desk he saw a uniformed policeman come into the public customer area of the bank from behind the counter area on the west side of the lobby and run toward the rear Oregon Street entrance.

He advised that he then went outside through the main lobby entrance on Oregon Street and saw a uniform officer near the rear Oregon Street entrance where a crowd had begun to gather. He stated that when he saw that there was an officer outside and a crowd gathering he came back into the bank.

He stated that he believed all of this took place at approximately 4:35 to 4:40 p.m. based upon his having looked at a clock after returning into the bank, and upon his return the time was 4:50 p.m.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA DEAN N. RAY/mad Date dictated 9/23/63

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He stated that he did not see an individual with the gun nor did he see anyone taking the shots.

He continued that earlier in the afternoon sometime after lunch, the exact time unrecalled, he saw the same man in the lobby of the State National Bank that he later saw handcuffed and in the custody of a uniformed [redacted] officer. b7D

He stated that at the time he first saw this individual in the State National Bank he noticed the left profile of the subject and saw what appeared to be cut scars on the left side and left front of the individual's face. He stated that this individual was dressed very neatly in a dark blue or black suit. He stated that he could not give a physical description of the individual based upon his first viewing.

He stated that after he had heard the shots and had seen an individual handcuffed by the police, [redacted] came into the bank and advised him that he had seen the subject that was presently handcuffed by the police come out of the rear entrance of the Oregon Street side and had also heard two shots. b6 b7C

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

[redacted] stated that he [redacted] Department, and that he has been employed at the State National Bank for [redacted] years. b6 b7C

He had just gone around the post at the Collection window to the adding machine and was talking to [redacted] who was standing there, when he heard two shots at, he believes, approximately 4:35 P.M. He ran around the post to look for the teller who had been working at that window, but she was gone.

When he heard the two shots, he thought that there had been an explosion of some kind, and did not realize that they were shots from a revolver.

He did not see the subject go out of the bank building because he was looking for the teller.

The first time that he saw the subject was when the police brought him back into the bank building.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA HOWARD W. RILEY/shd Date dictated 9/21/63

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INTERVIEW OF WITNESSES

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] El Paso, Texas, doing business as [redacted] furnished the following information: b6 b7C

He stated that at approximately 4:30 p.m. he was in the process of parking his 1962 Cadillac automobile in a parking space located approximately five feet south of the rear Oregon entrance of the State National Bank at El Paso, Texas.

At this time he stated that he had stopped the engine of his car and he heard two sounds which he thought were either fire crackers or shots from a gun. He said that almost simultaneously with the hearing of these two sounds, the rear Oregon Street entrance of the State National Bank opened and a man ran out and ran south on Oregon Street.

He described this man as being approximately 6"2" tall, weighing about 200 pounds, and was a white male, American. Further, that he was wearing a dark suit, either blue or black, and had a dark full head of hair. He advised that the person he saw running was holding his right side or attempting to stuff something into either his belt or his pocket on his right side.

He stated that he did not see the man's face as he ran by his automobile.

He continued that shortly after the man came out of the bank, [redacted] and [redacted] followed the individual out of the bank and began running south on Oregon Street. b6 b7C b7D

He continued that he then went into the bank and was advised by unknown persons in the bank that a man had drawn a gun and fired two shots into the wall of the bank.

He stated that shortly after he had gone into the bank, a man was returned to the bank in handcuffs by a uniformed [redacted] Officer. He stated that this individual in his opinion was the same man that he had earlier seen running from the bank.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA DEAN N. RAY/cfh Date dictated 9/23/63

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FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] was interviewed at the El Paso Office of the FBI, at which time he was advised that anything he said might be used in a court of law. b6 b7C b7D

[redacted]

The State National Bank, El Paso, at about 4:30 P.M. on September 20, 1963 when he had heard what sounded like two shots. Upon learning that it had been two shots and that the individual who had done the shooting had fled out the Oregon Street entrance, he had pursued the man, running down Oregon to Overland Street. When he came upon an individual later identified as RICHARD CASE NAGELL in a 1957 Ford, yellow and black, with California license, NAGELL had thrown up his hands and said something to the effect, "O.K., Officer, you've got me." Found in NAGELL's possession was .45 caliber New Service Colt Revolver, color blue steel, SN 240976, which NAGELL later stated he had borrowed from a friend who was a "state employee", position and state not indicated. An examination of the pistol by [redacted] reflected that two shots had been fired. b6 b7C b7D

[redacted] stated that he had not seen the shots fired, and first saw NAGELL when the latter was in the 1957 Ford, which [redacted] identified as being the same that was taken to the [redacted] Garage by Patrolman [redacted] and made available for examination by SA [redacted]

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA THOMAS B. WHITE, JR. & SA HARREL LEON DAVIS/st Date dictated 9/21/63

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FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

Lieutenant [redacted] (NA), [redacted]

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b7C
b7D

[redacted]

On 9/21/63 at El Paso, Texas File # EP 91-1189

by SA THOMAS B. WHITE, JR./cfh Date dictated 9/23/63

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FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

1

Date September 25, 1963

Detective [redacted] made available to Special Agent THOMAS B. WHITE, JR. a .45 caliber blue steel revolver, Colt, Serial Number 240976. Also [redacted] made available six rounds of .45 caliber ammunition, two rounds of which had been expended. At the same time he made available a handcuff key which had been located concealed in the shorts of NAGELL. He stated that this key had been located by Detective [redacted] This weapon together with the ammunition and the handcuff key are being retained for possible future evidentiary purposes.

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On 9/21/63 at El Paso, Texas File # EP 91-1189

by SA THOMAS B. WHITE, JR./st Date dictated 9/23/63

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INTERVIEW OF BANK CUSTOMERS

FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

[redacted] El Paso, Texas, was advised of the identity of the interviewing agent and furnished the following information:

At approximately 4:30 p.m., September 20, 1963, he was standing at the Statement Window of the State National Bank when he happened to look around to his left and observed a tall white male with his arm outstretched holding a pistol. He stated that this individual fired the pistol twice and appeared to be aiming high. After firing, the individual immediately ran out the Oregon Street entrance. b6 b7C b7D

[redacted] stated that he next saw this individual when he was returned to the bank by an [redacted] Officer in handcuffs. He advised that this person was the same individual he had seen fire two shots a few minutes earlier.

[redacted] stated that he would recognize this individual should he see him again.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] /mis Date dictated 9/23/63 b6 b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

[redacted] (no middle name) [redacted] b6 b7C stated that he was customer in the State National Bank, El Paso, between 4 and 5 P.M. on September 20, 1963.

At approximately 4:30 when he was at the Traveler's Check counter, he heard two shots. He looked around and saw a man who was shooting high and waving a gun (revolver) in the air. This unknown person was approximately ten to eleven feet away from him and was approximately one third of the way from the counter to the door. After firing two shots, this person went out the door leading onto South Oregon Street, opposite the Collection Exchange Department. He did not hear this man say anything to anybody.

[redacted] did not see the face of this man, as the man had turned and started out toward the door. He believes that he was wearing a dark suit, was approximately medium height (less than six feet), and of medium build. He stated that he would not be able to recognize the person again.

On 9/20/63 at El Paso, Texas File # EP91-1189

by SA HOWARD W. RILEY/shd Date dictated 9/21/63

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PHYSICAL EVIDENCE AND CRIME SCENE SEARCH

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

[redacted] State National Bank, El Paso, Texas, assisted in a search of the wall into which the two shots were fired and the air conditioning system behind this wall from approximately 5:30 P.M. until 7:30 P.M. A hole was knocked in the wall just above the baseboard and immediately below the location of the left hand shot, for the purpose of locating both of the projectiles which had been fired. It was necessary to go up through the elevator shaft and over the air conditioning ducts to search the area between the air conditioning ducts and the wall. During this period of time, plaster which had been knocked loose on the inside of the wall was scraped toward the space between the two air conditioning ducts and searched by hand for projectiles. One projectile was found and marked with the initials and the date, the initials "H.W.R." and the date "9/20/63".

b6
b7C

During this period of time, [redacted] spent approximately an hour and a half in a space eighteen inches by thirty inches, assisting in the search.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA HOWARD W. RILEY/shd Date dictated 9/21/63

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FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

From approximately 9:50 A.M. until 1:25 P.M., [redacted] State National Bank, assisted Special Agent HOWARD W. RILEY in a crime scene search for the projectile of the second shot fired. b6 b7C

During this period of time, a careful examination was made of the two bullet holes and the air conditioning duct behind them. Particular attention was given to the right hand bullet hole where the projectile hit a flange on the air conditioning system, denting it severely... An examination was made to determine if possible particles from the projectile were on the air conditioning duct at the flange where it struck.

Approximately one hour and twenty minutes were spent inside the wall between the air conditioning ducts examining debris and the air conditioning ducts by Special Agent RILEY. In addition, the wall, immediately below the right hand hole, was pounded and scraped due to the possibility that particles might have been imbedded in the wall.

A hole was knocked in the wall, immediately below the right hand bullet hole, to assist in the location of the second projectile. In addition, the baseboard was removed for a search of the wall, immediately below the plaster "strike" board, and to aid in the search of any remaining debris behind the wall.

No other projectile was found inside the wall of the air conditioning system.

Neither projectile penetrated the air conditioning system. Prior to striking the ducts of the air conditioning system, it had to pass through approximately one-half inch of plaster, plus metal plaster lath. At both locations of where the shots struck the wall, the metal lath is torn from the results of the projectiles hitting them. In both

On 9/21/63 at El Paso, Texas File # EP 91-1189

by SA HOWARD W. RILEY/shd Date dictated 9/21/63

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cases there are marks on the air conditioning duct to indicate the projectiles hit them at those locations. The right hand shot struck a flange rather sharply, prior to hitting the wall of the duct. The left hand projectile hit the duct below the flange with a glancing blow, and apparently hit the flange from underneath after striking the duct first. No penetrations of the air conditioning duct were made by either projectile.

GETAWAY ROUTE AND GETAWAY CAR

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

A 1957 Ford Fairlane 500, two-door model, yellow and white color, Vehicle Identification Number C7LT-138540, bearing 1963 California license plates LVZ 076 was examined at [redacted] Headquarters. The present mileage is 58,321 miles. b7D

The interior of the auto was clear except for a "Thomas Brothers Popular Atlas of Los Angeles County" and a Rand McNally Road Atlas on the front seat. On the rear seat was the employment section of the Want Ads of the Los Angeles Times dated June 9, 1963.

A 1963 State of California auto registration form showing RICHARD C. NAGELL as the registered owner of this vehicle was found under the left sun visor.

An examination of the trunk of the 1957 Ford revealed the following articles:

One new Goodyear tire, size 7.50x14, mounted on spare rim.

A bumper type auto jack, base, and handle.

A small garden type spade, appears to be unused.

A 5 gallon "Jerry" can, painted red, empty.

A set of two 1963 California license plates OCZ 155. It was noted that bolt marks were evident on both plates indicating they had been mounted at one time.

A cardboard box containing two sets of large clamp and jumper wires, a can of motor oil.

A green metal tool box which contained the following items:

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] /st Date dictated 9/23/63 b6 b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1 set of Peerless handcuffs, serial #229529.

1 box of 44 .38 caliber wad-cutter type ammo, reloads.

Approximately 50 loose rounds of .45 caliber automatic ammo.

An assortment of small hand tools and a length of copper wire.

A box of kleenex - partially used.

A spiral bound composition size notebook, not used.

An English-Japanese dictionary.

A partial box of Montags stationary

A Dobbs hat, brown color, flat crown, no size, in Holiday Inn plastic bag.

Two laundered shirts.

A pillow slip containing miscellaneous clothing items such as undershorts, shirts, sox, pajamas.

A straw mat rolled up.

An examination of the glove compartment of the 1957 Ford revealed the following articles:

A gasoline company roadmap of Mexico

Two packets of matchbook covers, less the matches, bound together with rubber bands. All were from various bars, cafes, and restaurants in the Los Angeles, California area. One cover bore the penned notation "Happy Rabbit, 2709 W. 6th, LA; DU 2-9979."

A pen type flashlight.

A tire pressure gauge.

A metal ballpoint pen.

Four stamped envelopes, legal size.

A short note from the Bank of America, dated August 20, 1962 addressed to RICHARD C. NAGELL, P. O. Box 76121, Stanford Station, Los Angeles, California, authorizing NAGELL to take the 1957 Ford to Mexico.

Literature from Four Continent Book Corporation, 156 5th Avenue, New York City, advertising Soviet publications available in English.

Small envelope containing a set of earrings.

INTERVIEWS OF SUBJECT

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

1 Date September 25, 1963

An individual identified by material in his possession as [redacted] was brought to the El Paso Office of the FBI at about 4:55 P.M. [redacted] At that time NAGELL was advised by SA THOMAS B. WHITE, JR. that NAGELL was suspected of a felony crime within the investigative jurisdiction of the FBI, that he did not have to make any statement, that any statement he did make could be used in a court of law against him, and that he had a right to consult an attorney. No threats or promises were made by anyone to secure a statement from NAGELL. b6 b7C b7D

NAGELL requested permission to telephonically contact an attorney in Los Angeles, California at about 5:00 P.M. This request was immediately granted by SA WHITE, upon which NAGELL stated, "No, I don't want to call that shyster." He then asked the time on the West Coast and on the East Coast.

Although refusing to directly discuss the attempted hold-up of The State National Bank, El Paso, NAGEL stated that he had fired two shots in the bank "to keep anyone from following me." He stated that he was an excellent shot, and the fact that he had fired the two shots into the ceiling proved he had not been trying to hit anyone. He stated that he was certain that "all of my problems have been solved for a long time, and now I won't have to go to Cuba." This statement was not further explained. When requested to explain this statement, NAGELL refused, stating "I can see this is going to be a frame, which is to be expected in our capitalistic system."

When asked for his motive in attempting to hold up the bank, NAGELL stated that he was unhappy with the American judicial system, because he had attempted, through judicial procedures, to get to see [redacted] in custody of his divorced wife, and the California b6 b7C

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA THOMAS B. WHITE, JR. & ~~SA HARREL LEON DAVIS/st~~ Date dictated 9/21/63

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court had not executed an order in keeping with his request.

NAGELL advised he had been living in Mexico until a short time ago.

In regard to his Army career, NAGELL stated that he had resigned his commission as a Captain, effective October 29, 1959. He said that at the time he resigned he was on the list for promotion to Major. He further advised that he entered the U.S. Army on August 5, 1948 at Albany, New York. He said he was drawing 60% compensation from the government and had been declared disabled to the extent of 63%.

He advised that he had been assigned Enlisted Army Serial Number RA 12115891, Officers' Serial Number 02028346 and 01438346. He stated that the last serial number had been assigned to him when he had been assigned to counter-intelligence. He advised that he had been trained in the Army Counterintelligence School. He said that he had been assigned to Field Operations Intelligence and had taught interrogation.

In addition, NAGELL stated that he had been wounded on three separate occasions in connection with his service in the Korean campaign, and he had received three purple hearts. Continuing he advised that he received a battle field commission.

The following description of NAGELL was obtained by observation and from material in his possession:

Race	White
Sex	Male
Nationality	American
Date of Birth	August 5, 1930
Place of Birth	Greenwich, New York

Height	6'2"
Weight	180 lbs.
Build	Medium
Hair	Reddish brown
Eyes	Brown
Scars and Marks	2" vertical scar, left side of left eye
Parents	LOUIS NAGELL, born Norway, deceased; [redacted] born U.S., whereabouts unknown
Brothers	None
Sister	[redacted] b6 b7C
Residence	Box 75801 Sanford Station, Los Angeles 5, California
Social Security No.	104-24-8340
Army Serial No.	02 028 346
Entered Service:	August 5, 1948, Private, resigned as Captain, October 29, 1959, Fort Dix, New Jersey
Service Decorations	Bronze Star; Purple Heart (two clusters)
Divorced Wife	[redacted]
Children	[redacted]
Education	Hackett Jr. High and Albany High School, graduated 1948, Albany, New York; 2 years of college while in service

EP 91-1189
4

Employment	New York Central RR, July, 1948 to August 4, 1948, Albany, New York
Residences since January 1, 1937, before service:	January 1, 1937 to December, 1941, Route 1, Glen Falls, New York; December, 1941 to June, 1948, 140 New Scotland Avenue, Albany, New York; July, 1948 to August, 1948, 304 Madison Avenue, Albany, New York

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

RICHARD CASE NAGELL was interviewed in the El Paso County Jail subsequent to a hearing before United States Commissioner (USC) HENRY C. CLIFTON, El Paso, Texas, at which hearing the charges of bank robbery filed against him were read to him by the USC and at which time he was advised of his rights to counsel.

He was again advised as to the identity of Special Agent THOMAS B. WHITE, JR. and Special Agent in Charge HERBERT E. HOXIE, and was told that he did not have to make any statement, and that any statement he made could be used against him in a court of law. He was also advised that he had the right to consult an attorney and no promises or threats were made to him to induce him to make any statement.

In the presence of [redacted] b6 b7C b7D NAGELL stated that he desired to talk to Special Agent (SA) WHITE and Special Agent in Charge (SAC) HOXIE since he wanted to talk to the FBI. He stated that he did not desire to talk in the presence of anyone else [redacted] departed.

NAGELL started off his conversation by saying that when he had appeared before the USC just prior to this interview, that he had "pled not guilty" since he did not know what else to do.. He stated that he did not desire to be represented by an attorney and that he did not care what happened to him. He exhibited his left wrist, the inside of which was covered with a great number of superficial wounds to the skin. He stated that the night before while he was in the El Paso City Jail he had used a piece of tin in an attempt to cut his wrists. He said he had lost about a pint of blood.

He stated that when he entered the State National Bank of El Paso on the afternoon of September 20, 1963, that he would not have taken any money. He said that to the best of his recollection he had been in El Paso for several days and had made an attempt to

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On 9/21/63 at El Paso, Texas File # EP 91-1189

by SA THOMAS B. WHITE, JR./cfh Date dictated 9/23/63

SAC HERBERT E. HOXIE

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find a former war buddy of his named [redacted] who formerly resided at [redacted] in El Paso. He stated that he had made inquiry at this address, but [redacted] had moved and he was not able to find out where he had gone. He said that he had known [redacted] in 1948 and 1949 when both of them were Sergeants in the Army. Continuing, he advised that he had driven to El Paso from San Diego, California. NAGELL stated that he had not eaten in three days because he did not feel like doing so. When asked if he desired food he stated that he was afraid that it would make him sick if he attempted to eat. b6 b7C

NAGELL stated that he wanted to point out that he had in the past received psychiatric treatment and that in 1955 he had been hospitalized at Walter Reed Army Hospital as a result of the crash of an Air Force B-25. He advised that he had been the sole survivor of this crash and had spent a considerable length of time in the hospital. He advised that Doctor EDWIN A. WEINSTEIN, a civilian doctor assigned tothe Neuropsychiatric Center at Walter Reed Hospital had treated him and had a considerable amount of information as to his mental condition. Continuing, he advised that he did not think that he was crazy, but that he felt that he needed psychiatric attention and advice because of the fact that he was highly emotional and at times he could not remember what he was saying or where he was for short periods. He stated that he had requested admission to the psychiatric ward at the Veterans' Hospital, Brentwood, Los Angeles, California, however, he was not granted admission and he stated that to the best of his recollection he made this request in May or June of 1963. He pointed out that all of his medical records could be obtained at the Veterans Administration Regional Office, 1380 South Sepulva Boulevard, Los Angeles, California.

He further advised that he had been hospitalized at the Veterans' Hospital, Bay Pine, Florida, from December 20, 1962 until January, 1963, at which time he was discharged against medical advice. He stated that he had been confined in this hospital as a result of "spells" that he had been having and that he was in the hospital for observation.

NAGELL was highly emotional, was given to spells of crying, and stated that he had not been able to get his feet on the gound since his discharge from the United States Army in 1959. In this connection, he stated that his wife was a Japanese and that he had resigned his commission as a Captain in the United States Army since she was extremely unhappy with his being assigned to the Infantry. He said that he had resigned the commission and

that after the divorce had been granted, he had not been allowed to see his two small children because he had not been able to pay the required alimony.

He stated that he had been employed by the Alcoholic Beverage Control in California, but had lost his job in 1962. He said that he had not worked since then and actually was not able to do any kind of work because of the time he had spent in the Army. He stated that the only job that he was prepared for was that of an investigator since he had learned this as a Counter Intelligence Corps representative of the U. S. Army. He stated that he had been shot through the chest in 1962 in Los Angeles, California, but that the shooting was a result of a private matter and he did not care to discuss it further.

He stated that lately he had been too upset to be even considered for a job and then intimated that he had gone into the State National Bank "so that they would take him back in the hospital". He stated that he was not in the bank to get any money and that he fired the shots to keep anyone from following him. He said that he had used the names of JOE KRANE and ROBERT C. NOLAN and advised that he had used the name of NOLAN while in the Military Intelligence.

NAGELL further advised that he had been suffering from a headache for several days and stated that he had been taking some kind of pills that were furnished to him by the Veterans' Administration, but that he was out of these pills and did not know what they were. He requested an aspirin, which was obtained for him. In response to a question as to whether or not he desired to see a doctor, he stated that he did not.

PROSECUTIVE ACTION

On September 21, 1963, SA THOMAS B. WHITE, JR., contacted Assistant United States Attorney (AUSA) [redacted] and discussed the facts of this case with him. He authorized the filing of a complaint charging the subject with bank robbery.

On the same date a complaint was filed before United States Commissioner (USC) HENRY C. CLIFTON, El Paso, Texas, charging NAGELL with violation of Section 2113, Title 18, United States Code (USC) in that NAGELL did on September 20, 1963, at El Paso, Texas, enter the State National Bank of El Paso, a bank insured by the Federal Deposit Insurance Corporation (FDIC), organized and operating under the laws of the United States, and make a felonious attempt by force and violence and putting in fear by use of a .45 caliber revolver, one [redacted] an employee of the said bank to take a thing of value, to wit, Traveler's Cheques, which were in the care and custody and control by the said bank. b6 b7C

Subject waived hearing and stated that he did not desire to be represented by an attorney. Commissioner CLIFTON set bond in the amount of $25,000 in lieu of which the subject was remanded to the custody of the United States Marshal (USM) and placed in the El Paso County Jail.

On September 23, 1963, Captain [redacted] b6 b7C El Paso County Jail, advised that the subject had refused to eat and had refused to communicate. He stated that he had contacted the subject and had asked him if he desired anything and he stated that the subject responded by saying, "Just a little strychnine" and that he then turned over on his cot and refused to communicate further.

This, together with other information obtained during interrogation of the subject as to his possible mental condition, was made known to Assistant United States Attorney (AUSA) [redacted] who advised that in view of this, he was requesting an order from the Honorable R. E. THOMASON, United States District Court Judge, to have the subject examined by a psychiatrist to determine his mental condition.

On September 25, 1963, AUSA [redacted] advised that Judge THOMASON had issued the order to have a psychiatric examination made of the subject, and that it was contemplated that he would be sent to the Federal Correctional Institution at La Tuna, Texas, where this examination would be conducted. AUSA [redacted] further advised that if it were determined that the subject was not mentally competent to stand trial that he would in all probability be incarcerated in the Federal Medical Center, Springfield, Missouri, until such time as he became mentally competent to defend himself in a court of law.

EP 91-1189

DESCRIPTION OF SUBJECT

EP 91-1189

The following description of NAGELL was obtained by observation and from material in his possession:

Race	White
Sex	Male
Nationality	American
Date of Birth & Place of Birth	August 5, 1930, Greenwich, New York
Height	6'2"
Weight	180 lbs.
Build	Medium
Hair	Reddish brown
Eyes	Brown
Scars and Marks	2" vertical scar, left side of left eye
Parents	LOUIS NAGELL, born Norway, deceased; [redacted] born U.S., whereabouts unknown
Brothers	None
Sister	[redacted] b6 b7C
Residence	Box 75801, Sanford Station, Los Angeles 5, California
Social Security No.	104-24-8340
Army Serial No.	02 028 346
Entered Service	August 5, 1948, Private, resigned sa Captain, October 29, 1959, Fort Dix, New Jersey
Service Decorations	Bronze Star; Purple Heart (two clusters)
Divorced Wife	[redacted]
Children	[redacted]

EP 91-1189

[redacted] b6 b7C

Education	Hackett Jr. High and Albany, New York High School, graduated 1948, Albany, New York; 2 years of college while in service
Employment	New York Central RR, July, 1948 to August 4, 1948, Albany, New York
Residences since January 1, 1937 before service:	January 1, 1937 to December, 1941, Route 1, Glen Falls, New York; December, 1941 to June, 1948, 140 New Scotland Ave., Albany, New York; July, 1948 to August, 1948, 304 Madison Ave., Albany, New York

10-23-63

AIRTEL

To: SAC, El Paso (91-1189)

From: Director, FBI

RICHARD CASE NAGELL, AKA.;
STATE NATIONAL BANK OF EL PASO,
EL PASO, TEXAS
9-20-63
BANK ROBBERY

Reurairtel 10-21-63.

Follow this matter closely. Furnish copies of SA White's affidavit to U. S. Attorney. Insure that any allegations made against Bureau personnel at trial of the subject are refuted on record.

FDT:cks
(9)

NOTE: See A. Rosen to Belmont memorandum dated 10-23-63, same caption, FDT:vhm.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAILED 31
OCT 23 1963
COMM-FBI

REC-44
Ex-112

91-18339-7

31 OCT 30 1963

5 OCT 24 1963

MAIL ROOM TELETYPE UNIT

Laboratory Transmittal Form
7-72

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, El Paso (91-1189)

Date: November 15, 1963

John Edgar Hoover, Director

Re: RICHARD CASE NAGEL, aka;
THE STATE NATIONAL BANK OF
EL PASO, EL PASO, TEXAS,
9/20/63

FBI File No.
Lab. No. 91-18339-8
REC-138 PC-77792 GY

EX-103

Examination requested by:

Reference: El Paso

Examination requested: Letter 10/17/63

Remarks: Firearms

MAILED 20
NOV 15 1963
COMM-FBI

Enclosures (2) (2 Lab report)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

RJP:CH (4)

NOV 20 1963

ADMINISTRATIVE PAGE

MAIL ROOM ☐ TELETYPE UNIT ☐

7-2

Recorded
10/25/63
bmm

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Re: RICHARD CASE NAGEL, aka; THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS 9/20/63

File # 91-18339-8
Lab. # PC-77792 GY

Examination requested by: SAC, El Paso (91-1889) (1et 10/17)

Examination requested: Firearms (guns and ammu) Date received: 10/24/63 rm

Result of Examination: Examination by:

Q1 .45 Auto -
Distorted area on Q1 caused by cyl chamber
K1 tests have similar type distorted area

b6
b7C

Subsequent
11-15-63
RTB/lh

Specimens submitted for examination

Q1 Bullet

K1 .45 Colt revolver, Serial No. 240976

.45 Auto - 6 LT. - .45 Auto Rim loaded w/this type bullet (+ PG)

.45 Colt SAAMI → Bullet D=.456 Groove D=.451

.45 AR " → Bullet D=.452 Gr D=.451

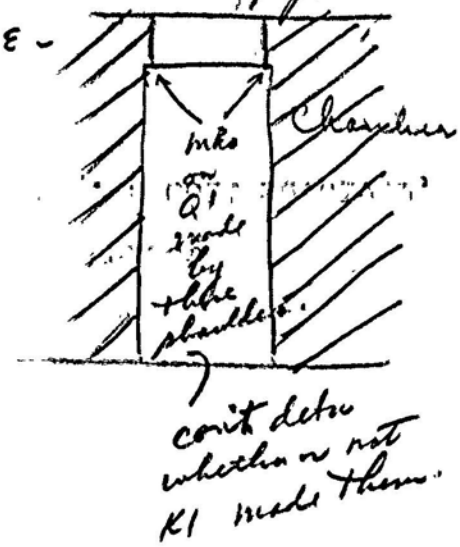
.45 Auto " → Bullet D=.453 Groove D=.450

K1 chambered for 45 Colt but face of cyl. has been shaved down to accom. .45 Auto & 45 AR
Tapered Shoulder w/in chamber appears to have cut into jacketed bullets (including Q1) leaving end area - (spiral shaped) encountered by rifling.

Impressions on Q1 bullet shipped – Same RC as K1 and some marks (made by shoulder in chamber) made by chamber – can't assoc w/ Q1. Not pres to detee if Q1 fired K1.

Same type mks on bullet as on tests.

i.e. –



OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTENTION: FBI LABORATORY

DATE: 10/17/63

FROM : SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGEL, aka; THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS 9/20/63

OO: EL PASO

Re report of SA THOMAS B. WHITE JR., dated 9/26/63 at El Paso.

Transmitted herewith by Registered Mail are the following articles;

One 45 caliber blue steel colt revolver, serial number 204976.

One 45 caliber copper-jacketed bullet.

The enclosed revolver was taken from the above captioned subject [redacted] on September 20, 1963, just after NAGEL had attempted to hold up a teller at the State National Bank of El Paso. The subject pointed this gun at the teller and when she fled from the tellers cage, he fired two shots into the wall and departed from the bank.

The enclosed copper-jacketed 45 caliber bullet was recovered from the wall and it is requested that tests shots be fired from the enclosed weapon and the test bullets compared with the enclosed 45 caliber copper-jacketed bullet to determine whether this bullet came from the gun enclosed.

3-Bureau (Encls. 2) (Reg. Mail)
(1-Package)
1-El Paso
TBW:mis
(4)

MCT-6
REC-53
91-18334-8
OCT 24 1963

COPY & SPECIMENS RETAINED IN FOR LAB ACTION & REPORT 10/24/63

EX-112

No ammunition is being forwarded along with the gun inasmuch as the 45 caliber ammunition in possession of the subject is of the standard military ball type 45 caliber ammunition.

Upon completion of the requested tests and examination it is requested that this gun with the enclosed 45 caliber bullets be returned to this office to be used in evidence.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont

DATE: October 24, 1963

FROM : A. Rosen

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SUBJECT: RICHARD CASE NAGELL
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
SEPTEMBER 20, 1963
BANK ROBBERY

This is to advise that Richard Case Nagell, who is currently in Federal custody in the El Paso, Texas, City Jail on charges of Bank Robbery, on 10-20-63, directed a letter to Senator Thomas H. Kuchel (Republican - California), a copy of which was made available to our El Paso Office, in which Nagell makes certain allegations concerning FBI personnel. These allegations are unfounded and SA Thomas B. White, Jr., of the El Paso Office has prepared an affidavit which is being furnished to the United States Attorney. Since Nagell in his letter requested Senator Kuchel to bring his complaint to the attention of the Attorney General, the Department is being advised of the true facts in this matter.

Briefly, the allegations made by Nagell are two-fold: 1. He claims that he had requested on numerous occasions to speak with a representative of the FBI and he has not been contacted. 2. Nagell contends that the FBI has withheld from him a notebook and other personal property which are not related to the charges filed against him. The facts as set forth in SA White's affidavit are: 1. Nagell has not been interviewed at the City Jail by the FBI because his attorney, [redacted] has advised our El Paso Office that he does not desire his client to be interviewed by the FBI. 2. The Assistant U. S. Attorney has advised that the articles taken from Nagell were obtained as a result of a lawful arrest, they should not be returned to Nagell but they are to be held as possible evidence in the forthcoming trial of Nagell.

b6
b7C
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Nagell was arrested on 9-20-63, [redacted] following his robbery of the State National Bank of El Paso in which Nagell fired two shots from his .45

Enclosure

1 - Mr. DeLoach

FDT:hw

91-18339-9

REC-46

EX-103

OCT 29 1963

NOV 4 1963

caliber revolver into the wall of the bank. The U. S. Attorney authorized the filing of a complaint charging Nagell with violation of the Bank Robbery Statute and he is being held in the custody of the U. S. Marshal in the City Jail in El Paso, Texas, in lieu of $25,000 bond.

Nagell has an unstable background, having been treated for mental problems while serving eleven years in the U. S. Army. Since he has been incarcerated in the El Paso City Jail on current charges he has attempted suicide by cutting both wrists. The U. S. District Judge has ordered psychiatric examinations but to date Nagell has refused to cooperate with the psychiatrists who have attempted to examine him.

ACTION TAKEN:

A letter to the Department is attached advising of the allegations by Nagell together with the true facts. The El Paso Office has been instructed to closely follow this matter and to insure that any allegations made against Bureau personnel in Nagell's trial are refuted on record.

7-1b

REPORT
of the

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, El Paso

Re: RICHARD CASE NAGEL, aka;
THE STATE NATIONAL BANK OF
EL PASO, EL PASO, TEXAS, 9/20/63

Date: November 15, 1963
FBI File No. 91-18339
Lab. No. PC-77792 GY

Specimens received 10/24/63

Q1 Bullet

K1 .45 Colt revolver, Serial No. 240976

Results of examination:

Specimen Q1 is a .45 Auto bullet. The weapon K1 is among the weapons producing rifling characteristics such as those on Q1. Because the individual microscopic markings on test bullets from K1 are changing with the firing of consecutive shots, it has not been possible to determine whether or not Q1 was fired from K1.

The evidence listed above is being returned to you under separate cover by registered mail.

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

RJP:CH (4)

MAIL ROOM ☐ TELETYPE UNIT ☐

Mr. Herbert J. Miller, Jr. 91-18339-10 October 24, 1963
Assistant Attorney General

Director, FBI 91-18339-10

REC-22 EX-101

RICHARD CASE NAGELL
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
SEPTEMBER 20, 1963
BANK ROBBERY

OCT 24 1 35 PM '63 FBI REC'D-READING ROOM

This is to advise that a copy of a letter dated October 20, 1963, directed to United States Senator Thomas H. Kuchel of California from Richard Case Nagell, who is in Federal custody in El Paso, Texas, on charges of Bank Robbery, has been made available to this Bureau and in the letter Nagell makes certain allegations concerning the FBI.

Nagell was arrested on September 20, 1963, by the El Paso, Texas, Police Department in connection with the robbery of the State National Bank of El Paso during which robbery Nagell fired two shots into the wall of the bank from his .45 caliber revolver. The United States Attorney authorized the filing of a complaint charging Nagell with violation of the Federal Bank Robbery and Incidental Crimes Statute, and he is incarcerated in the El Paso, Texas, City Jail in the custody of the United States Marshal in lieu of $25,000 bond.

MAILED 30 OCT 24 1963 COMM-FBI

In Nagell's letter he alleged that the FBI had refused to interview him in the jail even though he had requested on numerous occasions that a representative of the FBI contact him. In this connection, our El Paso Office has advised that Nagell was not interviewed at the jail at the specific request of his attorney, [redacted] who stated that he does not desire his client, Nagell, be interviewed by the FBI. Nagell further alleged that the FBI had withheld from him a notebook and other personal property which were not related to the charges against him. With reference to this allegation, Assistant United States Attorney [redacted] has previously advised that

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Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

FDT:hw (3)

NOTE: See Rosen to Belmont memo, same caption, FDT:hw.

MAIL ROOM TELETYPE UNIT

the articles being held were obtained as a result of a lawful arrest and he desired that the property be retained as possible evidence in connection with the forthcoming trial of Nagell.

For your additional information, Nagell received psychiatric treatment while serving in the United States Army and since his incarceration on the current charges attempted suicide by cutting both wrists in the El Paso City Jail. The United States District Judge has ordered psychiatric examinations of Nagell but to date the subject has refused to cooperate with the psychiatrists who have attempted to examine him.

An affidavit prepared by SA Thomas B. White, Jr., of our El Paso Office has been furnished to the United States Attorney at El Paso, Texas, setting forth the true facts in connection with the allegations by Nagell.

FBI

Date: 10/21/63

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

FROM: SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, Aka. Richard C. Nagell
STATE NATIONAL BANK OF EL PASO;
EL PASO, TEXAS, 9/20/63
BANK ROBBERY

Re report of SA THOMAS B. WHITE, JR. dated 9/26/63 at El Paso.

Enclosed herewith is a verifax copy of a letter addressed to The Honorable THOMAS H. KUCHEL, United States Senator, Washington, D.C. Also enclosed is an affidavit of SA THOMAS B. WHITE, JR. refuting the allegations of subject NAGELL concerning a violation of his Civil Rights.

NAGELL's letter was given to Captain [redacted] in charge of the El Paso County Jail for censoring and subsequent mailing. Captain [redacted] made this letter available to the El Paso Office.

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b7C

It is to be noted that information was obtained from the Los Angeles FBI Office that upon being arrested by the Los Angeles Police Department in 1961, NAGELL made a complaint to the Los Angeles FBI Office that his Civil Rights were being violated because the Los Angeles PD would not return his notebook, wallet and personal papers to him while confined

3 - Bureau (Encls. 3)
1 - El Paso

TBW:st
(4)

ENCLOSURE

MCT-20
REC-22

9-18339-10

EX-101

9 OCT 31 1963

Approved: _____ Sent _____ M
Special Agent in Charge

at the jail. NAGELL has indicated that he has contacted numerous FBI Offices over the country prior to his arrest attempting to furnish some sort of information which he believed to be of value.

His mental condition is indicated to be unstable and the U.S. District Court in El Paso has ordered psychiatric examinations of him. He refuses to cooperate with any of the psychiatrists who have examined him.

From interview and examination of NAGELL's personal effects, it appears that he is possibly suffering from a mental condition as a result of wounds he received during 11 years service in the Army. He received a battlefield commission in Korea and is described by his commanding officer as an extremely capable and courageous officer. He was wounded three times in battle and was the only survivor of the crash of a bomber. He suffered serious head injuries which he claims have affected his mind. He is presently receiving compensation as a result of his war injuries.

HOXIE

TO: DIRECTOR, FBI

FROM: SAC, EL PASO

ENCLOSURES: LETTER TO THE HONORABLE THOMAS H. KICHEL AND AFFIDAVIT OF SA THOMAS B. WHITE, JR.

El Paso airtel to Bureau dated 10/21/63.

ENCLOSURES

ENCLOSURES

91-1[illegible]-7-10

the El Paso County Jail (Texas) awaiting a Federal Grand Jury indictment on charges of Bank Robbery. I am not guilty of the charges and I have entred a plea of "Not Guilty."

Supposedly, under the American system of Justice, I am presumed innocent of these charges until I am indicted, tried, and proven guilty beyond a reasonble doubt by legal and competent evidence.

During the past three weeks I have requested on numerous occasions, both verbally and in writing, to speak with a representative of the Federal Bureau of Investigation regarding several violations of my civil rights.

I have been informed by jail authority that these requests have been relayed to the El Paso Field Office of the F.B.I. I have not been contacted by the F.B.I. subsequent to initiating such requests.

Two of the violations which I allege pertain to coercion and self-incrimination. Also, the F.B.I. has withheld from me a notebook, my personal property, which contains information completely unrelated to the charges filed against me, but which contains two prescription numbers of medicine prescribed for me by the Veterans Administration (which I need in order to request such medicine), the names and addresses of two attorneys

whom I wish to contact, and other data which I need in order to conduct some personal inquiries.

None of the foregoing allegations pertain to El Paso County Jail personnel, and I am satisfied with the treatment I have received here. However, because one of my allegations directly concerns the El Paso Field Office of the F.B.I., and because of their obvious reluctance to contact me regarding my requests, I now feel that it would be detrimental and prejudicial to my case if I were to discuss my allegations with them. Hence, I would like to talk with a representative of the Attorney General's Office or the F.B.I. who is not assigned to this Federal

District of Jurisdiction

I would appreciate your consideration of this request as soon as practical.

Sincerely yours,

Richard C. Nagell

Box 125
El Paso, Texas

91-18339-10

October 21, 1963
El Paso, Texas

THOMAS B. WHITE, JR. being first duly sworn upon his oath states: That he is employed as a Special Agent of the Federal Bureau of Investigation assigned to the El Paso, Texas Division and was so employed and assigned during September, 1963.

Special Agent WHITE states RICHARD CASE NAGELL is represented by Attorney [redacted] appointed by the U.S. District Court. [redacted] has made the request that he does not desire his client, NAGELL, to be interviewed by the FBI.

[redacted] has conveyed NAGELL's request that his notebook and wallet be returned to him. It is to be noted that the Assistant United States Attorney [redacted] was consulted upon Attorney [redacted] request to return NAGELL's wallet and notebook and [redacted] has advised that these articles were obtained as a result of a lawful arrest and that he desires that they not be returned to NAGELL but that they be held as possible evidence. [redacted] indicated that upon the completion of the prosecution of NAGELL that he will then decide as to whether or not his wallet and personal papers will be returned.

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It is to be noted that his wallet contains a number of personal papers, notations, numbers, names, etc. of which this office is not in a position to evaluate. It also contains a small notebook containing the names of [redacted] Agents, FBI Agents, etc. As to the prescription mentioned by NAGELL as being held by the FBI, it is to be noted that the El Paso County Jail will not permit him to have any prescription filled without the approval of the authorized County Jail physician. It is not known whether or not this particular number to which he refers is actually a prescription. If it is a prescription of some sort, the possibility exists it could be for a poison. It is pointed

b7E

out that upon NAGELL's first night in the El Paso City Jail, he attempted suicide by cutting both wrists. In addition, upon being charged at the time of his arrest and booking in the El Paso City Jail, there was located concealed in his underwear a handcuff key.

The El Paso County Jail conveyed NAGELL's request that he be interviewed to the El Paso FBI Office and that his wallet be returned to him. His wallet was not returned upon the instructions of the Assistant United States Attorney and he was not interviewed as requested inasmuch as his attorney appointed by the court personally appeared at this office and stated that he did desire further interviews with NAGELL.

As to the allegation of NAGELL concerning the names and addresses of two attorneys whom he wished to contact, it is noted that upon his being first interviewed by Special Agent WHITE and being informed that he did not have to make any statement and that any statement he made could be used against him in a court of law; also, that he had the right to consult with an attorney, and that no promises or threats were made to him to induce him to make any statement, he then requested to be allowed to use the telephone to call an attorney. This request was immediately granted and the phone was made available to him. He then indicated that he desired to call an attorney from the West Coast whose name he refused to furnish. He then asked what time it would be on the West Coast and was told. He then asked what time it was on the East Coast and was told. He then stated that he did not desire to contact "either one of those shysters."

Thomas B. White, Jr.

SA THOMAS B. WHITE, JR.
Federal Bureau of Investigation
El Paso, Texas

Subscribed to and sworn to before me on this
21st day of October, 1963, El Paso, Texas:

Herbert E. Hoxie

HERBERT E. HOXIE
Special Agent in Charge
Federal Bureau of Investigation
El Paso, Texas

91-18339-10

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI DATE: 11/13/63

FROM : SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, Aka,
STATE NATIONAL BANK of EL PASO,
EL PASO, TEXAS, 9/20/63
BANK ROBBERY

ReBuairtel, 10/23/63.

On October 31, 1963, Captain [redacted] b6 b7C El Paso County Jailer, advised SA THOMAS B. WHITE, JR., that the subject had prepared a Habeas Corpus Writ with a request that it be heard by the U.S. District Court at El Paso, Texas. Captain [redacted] was advised to immediately forward the Writ of Habeas Corpus to the Clerk of the Court, and on the same date, AUSA [redacted] and the U.S. District Court Clerk's Office were advised that the Writ of Habeas Corpus was being submitted by subject NAGELL.

On November 1, 1963, AUSA [redacted] advised that the Writ had been received by the U.S. District Court and that the Honorable R.E. THOMASON, U.S. District Judge, had set a hearing concerning the Writ of Habeas Corpus for November 4, 1963.

On November 4, 1963, SA WHITE appeared at the hearing at the request of AUSA [redacted] NAGELL had fired his court-appointed attorney, former AUSA [redacted] and had drawn the Writ of Habeas Corpus on his own. He pointed out to the Court that he was arraigned before U.S. Commissioner HENRY C. CLIFTON on September 21, 1963, at which time a $25,000 bond had been set. He requested that he be given a hearing inasmuch as he desired to hear evidence on the part of the Government to establish Probable Cause. b6 b7C

EX-116 REC-18 91-18339-11

Judge THOMASON granted his request, and SA WHITE gave testimony to establish Probable Cause. Judge THOMASON

10 NOV 15 1963

(2) Bureau
El Paso
GV 6 0 NOV 26 1963
TBW:shd
(3)

then denied the Writ of Habeas Corpus and ordered NAGELL held in lieu of the $25,000 bond for the action of the next Federal Grand Jury.

At the hearing before Judge THOMASON, NAGELL represented himself and consented to the court appointing him another attorney inasmuch as he stated that [redacted] had not been satisfactory. At the same time he refused to submit to an examination by a civilian psychiatrist as ordered by the U.S. District Court. He stated that he was drawing 62% disability as a result of war injuries, and he stated that he would submit to an examination by a psychiatrist employed by the Veteran's Administration. Judge THOMASON pointed out to him that there is no Veteran's Administration facility in El Paso, Texas, and suggested to him that he cooperate with the psychiatrist at the William Beaumont Army Hospital, El Paso. NAGELL stated that "he was not a liar and that he could not promise the court that he would cooperate 100% with psychiatrists at William Beaumont Army Hospital."

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b7C

NAGELL advised Judge THOMASON that he would like to state that he had not robbed the State National Bank of El Paso.

FD-36 (Rev. 12-13-56)

FBI

Date: 11/20/63

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BANK ROBBERY

Re El Paso letter to Bureau, 11/13/63.

For the information of the Bureau, NAGELL, on 11/18/63, filed another Writ of Habeas Corpus. NAGELL requested interview with Bureau agent. On interview, NAGELL furnished a signed statement alleging a violation of his rights under the Fifth and Sixth Amendments of the Constitution and embodied in his statement the context of his Writ of Habeas Corpus.

There is enclosed herewith for the Bureau one copy of this signed statement.

AUSA, [redacted], has advised that there is no validity to subject's allegation inasmuch as Title 18, Section 4244, U.S. Code, states that upon a motion by the USA, the defense attorney, or upon its own motion, the court shall cause the accused to be examined as to his mental condition where it is felt that he may be presently insane or otherwise mentally incompetent as to be unable to understand the proceedings against him or to properly assist in his own defense. AUSA [redacted] advised that according to this

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(3) - Bureau (Enc. 1)
1 - El Paso
EJM:shd

EX-103

REC 91-18339-12

12 NOV 22 1963

ENCLOSURE

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

Statute, the examination can be made with or without the consent of the accused. AUSA [redacted] stated that the subject has constantly refused to cooperate with psychiatrists and has refused to even speak to them, and that this refusal on his part has held up any possible psychiatric examination, necessitating postponing further action. b6 b7C

HOXIE

receipt of the results of said psychiatric examination.

"As of this date I have not received the aforementioned psychiatric examination nor have I been committed to either of the aforementioned institutions for such examination, nor have I been indicted by the Federal Grand Jury.

"I believe that an unnecessary and undue delay has occurred in bringing me to trial, as a result of my reluctance to participate in a psychiatric consultation and/or examination. I believe that this is a violation of my right to a speedy trial as guaranteed to me by Amendment 6 of the Constitution.

"In relation to the foregoing statement, I believe that I, as an accused person, am not required by law to emit any statement or to answer any questions, whatsoever, to any person, whomsoever, including a psychiatrist, psychologist, or physiologist, nor that I am required by law to participate in any examination, test or activity, verbal, written or otherwise, if I do not so elect. To be coerced to do so, is a violation of my rights under Amendment 5 of the Constitution.

"An attempt has been made to indirectly coerce me to incriminate myself, by a court appointed psychiatrist known to me as [redacted] in that he queried me as to my motive for committing the alleged offense and stated to me that if I did not give him such information, I was being uncooperative, and that I might have to be sent to Springfield Medical Center, if I did not cooperate with him. b6 b7C

"I further believe that I am being coerced into taking a psychiatric examination and/or consultation by the resulting undue delay in bringing me to trial.

"I have read this statement consisting of this and 3 other pages, and it is true and correct.

"/s/ Richard Case Nagell

"Witness:

"/s/ Edward Joseph Murphy, Special Agent FBI, El Paso, Texas, 11/19/63

"/s/ [redacted] Special Agent, F.B.I, El Paso, Texas b6 b7C 11/19/63"

"11/19/63
" El Paso, Texas

"I, Richard Case Nagell, do hereby make the following free and voluntary statement to Edward Joseph Murphy and [redacted] who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. They have advised me that the information furnished herein may be used in court. No threats, promises or force of any kind was used to get me to make this statement.

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b7C

"I was born in Greenwich, N.Y. on August 5, 1930.

"I was arrested on September 20, 1963, in El Paso, Texas. On September 21, 1963, I was arraigned before the United States Commissioner in El Paso, Texas, on a charge of bank robbery, at which time I entered a plea of not guilty and was bound over for indictment by the Federal Grand Jury. Bail was set at $25,000. On September 21, 1963 I was incarcerated in the El Paso County jail, where I since have been and am presently confined.

"On September 24, 1963, the United States District Court ordered that I be given a psychiatric examination to determine my mental competency to stand trial, and that if determined necessary by the examining psychiatrist, to conduct such examination, to be committed to the Federal Correctional Institution, La Tuna, Texas, for a period not exceding two weeks.

"On November 4, 1963, the court nullified that part of the aforesaid order, pertaining to the committment, and re-ordered that I be committed to Beaumont Army Hospital, El Paso, Texas, for said psychiatric examination.

"On September 24, 1963 and again on November 4, 1963, the U.S. District Court ordered that further prosecutive action against me, be deferred until such time as the Court is in

ENCLOSURE
91-18339-12

0-4a (Rev. 2-14-61)

Invoice of Contents from FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

RICHARD CASE NAGEL, aka
THE STATE NATIONAL BANK
OF EL PASO, EL PASO, TEXAS,
9/20/63

November 15, 1963

Date

Case References
El Paso, (91-1189)
Letter 10/17/63
91-18339

Consigned to:

715859

List of Contents

11/15

PC-77792 GY

Q1 and K1

Registered Mail

Crypt.-Trans.
Document
Electronics
Physics-Chemistry
LFPS

Rec'd 11/20/63 R

MAILED 27
NOV 20 1963
COMM-FBI

SPECIAL INSTRUCTIONS: Mail Room, place date of shipment and registry number; Shipping Room, show date of shipment, bill of lading number and initial this invoice; then return it to section checked in column at right. After this checked section has been initialed, invoice should be placed in administrative file.

53 NOV 27 1963

Laboratory Transmittal Form
7-72

FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, El Paso (91-1189)

Date: January 8, 1964

Re: Richard Case Nagell, aka;
State National Bank of
El Paso, El Paso, Texas
9/20/63
BR

John Edgar Hoover, Director

FBI File No.
Lab. No. 91-18339
D-439514 AX

Examination requested by: El Paso

Reference: Letter 1/3/64

Examination requested: Document - Cryptanalysis

Remarks:

Specimen received 1/6/64

Q2 Small spiral notebook containing hand printed names, addresses and other notations

Remarks:

The writings in Q2 were not identified with any of the material in the National Security File. Photographs of this material are not being added to this file at this time.

You will be separately advised regarding the Cryptanalysis examination, the search of the Bureau's indices, and the [redacted] inquiry. Q2 will be returned with the Cryptanalysis report. Photographs are retained. 91-18339-13

b7E

EX-114 REC-13

No Laboratory report is being made.

19 JAN 9 1964

MAILED 27
JAN - 8 1964
COMM-FBI

JA 9 3 10

1 - Mr. Thompson-Room 5718-(sent direct)

JCC:gk (5)

ENCLOSURE ATTACHED

ENCLOSURE

81 JAN 13 1964

ADMINISTRATIVE PAGE

Thompson 5718

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☑ TELETYPE UNIT ☐

7-2

Recorded 1/6/63
DAS

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NO LAB FILE

Laboratory Work Sheet

Re: RICHARD CASE NAGELL, aka;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

File # 91-18339-13
Lab. # D-439514 AX

Examination requested by: SAC, El Paso (91-1189) 1/3/64

Examination requested: Document - Cryptanalysis

Date received: 1/6/64

Result of Examination:

Examination by: [redacted] b6 b7C

Search in NSF — Negative

Sep rpt on Crypt, Search of indices + CD Contact.

Specimens submitted for examination

Q1 Small spiral notebook containing hand printed names, addresses and other notations

cc Mr. Thompson 5718

No ident NSF — HP upper case & Cuban section
1/7/63 [illegible]

Do for Bo 1/6

Q1 to Crypt 1/7

1-8-64 [illegible]

OPTIONAL FORM NO. 10
5010-104-02

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (91-18339) DATE: 1/3/64
ATTENTION: FBI LABORATORY

FROM : SAC, EL PASO (91-1189)(P)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-2-81 BY SP4BZJ/JW

SUBJECT: RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

439514

Re rep of SA THOMAS B. WHITE, JR. dated 9/26/63 at El Paso.

There is enclosed herewith a notebook taken from the person of the above captioned individual at the time of his arrest. An examination of this notebook reflects that the subject has made reference to Medical Aid to Cuba, Fair Play for Cuba Committee, the names of [redacted] Agents, and other information which would tend to indicate that the subject might be engaged in some form of espionage. There is also a notation of "Scramble"; the new "Information Please" almanac atlas and yearbook (1963). b7E

This subject has indicated emotional instability since his arrest and has, on one occasion, attempted to commit suicide while incarcerated in the El Paso County Jail. He has "hinted" that he might have been attempting to go to Cuba and has indicated that he really did not have the intention of robbing the State National Bank but committed the act due to the direction he had taken towards going to Cuba. He resigned his Army commission as a Captain and has indicated that he was trained in the Army's counter-espionage school.

He has submitted a number of writs to the United States District Court at El Paso, Texas, all pointing at an attempt to have this notebook returned to him and the United States Attorney has refused to do so. Although the subject

SPECIMENS RETAINED IN LAB.

INDEXED

2 - Bureau (RM)(Enc. 1)
1 - El Paso
TBW:shd
(3)

ENCLOSURE

6 JAN 6 1964

SEVEN

SIX

has been appointed two different attorneys to represent him by the United States District Court at El Paso, he has fired both and has indicated that he intends to represent himself.

The FBI Laboratory is requested to examine this notebook, bearing in mind that this subject may have or may have been attempting to commit espionage for the Soviet Union, Cuba, or espionage against the interests of the United States. It is requested that particular attention be given to the possibility that this subject may be attempting to utilize some sort of a code in which the almanac is being used. It is to be noted that he made a specific request of an individual on the West Coast for the new edition of the World Almanac.

It is also requested that a check be made of the Bureau's indices against all names appearing in this notebook. It is also requested that the Bureau make inquiry of [redacted] in order to determine whether or not the services of NAGELL have been utilized by that Agency or determine whether or not he is known to [redacted] as an espionage agent. b6 b7C b7E

For the additional information of the Bureau, the Assistant United States Attorney [redacted] El Paso, has expressed concern in regard to this notebook inasmuch as it appears that the subject intends to act as his own attorney in court and may take the stand in his own behalf and utilize the contents of this notebook towards his defense.

Upon the completion of the examination of this notebook, it is requested that it be returned to the El Paso Office for future evidentiary purposes. Please expedite examination since it is expected this will go to trial in near future.

SUBJECT HAS ATTEMPTED SUICIDE.

91-18339
0438374
[illegible]

ENCLOSURE

ENCLOSURE

91-18339-13

b6
b7C

[redacted]

DO 9-4739
10:00 A.M.

MA 6-9511
(BOOKING OFFICE)
F.H.J., 817 So. CATHEDRAL
Joseph F. GORMAN
JUDGE DEPT. 8
Clerks

[redacted]

D-439514 Q2 'AX
FBI LABORATORY

[redacted]

7-30-63 WASHINGTON, D.C.

LOPEZ PHOTOGRAPHY
354 S. SPRING ST.
MA 6-3632
8-17-62

[redacted]

DR. JOHN R. LECHNER
EXECUTIVE DIRECTOR,
AMERICANISM EDUCATIONAL
LEAGUE

FAIR PLAY FOR
CUBA COMMITTEE
P.O. BOX 26251
L.A. 26

CUBA: (EMB) c/o
CZECHOSLOVAK SOCIALIST
REPUBLIC
2349 MASSACHUSETTS AV.
N.W. WASH 8

SCRAMBLE: THE NEW
INFORMATION PLEASE ALMANAC
ATLAS AND YEARBOOK (1963).

[redacted]

HUAC
atty [illegible] 7-2-63
2630 [illegible] Blvd
atty for "HARRIET [redacted] "BEUHAI"
Foreign Agent [illegible]

NICOLA'S (SUNSET)
HANGOUT FOR CITY
WHEELS

D-439514 QL AX
FBI LABORATORY

CATAL.

40TH ASSEMBLY
EDWARD E. ELLIOTT
1171 No. MILLER AVE.
L.A. 63 (DEMOCRAT)

30TH CONGRESSIONAL DISTRICT
EDWARD R. ROYBAL
628 So. EVERGREEN AVE.
L. A. 23 (DEMOCRAT)

THE OTHER SIDE OF THE
RIVER BY EDGAR SNOW

RED STAR OVER CUBA
BY NATHANIEL WEY LI

[redacted]

b6
b7C

COLUMBIA UNIVERSITY

AMTORG

REV. [redacted]
1ST UNITARIAN CHURCH
LOS ANGELES

b6
b7C
b7E

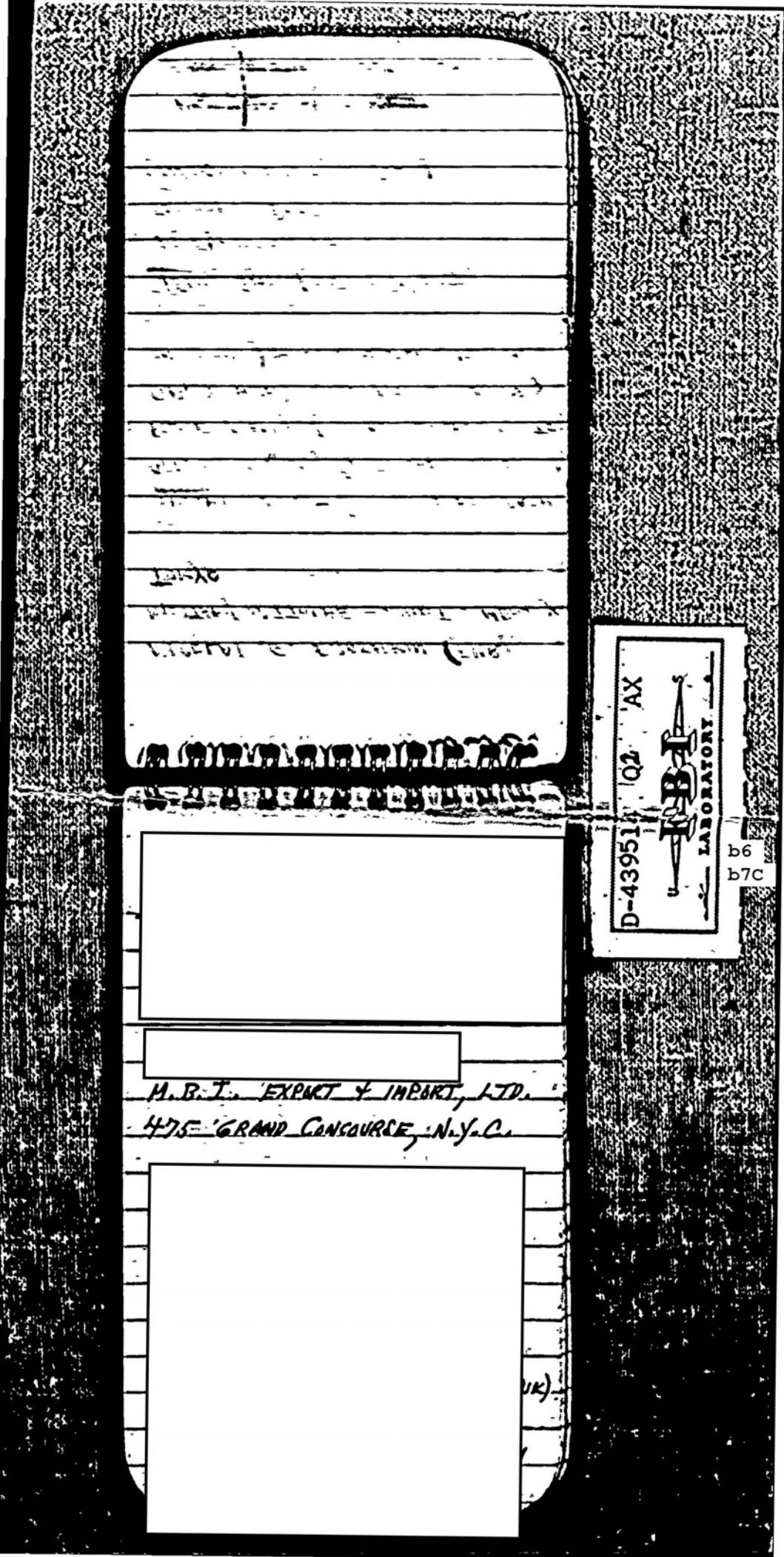
SOVIET EMBASSY
WASHINGTON, D.C.

K

D-439514 Q1 AX

FBI LABORATORY

1.
2.
3.
4.
5.
6.


D-43951 Q2 AX
LABORATORY
b6
b7C
M.B.I. EXPORT & IMPORT, LTD.
475 GRAND CONCOURSE, N.Y.C.

[redacted]

ADMINISTRATOR OF VETERANS AFFAIRS
CENTRAL OFFICE, VETERANS ADMINISTRATION
WASHINGTON, D. C.

[redacted]

CHIEF, CONTACT OFFICE
[redacted] VETERANS ADMINISTRATION
WASHINGTON, D. C.

VETERANS ADMINISTRATION REGIONAL OFFICE
1220 SEPULVEDA BLVD.
LOS ANGELES, CALIF.

[redacted]

D-439514 Q1 AX

FBI LABORATORY

b6
b7C

[redacted]

[redacted]

13,333.00 MAX ANT. [redacted]
(V.A. INS FOR 2000.00)
V.A. WILL WAIVE 15% OF
THE LOAN NOT TO EXCEED
2000.00

[redacted]

CHIEF, CONTRACT OFF.

b6
b7C

V.A. COMPENSATION:

BASIC	W/DEP.	MO.	YR.
128.00	30.00	158.00	1896.00
		(150.60)	

U.S. SENATOR KENNETH B. KEATING
(N.Y.)

[redacted] (CONTACT)

V.A. REGIONAL OFFICE
1380 SEPULVEDA BLVD.
LOS ANGELES, CALIF.
(ASK IN PASADENA V.A. OFFICE)

U.S. SENATOR THOMAS H. KUCHEL
(CALIF.)

CLIPPED FROM
THE TRAVELERS INDEMNITY CO.
HARTFORD, CONN.
APR. 4-8-63

b6
b7C

D-439514 Q2 'AX
FBI LABORATORY

[redacted]
MIAMI
QJB 069
4 OR 5 LY WHITE
#1 379-9593
#2 371-9768
#3 371-9345
TIME: 379-8811

LOCKER # 761-716 (SUN.)
GREYHOUND BUS STA.
(MASS.)
(CALIF.)
(TEX.)
(FLA.)
(FLA.)
(CALIF.)
(KAN.)
JAN 63

[redacted]

(1900–1800)

KNIGHT BEAT

FRANKLIN 3-3781

STA. 118

(2330–0130)

REED FOX

TUES

BETWEEN 10–12.

WE 7 3766 (ANS. SV.)

[redacted] TUCKER

b6
b7C

D-439514 Q1 AX
FBI LABORATORY

NUEVO LAREDO

#1

TEATRO ALAMEDA

#2

LA ROCA BAR & REST.

(DOWNSTAIRS) (1800–2130)

~~THE GREEN CAT~~

~~(2400 ONLY)~~

REFORMA REST. & BAR

GUERRERO 806, N. LAREDO

(1300–1700)

~~MATCH~~ TV AT 6:30 P.M.

ABC MUSIC STORE

1002 HIDALGO

LAREDO, TEXAS

[redacted]

[redacted] Fair Play to Cuba Committee (MACC)

[redacted]

FAIR PLAY FOR CUBA COMMITTEE

[redacted] (NEW. DIR.)

[redacted] (MEXICO CITY)

[redacted] (MACC)

[redacted] L.A.

[redacted] L.A.

[redacted] L.A.

JJM 80217 (54)

EL = 1821.00 OR 2071.00

b6
b7C

D-439514 '02 'AX
LABORATORY

[redacted]

[redacted]

REP. LARE. HER-AMER
CONSTITUENCY IN U.S.

.FE-A-E

PHOTO #4245
IMPERIAL COPY SERVICE
549 S. VERMONT
(ATE-1962) L.A.

C. E. MEXICO D.F.
PHONE:
11-28-47

JUFER REST
CALLE VERSALLES

LAREDO TEXAS

#1 - RA 2-9401
2 - RA 2-9160

#1 - PLAZA THEATRE
#2 - TIVOLI "

[redacted]

CREAM-COL. COMPACT
JOG 823
EMPL; AERO-SPACE
BURBANK
(SAME LOT AS
LOCKHEED).
ACCESS: MACHINIST

[redacted]

ON THE BEACH BOOKSTORE
6 DUDLEY AV. VENICE

b6
b7C

[redacted] (EMR)
MILITARY ATTACHE - SOVIET EMBASSY
TOKYO

[redacted] JUN - (CABINET RESEARCH
OFFICE - C.R.O.) (NATIONAL RURAL
POLICE AGENCY) (PRIVATE SECRETARY TO
P.M. YOSHIDA) (INTELLIGENCE AGENCY
IN CHINA) - NOW IN FUKUOKA-SHI.

[redacted]
LITERATURE DEPT.
TOHOKU DAIGAKU
(NAIGAI CHOSA SHITSU)

[redacted]

D-439514 Q2 AX
FBI LABORATORY

DR. JOHN R. LECHNER
EXECUTIVE DIRECTOR,
AMERICANISM EDUCATIONAL
LEAGUE

FAIR PLAY FOR
CUBA COMMITTEE
P.O. BOX 26251
L.A. 26

CUBA: (EMB) c/o
CZECHOSLOVAK SOCIALIST

BANKRUPTCY, CLERK, U.S. DISTRICT COURT
231 U.S.P.O. & COURTHOUSE
LOS ANGELES 12
MA 5-7411 EXT 833

U.S. ARMY SUPPORT COMMAND
PHILADELPHIA
2800 So. 20TH ST.
PHILA 1, PA

HUAC
atty [redacted] 7-8-63
2630 Crenshaw Blvd
atty for "[redacted]"
"BEULAH"

Foreign Agent [illegible]

NICOLA'S (SUNSET)
HANGOUT FOR CITY
WHEELS

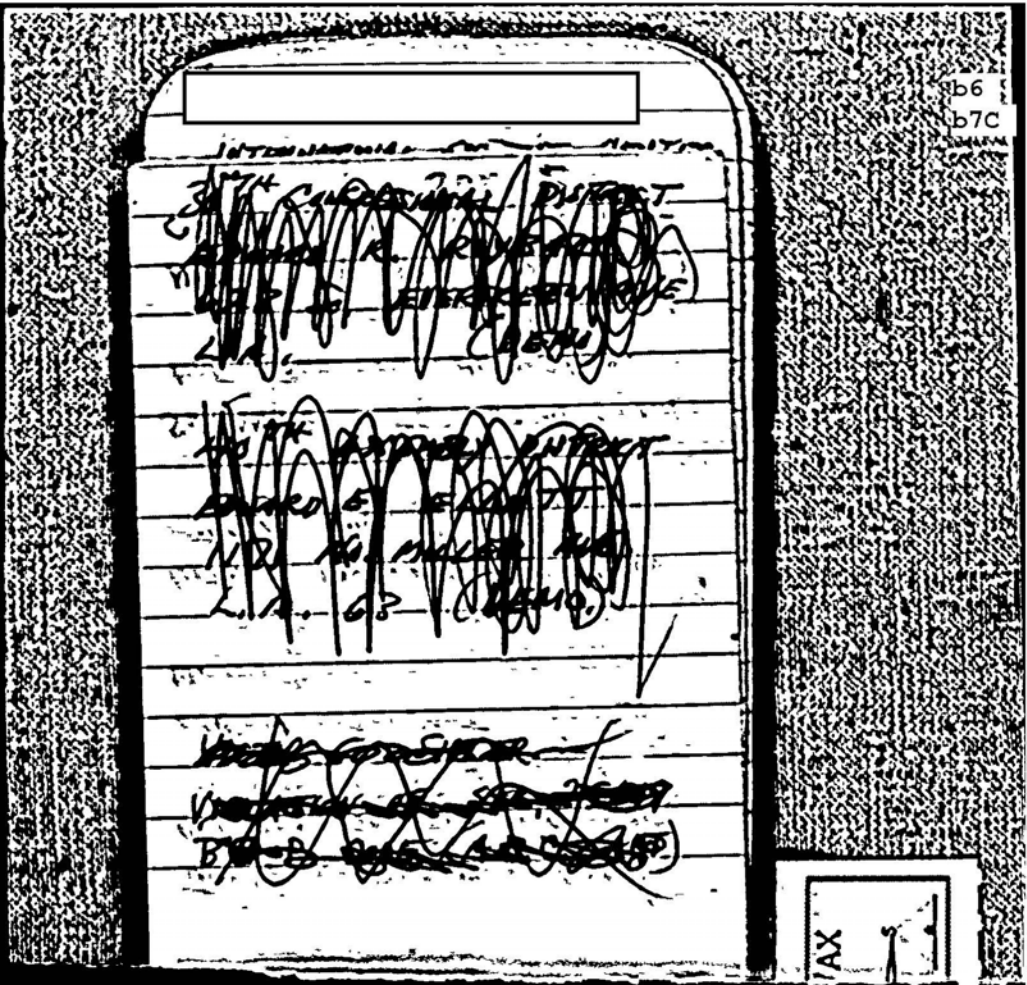
[illegible]

[redacted]

D-439514 Q2 AX
FBI LABORATORY

b6
b7C

b6
b7C



D-439514 Q2
FBI
LABORATORY

SEC. II (M.R.D.)
MANAGEMENT RESEARCH DETACHMENT
APO 500
(EFFORT AGAINST JAPANESE GOV'T.)
(U.S.)
[redacted]
V. LT. COL. [redacted]
Z.E.D. (NOT [redacted] DEACTIVATED FOR
INDISCREET OPERATIONS. TRIAL OPENED
18 JUN 5?. DEF. ATTY. SOCIALIST
REP. (DIET) [redacted]
(IN CONSPIRICY W/ MIHASHI MASAO.

H.I.D. DETACHMENT "C"
YANDO ISLAND (EFFORT AGAINST
JAPANESE GOV'T.) (R.O.K.)

b6
b7C

C # 21 377 465

SSA # 104-24-8340

SEL. SV. # 4-101-30-775

NSLI POLICY # F-17300069

DIV. # 1 – D 593 321

2 – D 609 093

b6
b7C

[redacted]

D 890000

BANKRUPTCY –

b6
b7C

[redacted] - ATTY.

OFFICE - 1218 MARKET ST.

WILMINGTON 1, DELAWARE

OFFICE - OL 2-3155

RES. - OL 5-2928

[redacted] - ATTY.

(N.Y.C. - MANHATTAN)

RES. - 15 PARKVIEW DRIVE

MILLBURN, N.J.

D- [redacted]

FBI

b6
b7C

[redacted]

INTERNATIONAL STUDENT CENTER
(ANNEX)
381 PROSPECT ST.
NEW HAVEN, CONN.
(LIMA, PERU)

[redacted] BAIL BOND AGENCY
[redacted]
(907-3966) "[redacted]"

[redacted]

[redacted]

D-439514 Q2
FBI LABORATORY
AX

JUFER RESTAURANT (SEP) 62
CALLE VERSALLES, MEXICO CITY.

LIBORIO RESTAURANT (OCT) 62
W. 47TH ST., NEW YORK, N.Y.

NITE & DAY RESTAURANT (NOV) 62
8TH AVE., NEW YORK, N.Y.

SUZANNE'S RESTAURANT (JAN) 63
N.E. 3RD AVE., MIAMI, FLA.

NUEVO LARREDO, MEX. (FEB) 63
CAFE REGIS, CALLE PINO-
SUAREZ

[redacted] GOV'T.) (R.O.K.)

[redacted] b6
b7C

U.S. ALIEN REG [redacted]

J. PASSPORT [redacted]

U.S. VISA # [redacted]

CAL. OP PERMIT [redacted]

SELF:

U.S. PASSPORT # C526729 (8-?-[illegible])

[redacted] STUDENT I.D. # 152087 ([illegible])

CIC B&C # 10837

[redacted] B&C # 154 (EMPL. # 777792)

[redacted] CRED. # 170

[redacted] CASE # 2481

[redacted] # XL 332 650

[redacted] 346 (5715871) (8129257)

[redacted]

[redacted] (5770449)

D-439514 Q1 AX

FBI LABORATORY

I-336 (Rev. 12-10-63)

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO. 91-1189
FBI FILE NO. 91-18339 - 1H
LATENT CASE NO. 47543

January 6, 1964

REC-116

TO: SAC, El Paso

RE: RICHARD CASE NAGELL, AKA.;
STATE NATIONAL BANK OF
EL PASO, EL PASO, TEXAS,
9-20-63
BR

REFERENCE: Letter 12-26-63
EXAMINATION REQUESTED BY: El Paso
SPECIMENS: Major case prints of subject Richard Case Nagell, FBI #631219E

Latents in bank robbery section of National Unidentified Latent File not identical submitted impressions of Nagell, which are being retained.

MAILED 10
JAN 6 1964
COMM-FBI

CVG:cjp
(4)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

John Edgar Hoover, Director

21 JAN 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

1-36 (Rev. 11-6-63)

FEDERAL BUREAU OF INVESTIGATION
LATENT FINGERPRINT SECTION WORK SHEET

Recorded: 12-30-63/2:00pm

Received: 12-30-63/cbg

Answer to: SAC, EL PASO

Reference No: 91-1189
FBI File No: 91-18339
Latent Case No: 47543

14

Examination requested by: addressee

Copy to:

RE:
RICHARD CASE NAGELL, AKA;
STATE NATIONAL BANK OF
EL PASO, EL PASO, TEXAS
9/20/63
BR

Date of reference communication: letter 12-26-63

Specimens:

Major case prints submitted of subject:
RICHARD CASE NAGELL
FBI 631-219-E

Result of examination:

Examination by:
Evidence noted by:

b6
b7C

Called CI 12/30: CWG
Comp. MC prints with BR lats. in NULF - no ID's (thru 1159W).
CWG 12-31-63
Copy of Nagell's ID record prev. forwarded El Paso.
Sub. MC prints retained.

amend 1-6-64
CWG 6pp

Examination completed 8:03 A.M. Time 1-3-64 Date

Dictated CWG 1-3-64 Date

OPTIONAL FORM NO. 10
5010-104-02

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (91-18339) DATE: 12/26/63
ATTN: LATENT FINGERPRINT SECTION
IDENTIFICATION DIVISION

FROM : SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, aka.;
State National Bank of
El Paso, El Paso, Texas,
9/20/63
BR

OO: EL PASO

Enclosed herewith are major case prints which include palmar impressions and impressions of the side and tips of the subject's fingers.

It is to be noted that the subject was unco-operative and refused to sign these cards.

These impressions should be compared with unidentified palmar finger tip and fingerprint impressions in pending unsolved bank robbery cases. SUBJECT HAS ATTEMPTED SUICIDE

2-Bureau (Encls.)
1-El Paso
TBW:mad
(3)

ENCLOSURE

91-18339-14
1-13-64

REC-116

SPECIMENS DETACHED IN L.F.P.S.

31

b6
b7C

Transmittal Form

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, El Paso (91-1189) Date: January 16, 1964

Re: RICHARD CASE NAGELL, aka;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

John Edgar Hoover, Director

FBI File No. 91-18339
Lab. No. D-439514 AX
CR-12485 JU

Examination requested by: FBI, El Paso

Reference: Letter 1/3/64

Examination requested: Document, Cryptanalysis

Remarks:

Results of Document examination were furnished you in Laboratory Transmittal Form dated 1/8/64.

MAILED 10
JAN 16 1964
COMM-FBI

REC-9 91-18339

EX-114

19 JAN 21 1964

Enclosures (3) (Q2, 2 Laboratory reports)

FJC:hea
(8)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes

ADMINISTRATIVE PAGE

MAIL ROOM ☒ TELETYPE UNIT ☐

7-1b

REPORT
of the

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: FBI, El Paso (91-1189)

Re: RICHARD CASE NAGELL, aka;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

Date: January 16, 1964
FBI File No. 91-18339
Lab. No. D-439514 AX
CR-12485 JU

Specimens received 1/6/64

Q2 Small spiral notebook containing hand printed names, addresses and other notations

Result of examination:

Examination of Specimen Q2 did not reveal any technical indications of its use for code or cipher purposes. Any book of the type "Information Please Almanac Atlas and Yearbook," which contains lists of numbers and statistics such as occur on pages 250 through 282, 430 through 435 and 586 through 616 of the 1963 edition, for example, lends itself to use as a source of additive keys for encrypting messages but no categorical determination can be made with information now available that this book was so intended in this case.

Specimen Q2 is being returned herewith.

FJC:hea
(8)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

7-2

Recorded 1/6/63
DAS

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NO LAB FILE

Laboratory Work Sheet

Re: RICHARD CASE NAGELL, aka;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

File # 91-18339
Lab. # D-439514 AX
CR-12485 JU

Examination requested by: SAC, El Paso (91-1189) 1/3/64

Examination requested: Document - Cryptanalysis

Date received: 1/6/64

Result of Examination:

Examination by: [redacted] b6 b7C

Examination of Specimen Q2 did not reveal any technical indications of its use for code or cipher purposes. Any book of the type "Information Please Almanac Atlas and Yearbook," which contains lists of numbers and statistics such as occur on pages 250 through 282, 430 through 435 and 586 through 616 of the 1963 edition for example, lends itself to use as a source of additive keys for encrypting messages but no categorical determination can be made with information now available that this book was so intended in this case.

Specimen Q2 is being returned herewith.

Specimens submitted for examination

Q2 Small spiral notebook containing hand printed names, addresses and other notations

T.cc Mr Thompson 5718

1/8/64

Lab report
and transmittal form
to FBI El Paso
w/encls (3)
FJC:lea
1/16/64

Entry on 5th page from initialed over: [redacted] Japanese [redacted] means [redacted]

b6
b7C

Bufiles checked:

63-0-14932 - letter from Subject re request to speak to US Secret Service Rep. ignored

64-48933 - Interviews at Mexico City, (9/28/63) Jacksonville, Fla, (12/15/63) & Miami, Fla. (1/24/63) NO (11/22/63)

44-20134 - Civil Rights case in LA - heiress Victim - July 1962

62-9-26-524 Anonymous caller to LA office - possibly Subject.
105-82555-899 El Paso interview re Association with Lee Harvey Oswald

Ident Div. files contain fingerprint cards of subject & his wife

Information please Almanac Atlas and Yearbook 1963 (IPAA)
contains 928 pages.

Numbers in Q2 checked against Almanac:

Page 716 of Almanac deals with Japan (History & Govt.)
" 761 deals with USSR. (Communist Party; Area & Population)

Q-3 contains Entry "Locker #761 - (716) (Sun.)
Gary Hotel Bus Sta, "

No reference to "Scramble" located in (I.P.A.A.Y.)

Not in Library of Congress.

"The Other Side of the River" by Edgar Snow - subtitle "Red China Today" published by Random House $10.00, in print.

"Red Star over Cuba" by Nathaniel WEHL is in print in 2 editions ① Paper Back 50¢ - McFaddon Pub.
② Hard Cover 4.50 - Devon Books

1 - Linton
1 - Thompson
1-10-64

Airtel 91-18339

To: SAC, El Paso (105-1264) (Enc. 4)
2 - Dallas (100-10461) (Enc. 3)

From: Director, FBI (105-82555)

LEE HARVEY OSWALD
IS - R

Rerep SA Dean N. Ray 1-3-64 at EP.

Add following sentence to synopsis: "A signed statement furnished by Nagell 11-19-63 set out."

Enclosed for EP are 4 copies of the above-mentioned signed statement which were furnished to the Bureau by EPairtel 11-30-63 captioned "Richard Case Nagell, aka, BR" EP file 91-1189, Bufile 91-18339.

Enclosed for DL are 3 copies of the signed statement.

DL and EP should add the above sentence to the synopsis of rerep and add the Xerox copies of the statement to rerep as pages 3, 4 and 5 of rerep.

Bureau copies have been so handled. Bureau felt above statement tends to clarify Nagell's relationship with captioned matter and this should help resolve possible inquiry from the Presidential Commission.

(1) 91-18339 (Nagell)

LML:cgw
(8)

DUPLICATE YELLOW

NOTE: Nagell was arrested for bank robbery on 9-21-63 and has been in custody in EP since that time. On 1-2-64 Nagell was interviewed by Secret Service and FBI at his request. He stated he had made an original request for interview on 11-21-63 and he indicated that the purpose of that request was to report subject's presence in the Ft. Worth-DL area for the information of Secret Service.

JAN 24 1964

NOTE CONTINUED PAGE 2

ORIGINAL FILED IN

A rtel To SAC, El Paso
RE: LEE HARVEY OSWALD
105-82555

The signed statement now being added to rerep shows that the U.S. District Court on 9-24-63 ordered that Nagell be given a psychiatric examination and otherwise explains Nagell's mental outlook and shows that no further investigative attention should be given to any allegation he might make.

FEDERAL BUREAU OF INVESTIGATION

Office	Office of Origin	Date	Investigative Period
EL PASO	DALLAS	1/3/64	1/2/64

TITLE OF CASE	Report made by	Typed By
LEE HARVEY OSWALD	SA DEAN N. RAY	jcs
	CHARACTER OF CASE: IS - R	

Synopsis:

REFERENCES

El Paso teletype to Bureau and Dallas 12/19/63.

Report of SA [redacted] 12/20/63 at El Paso.

El Paso teletype to Bureau and Dallas 1/2/64.

- P -

ADMINISTRATIVE DATA

RICHARD CASE NAGELL, interview of whom is set forth in this report, is the subject of El Paso case entitled "RICHARD CASE NAGELL, aka; State National Bank of El Paso, El Paso, Texas, September 20, 1963, BANK ROBBERY," Bufile 91-18339.

Approved: [redacted] Special Agent in Charge

Do not write in spaces below

Copies made:

(10) - Bureau (105-82555) (AMSD)
3 - Dallas (100-10461) (AMSD)
4 - El Paso
(1 - 105-1264)
(1 - 89-52)
(1 - 44-274)
(1 - 91-1189)

JAN 20 1964

91-18339
NOT RECORDED
199 JAN 14 1964

ORIGINAL FILED IN

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☆ U S GOVERNMENT PRINTING OFFICE 1958 O—385319

EP 105-1264

It is to be noted NAGELL has a history of past mental disturbances and US District Court, El Paso, has made unsuccessful efforts to have NAGELL submit to psychiatric examination.

COVER PAGE
B*

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA DEAN N. RAY
Date: January 3, 1964

Office: El Paso

Field Office File No.: EP 105-1264

Bureau File No.: 105-82555

Title: LEE HARVEY OSWALD

Character: INTERNAL SECURITY - RUSSIA

Synopsis: RICHARD CASE NAGELL, incarcerated El Paso County Jail, charged with Bank Robbery, interviewed by Secret Service Agent and FBI Agent 1/2/64 at his request. Stated he knew [redacted] and that OSWALD was having marital difficulties similar to his own. States made original request for interview on 11/21/63, however, request not honored by jailer. Indicated he could have reported OSWALD's presence in Fort Worth-Dallas area for information of Secret Service. Refused further comment. A signed statement furnished by Nagell 11-19-63 set out.

- P -

b6
b7C

DETAILS:

AT EL PASO, TEXAS:

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date January 3, 1963

1 Secret Service Agent [redacted] accompanied SA THOMAS B. WHITE, JR. in connection with an interview of RICHARD CASE NAGELL in the El Paso County Jail. This interview was conducted in response to a request made by NAGELL to be interviewed by a Secret Service Agent. b6 b7C

Secret Service Agent [redacted] was introduced to NAGELL who attempted an interview with NAGELL, however, NAGELL stated that the information he originally desired to report to the Secret Service was "too late now."

At the conclusion of the short interview with NAGELL, he advised that he had been acquainted with [redacted] and pointed out that OSWALD was having marital difficulties with [redacted] He pointed out that he knew "certain things" in the Fort Worth-Dallas area. He wanted to let the Secret Service know that someone like OSWALD was in that area, however, he knew nothing of OSWALD's intention to assassinate the President. He stated that the requests made by prisoners in the El Paso County Jail for interviews were at times honored and at other times they were not.

On 1/2/64 at El Paso, Texas File # EP 105-1264

by SA THOMAS B. WHITE, JR. / jcs Date dictated 1/2/64

2*

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: 1/27/64

FROM : A. Rosen

SUBJECT: RICHARD CASE NAGELL, AKA.
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
9/20/63
BANK ROBBERY

This is to advise that Richard Case Nagell was arraigned in U. S. District Court (USDC), El Paso, Texas, 1/24/64, on a two count indictment returned 1/8/64 charging him with bank robbery. A motion was filed by the Assistant U. S. Attorney (AUSA), El Paso, under Section 4244, Title 18, to have Nagell committed for psychiatric treatment. U. S. District Judge Homer Thornberry granted the motion and ordered the subject committed to the medical center for Federal prisoners, Springfield, Missouri, for a thirty day period for psychiatric examination.

Nagell advised the court he did not intend to co-operate with the psychiatrist. While being removed from the court to the El Paso County Jail on an elevator by U. S. Marshals, Nagell yelled wild accusations within earshot of newsmen accusing the FBI of not attempting to prevent the assassination of President Kennedy and stating that the FBI and Secret Service Agents had questioned him concerning Lee Harvey Oswald. He also accused the AUSA of violating his constitutional rights.

"No Comment" was made by SAC, El Paso, to the only press inquiry received.

Nagell was arrested 9/20/63 by the [redacted] Texas, [redacted] following his attempted robbery of the State National Bank of El Paso in which he fired two shots from his .45 caliber revolver into the wall of the bank. He has been held in the custody of the U. S. Marshall, El Paso, Texas, since his arrest in lieu of $25,000 bond.

b7D

1 - Mr. DeLoach
1 - Mr. Callahan

VGM:vhm
(9)

REC 7 91-18339-16

EX-108

5 JAN 31 1964

4 FEB 5 1964

Memorandum to Mr. Belmont
RE: RICHARD CASE NAGELL, AKA.

On 11/19/63 Nagell furnished a signed statement stating that on 9/24/63 and 11/4/63 the USDC had ordered that he be given psychiatric examination prior to any prosecutive action. He alleged that under the 5th and 6th Amendments of the U. S. Constitution he was not required to submit to such examination and he would therefore not co-operate with the examining psychiatrist.

On 1/2/64 he was interviewed jointly by a Bureau Agent and a Secret Service Agent at his (Nagell's) request. He claimed he knew [redacted] and that Oswald had been having marital difficulties. He alleged the jailer had failed to honor his first request for this interview which was made on 11/21/63. He stated he wanted to let Secret Service know that someone like Oswald was in the area, however, he knew nothing of Oswald's intention to assassinate the President. b6 b7C

Nagell has an unstable background, having been treated for mental problems during his eleven years service in the U. S. Army. Since he has been incarcerated in El Paso on the current charges, he has attempted suicide by cutting both wrists. He has continuously refused to co-operate with the psychiatrists who have attempted to examine him.

ACTION TAKEN:

The Department has previously been advised by letter of the allegations made by Nagell together with the true facts.

The El Paso Office has been instructed to closely follow this matter to insure that any specific allegations made against Bureau personnel during court action arerefuted on the record.

1 - Branigan
1 - Bland
1 - Thompson
1 - Mullins
1 - Wacks

TO : SAC, El Paso

DATE: 1/16/64

FROM : Director, FBI

1 - Laboratory
1 - R.D. Cotter

SUBJECT: RICHARD CASE NAGELL, aka
ESPIONAGE - X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 92 975
DATE 7-2-81 BY sp-8BTJ/JW

Reurlet 1/3/64 forwarding notebook taken from Nagell at time of his arrest which includes names of purported [ ] agents as well as numerous other individuals including Veterans Administration officials, U.S. Congressmen, various restaurants, and others (some of whom are recognized as being known communists or procommunists). b7E

Relet suggests possibility subject may be engaged in some type of intelligence activity, possibly on behalf of [ ] Relet further notes that subject has "hinted" that he may have been attempting to go to Cuba and that his robbing of State National Bank of El Paso was "due to the direction he had taken towards going to Cuba." Relet further indicates subject was formerly a Captain in the Army and claims to have been trained in the Army's counterespionage school.

Bureau feels security aspects of this matter should be handled separately from criminal angles and that prompt action should be taken to resolve whether or not subject, in fact, has been involved in some form of subversive or espionage activities.

Immediately submit current report captioned as above outlining subject's background and setting forth all pertinent information which might have a bearing on Nagell's activities of a subversive nature. Include pertinent excerpts from subject's notebook and set out appropriate leads for other field offices to identify individuals mentioned therein where addresses are known. Where addresses are not known or where foreign residences are involved, request Bureau handle in cover letter. Concerning alleged [ ] agents, request WFO to check appropriate [ ] records. b7E

This report should also set out in detail circumstances under which notebook was secured as well as any interviews conducted with subject regarding contents of notebook and his possible involvement in subversive activities. Pinpoint subject's exact statements with regard to his proposed visit to Cuba and alleged connection between robbery of State National Bank and trip to Cuba. Also, fully describe subject's prior military

1 - 91-18339 (Richard Case Nagell)
RDC:ams
(11)

91-18339 -
NOT RECORDED
87 JAN 27 1964

DUPLICATE YELLOW

58 JAN 28 1964

service including reported training in counterespionage school and, if necessary, set out appropriate leads to secure further details in this connection.

Cover letter to report should also specifically explain reported concern of Assistant U.S. Attorney in El Paso with regard to notebook and his belief subject may use notebook in his defense with respect to bank robbery charges. It is not clear from relet how this notebook could figure in bank robbery matter or how subject could use its contents in his defense.

Report concerning security angles involved in this case should also set forth appropriate leads to definitely resolve whether subject is engaged in any subversive activities, including information concerning his mental stability, data regarding his financial dealings, and information concerning any contacts he may have had with subversive elements.

FBI Laboratory is conducting examination of notebook to determine if any coded writing may be involved and results of this examination will be forwarded to you separately, at which time original of notebook will be returned.

This matter should receive expeditious attention.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JAN 24 1964

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

XXO 7-28 PM MST URGENT 1-24-64 DRH

TO DIRECTOR AND DALLAS

FROM EL PASO /91-1189/

RICHARD CASE NAGELL, AKA STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER TWENTY, NINETEEN SIXTYTHREE, BANK ROBBERY, BUFILE NINE ONE DASH ONE EIGHT THREE THREE NINE., LEE HARVEY OSWALD, INTERNAL SECURITY - R IS DASH R.

, REREP SA [redacted] DATED DECEMBER TWENTY LAST AT EL PASO ENTITLED LEE HARVEY OSWALD, IS DASH R. AND REPORT OF SA DEAN N. RAY DATED JANUARY THREE LAST, EL PASO, SAME CAPTION, RE EL PASO AIRTELS TO BUREAU NOVEMBER TWENTY SIXTYTHREE AND JANUARY THREE SIXTYFOUR CAPTIONED RICHARD CASE NAGELL, AKA BANK ROBBERY.

SUBJECT NAGELL ARRAIGNED BEFORE USDC, EL PASO, TODAY IN CONNECTION WITH TWO COUNT INDICTMENT RETURNED JANUARY EIGHT LAST CHARGING HIM WITH BANK ROBBERY.

AUSA FILED A MOTION UNDER SECTION FOUR TWO FOUR FOUR, TITLE EIGHTEEN, U.S. CODE USC, TO HAVE SUBJECT COMMITTED FOR PSYCHIATRIC TREATMENT. US DISTRICT JUDGE HOMER THORNBERRY GRANTED MOTION AND ORDERED SUBJECT COMMITTED TO MEDICAL CENTER FOR FEDERAL PRISONERS, SPRINGFIELD, MISSOURI, FOR PERIOD OF THIRTY DAYS FOR THE PURPOSE OF PSYCHIATRIC EXAMIMATION. SUBJECT INFORMED COURT HE WOULD NOT COOPERATE WITH PSYCHIATRISTS.

EX-115
REC-50 91-18339-
5 JAN 31 1964

END PAGE ONE

MR. BELMONT FOR THE DIRECTOR

FEB 8 9 FEB 6 3PD 1964

SOVIET SECTION

b6
b7C

UNRECORDED COPY FILED IN 100-82555-

UPON SUBJECT'S BEING REMOVED FROM US COURT HOUSE TO EL PASO COUNTY JAIL FOR INCARCERATION AND WHILE IN CUSTODY OF DEPUTY US MARSHALS, HE MADE WILD ACCUSATIONS TO NEWSPAPER REPORTERS ACCUSING FBI OF NOT ATTEMPTING TO PREVENT THE ASSASSINATION OF PRESIDENT KENNEDY AND STATING THE FBI HAD QUESTIONED HIM CONCERNING OSWALD. THESE STATEMENTS MADE BY THE SUBJECT YELLING ON THE ELEVATOR EN-ROUTE TO EL PASO COUNTY JAIL IN EAR SHOT OF NEWSPAPER REPORTERS. ADDITIONALLY, ACCUSED AUSA OF VIOLATING HIS CONSTITUTIONAL RIGHTS. THIS IS REPETITION OF NUMEROUS ACCUSATIONS HE HAS MADE AGAINST AUSA BEFORE. ALSO STATED THAT SECRET SERVICE HAD QUESTIONED HIM REGARDING OSWALD.

TV COVERAGE OF NAGELL'S HEARING AND STATEMENTS AFTER HEARING HAS BEEN AFFORDED. ONLY ONE PRESS INQUIRY RECEIVED WITH NO COMMENT ANSWER GIVEN WHICH WILL BE ADHERED TO STRICTLY SHOULD ANY SUBSEQUENT INQUIRIES BE RECEIVED.

ONLY INFORMATION FURNISHED BY NAGELL TO BUREAU AGENTS RELATING ON ANY MANNER TO OSWALD IS CONTAINED IN THE TWO REFERENCED REPORTS.

END

WA OS

FBI WASH DC

DL FL

FBI DALLAS

TU CL

R

CC-MR. ROSEN

CC-MR. SULLIVAN

Bulky Exhibit - Inventory of Pro[redacted] Acquired as Evidence
FD-192 (Rev. 12-5-58)

2/3/64

Chec[redacted]tting semiannual inventory, if no [redacted]pondence with Bureau.

Bufile	Field Division
91-18339	EL PASO

Title and Character of Case

RICHARD CASE NAGELL, THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER 20, 1963
BANK ROBBERY

Date Property Acquired	Source From Which Property Acquired
9/21/63	RICHARD CASE NAGELL

Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
Vault	Evidence - to be held until prosecution completed.

Description of Property or Exhibit and Identity of Agent Submitting Same

1. .45 Caliber Colt Revolver, Serial No. 240976.

2. 6 Rounds .45 Caliber ammunition, 2 rounds expended.

3. 1 Handcuff key.

SA THOMAS B. WHITE, JR.

3 - Bureau
2 - El Paso (66-1177)(91-1089)

JPM:arv
(5)

91-18339-
NOT RECORDED
3 FEB 6 1964

Field File # 91-1089

66 FEB 7 1964

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 4 1964

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC*

FBI EL PASO

10-47 AM MST 2-4-64 URGENT PWM

TO DIRECTOR /91-18339/ AND SAC WASHINGTON FIELD

FROM EL PASO /91-1189/ /P/ 1 PG

RICHARD CASE NAGELL, AKA, THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER TWENTY SIXTY THREE, BANK ROBBERY.

OO - EL PASO.

RE EL PASO AIRTELS TO LA JANUARY TWENTYFOUR LAST PAREN INTEROFFICE PAREN AND EL PASO RAD JANUARY TWENTYNINE LAST PAREN INTEROFFICE PAREN.

EL PASO CANNOT SUBMIT REPORT RE SUBJECT UNDER SIXTYFIVE CLASSIFICATION UNTIL WASHINGTON FIELD COMPLETES INVESTIGATION REQUESTED IN REFERENCED COMMUNICATIONS. WFO IMMEDIATELY SUTEL RESULTS INVESTIGATION.

REC-12 91-18339-18

EX-104

FEB 14 1964

FEB 10 1964

END

WFO WASHRAC*

TWO COPIES WFO

cc: Mr. Tolson

FD-36 (Rev. 12-13-56)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI

Date: 2/5/64

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via TELETYPE URGENT
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (91-18339) AND SAC, EL PASO (91-1189)

FROM: SAC, WFO (91-1770)(RUC)

RICHARD CASE NAGELL, AKA, THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER TWENTY, SIXTYTHREE, BR, OO EL PASO.

RE EL PASO TEL FEBRUARY FOUR LAST AND WFO RADIOGRAM TO EL PASO JANUARY THIRTY LAST.

ON FEBRUARY FIVE INSTANT DOCTOR EDWIN A. WEINSTEIN ADVISED SA ROY J. MC DONALD THE SUBPOENA SHOULD BE DIRECTED TO [redacted]

[redacted]

RUC.

(2)- Bureau
2 - Teletype Unit
1 - WFO

RJM:rlc
(5)

ST-107 REC-11 91-18339-19

9 FEB 11 1964

cc Thompson

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

1 = Shroder
1 = Wacks

Mr. J. Walter Yeagley
Assistant Attorney General

March 18, 1964

Director, FBI

RICHARD CASE NAGELL
ESPIONAGE - X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-81 BY SP-9BT1 JJW

Reference is made to this Bureau's letter dated March 6, 1964. 97,975

On March 10, 1964, Assistant United States Attorney [redacted] El Paso, Texas, advised our El Paso Office that he was now handling the prosecution of the bank robbery case involving the subject. He has replaced Assistant United States Attorney [redacted] advised that the subject's trial on the bank robbery charge has been set for the week of March 30, 1964, in El Paso.

b6
b7C

[redacted]

b5
b6
b7C

ORIGINAL FILED

1 - Mr. Herbert J. Miller, Jr.
Assistant Attorney General

1 - 91-18339 (Nagell)

JFW:jal

NOT RECORDED
191 MAR 19 1964

SEE NOTE PAGE TWO

57 MAR 23 1964

DUPLICATE YELLOW

Mr. J. Walter Yeagley
Assistant Attorney General

NOTE:

Subject is under indictment for bank robbery. When arrested, he had in his possession a notebook and other data indicating possibility of subversive activities and associations. Assistant U. S. Attorney [redacted] had indicated that he believed the subject might endeavor in some way to use this information as part of his defense and [redacted] requested that we determine whether subject actually was involved in subversive activities. We are continuing our security investigation of subject. In referenced letter we advised Yeagley and [redacted] that the office of the U. S. Attorney, El Paso, would be furnished pertinent information developed in instant investigation.

b6
b7C

3-17-64

Airtel

1 - Shroder
1 - Wacks

To: SAC, El Paso (65-951)

2 - Albuquerque
2 - Baltimore (65-43[illegible])
2 - Boston
2 - Charlotte
2 - Dallas
2 - Denver
2 - Jacksonville
2 - Kansas City (65-1704)
2 - Los Angeles (65-7445)
2 - Miami (65-3024)
2 - New Haven
2 - New York (65-23126)
2 - Omaha
2 - Philadelphia
2 - San Antonio
2 - San Francisco
2 - St. Louis (65-2452)
2 - Washington Field (65-9158)
2 - Mexico
2 - Tokyo

From: Director, FBI (64-46933)

RICHARD CASE NAGELL
ESPIONAGE - X

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-3-81 BY SP-8 BTJ/lw

Ee

ReEPairtel 3-10-64.

It is noted that Assistant U. S. Attorney [redacted] advised that information developed during instant investigation would be of no value to him in bank robbery case involving subject. In view thereof and since investigation to date has not disclosed subversive activity on part of subject but has indicated he is mentally unstable, additional inquiries in this Espionage - X case should not be made with exception of leads set out in reairtel concerning the possible [redacted] personnel and indices checks. (The results these leads should be incorporated in reports in the bank robbery matter as well as the Espionage - X case.) In addition, it is desired that the New York Office continue its efforts to ascertain whether information of security significance is contained in the subject's trunk located in [redacted] It is also desired that Los Angeles interview [redacted] to ascertain if he has any information indicating subversive activity on subject's part. Results these leads should be reported only under the Espionage - X character.

b6
b7C
b7E

91-18339

JFW:jal
(47)

NOT RECORDED
180 MAR 19 1964

1 - Foreign Liaison Unit (Route through for review)
1 - 91-18339 (Nagell)

72 MAR 23 1964

SEE NOTE PAGE TWO

166 DUPLICATE YELLOW

ORIGINAL FILED IN 64-46933-33

Airtel to SAC, El Paso
Re: RICHARD CASE NAGELL
64-48933

El Paso should not furnish office of U. S. Attorney results of investigation in Espionage - X case.

NOTE:

Subject, when arrested El Paso on bank robbery charge, had material in his possession indicating possible knowledge and/or association with elements inimical to security interests of U. S. Investigation instituted to determine whether the material and notations therein indicated subject engaged in subversive activities and, in particular, espionage. Another purpose was to assist the Government in preparing bank robbery case. In this regard, the Assistant U. S. Attorney in El Paso who first had the bank robbery case assigned to him, had requested that we check out all the items listed by subject in the material we recovered from him.

The current Assistant U. S. Attorney handling bank robbery matter has requested certain interviews and certifications from [redacted] and military agencies as well as FBI indicating whether subject employed at any time. General Investigative Division is handling these leads. Such information would be of value in the instant case also. El Paso in reairtel instructed all offices to discontinue the espionage investigation. While subject during past ten years has indicated definite signs of mental instability, and while our investigation to date has not indicated subversive activities on his part, it is felt that prior to closing this case we should continue to check out a representative number of items he listed in the material he had in his possession when arrested. The leads set out for New York and Los Angeles herein appear to be the only remaining pertinent items. b7E

Mr. J. Walter Yeagley
Assistant Attorney General

March 6, 1964

1 - Belmont
1 - Rosen
1 - Sullivan
1 - Wannall
1 - Wacks

Director, FBI

RICHARD CASE NAGELL
ESPIONAGE - X

Reference is made to the report of Special Agent [redacted] dated February 4, 1964, at El Paso, Texas.

On March 2, 1964, the office of the United States Attorney, El Paso, advised our El Paso Office that the subject had not yet returned to El Paso; that it would not be possible for him to appear in the United States District Court before March 26, 1964, for a hearing as to whether he is competent to stand trial; and that a trial date would be set for some time subsequent to March 26, 1964.

Our El Paso Office is furnishing the office of the United States Attorney, El Paso, pertinent information developed in this investigation since Assistant United States Attorney [redacted] has indicated that he desired such data in connection with his preparation of the case against subject to be presented when subject is tried on the bank robbery charges.

You will be furnished additional pertinent developments in this matter.

64-48933)
1 - [redacted]
Assistant Attorney General

JFW:jal
(10)

NOTE: See cover memorandum Wannall to Sullivan, captioned as above, dated 3-5-64, prepared by JFW:ams.

1 - 91-18339 (Nagell)

DUPLICATE YELLOW

91-18339-
NOT RECORDED
141 MAR 19 1964

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-3-91 BY SP8 BTJ/JW

MAR 12 1964

ORIGINAL FILED IN 64-48933-1-26

b6
b7C

3-6-64

1 - Belmont
1 - Rosen
1 - Sullivan
1 - Wannall
1 - Wacks

Airtel 5

To: SAC, El Paso (65-951)

From: Director, FBI (64-48933)

RICHARD CASE NAGELL
ESPIONAGE - X

Reurairtel 3-2-64.

Assure that pertinent facts developed in this investigation are furnished to office of U. S. Attorney, El Paso, for assistance in preparation of bank robbery case against subject. No opinion as to violation of espionage or related statutes should be sought from office of U. S. Attorney. Assure investigation this case by your office and auxiliary offices is conducted expeditiously.

JFW:jal
(9)

1 - 91-18339 (Nagell)

NOTE: See cover memorandum Wannall to Sullivan, captioned as above, dated 3-5-64, prepared by JFW:ams.

DUPLICATE YELLOW

91-18339-
NOT RECORDED
141 MAR 9 1964

60 MAR 12 1964

W. C. Sullivan

March 5, 1964

W. R. Wannall

1 - Belmont
1 - Rosen
1 - Sullivan
1 - Wannall
1 - Wacks

RICHARD CASE NAGELL
ESPIONAGE - X

Subject, who has history of mental instability, was indicted 1/8/64 on two counts of attempting to rob El Paso, Texas, bank. At present he is undergoing mental observation in Federal hospital. Hearing will be held on or subsequent to 3/26/64 to determine whether he is competent to stand trial.

At time of arrest, subject had in his possession a notebook containing notations indicating possible familiarity with subversive Cuban groups, a Soviet official, members of Communist Party and possible [redacted] agents. He has furnished a number of motives for attempting to rob the bank ranging from his assertion that he was not serious to the story that he did so on instructions of an unidentified foreign agent. In addition, he has stated he knew Lee Harvey Oswald socially and was acquainted with [redacted] He has also claimed in nonspecific terms that he engaged in espionage activities for the U.S. Government. In view of these data; since the Assistant U.S. Attorney (AUSA) in El Paso has indicated subject may endeavor in some way to use the information in the notebook during the bank robbery trial; and since subject during his U.S. Army career had reportedly been engaged in intelligence work, we instituted investigation to determine significance of the notations in the notebook; to ascertain his associations with the Oswalds; and to determine if he ever was engaged in subversive activities.

b6
b7C
b7E

Our investigation to date has not shown any subversive activity on the part of subject. Investigation has not indicated any associations with Oswalds and when [redacted] was shown a photograph of subject she could not recognize him (the President's Commission has been so advised). Our investigation has indicated that subject since 1954 has exhibited definite signs of unbalanced mentality; has undergone psychiatric treatment at various times; and has furnished nonspecific information to our Jacksonville and Miami Offices pertaining to his being contacted by allegedly Soviet agents. In this regard, he could not be specific.

Enclosures
62-48933
1 - 91-18339 (Nagell)
JFW:ams
(7)

91-1-37-
NOT RECORDED
141 MAR 19 1964

MAR 12 1964

Memorandum for Mr. Sullivan
Re: RICHARD CASE NAGELL
64-48933

ACTION:

(1) In view of the need expressed by AUSA in preparing his bank robbery case, we are instructing El Paso in the attached airtel to assure that pertinent developments in this investigation are furnished the office of the U.S. Attorney and we are stressing that no opinion as to espionage or related violations be obtained from the office of the U.S. Attorney.

(2) Enclosed for approval is a letter to the Department setting forth the latest developments in this matter and advising that we are furnishing the office of the U.S. Attorney pertinent facts obtained as a result of this investigation.

3/20/64

Airtel

EX-114

To: SAC, Washington Field

RE: Director, FBI (91-18339) 20

RICHARD CASE NAGELL
THE STATE NATIONAL BANK OF
EL PASO, EL PASO, TEXAS
9/20/63
BANK ROBBERY

Re El Paso teletype 3/19/64.

Washington Field Office immediately contact [redacted] b7E and military intelligence agencies to secure certificates of non-employment as requested by U. S. Attorney, El Paso. Inasmuch as the U. S. Attorney desires these certificates for possible use in trial, this matter should be afforded expeditious attention.

1 - Baltimore (info)
1 - El Paso (91-1189) (info)

VGM/pah (7)

NOTE: Subject pointed gun at teller in State National Bank of El Paso, El Paso, Texas, in attempted bank robbery. Teller fled and took cover. Nagell fired two shots into wall over teller's head. He was apprehended by police officer outside the bank. When arrested he had notebook containing names of reported employees of [redacted] and military intelligence agencies. During military service, Nagell had been given psychiatric treatment. He has made various claims concerning his involvement in espionage activities. Espionage aspects being handled separately. USA requested certificates of non-employment from FBI, [redacted] and three military services. El Paso was requested to recontact USA to determine why he desires certificates of non-employment.

Records Division is requested to furnish certificates of non-employment concerning Nagell with regard to any possible FBI employment.

MAILED 20
MAR 20 1964

1 - Mr. L. E. Short
Records Division

MAR 20 1964

MAIL ROOM [X] TELETYPE UNIT [ ]

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

3-19-64

GENERAL INVESTIGATIVE DIVISION

Subject pointed gu[illegible]at teller in State National Bank of El Paso, El Paso, Texas, in attempted bank robbery. Teller fled and took cover. Nagell fired two shots into wall over teller's head. He was apprehended by police officer outside the bank. When arrested he had notebook containing names of reported employees of [redacted] and military intelligence agencies. During military service, Nagell had been given psychiatric treatment. He has made various claims concerning his involvement in espionage activities. Espionage aspects being handled separately. USA requested certificates of non-employment from FBI, [redacted] and three military services. El Paso was requested to recontact USA to determine why he desires certificates of non-employment. USA will be furnished certificate re FBI. [redacted] and military intelligence agencies being contacted.

b7E

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAR 19 1964

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC*

FBI EL PASO

11-04 AM MST URGENT 3-19-64 WPS

TO DIRECTOR (91-18339) AND WASHINGTON FIELD OFFICE

FROM EL PASO (91-1189) -P- 2P

RICHARD CASE NAGELL, AKA; THE STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS; SEPTEMBER TWENTY, SIXTYTHREE; BANK ROBBERY.

REBUAIRTEL TO EL PASO MARCH SIXTEEN LAST.

AUSA, EL PASO DESIRES CERTIFICATES OF NON DASH EMPLOYMENT TO PRECLUDE HIS HAVING TO SUBPOENA HEADS OF AGENCIES TO REFUTE ANY ALLEGATIONS MADE BY SUBJECT THAT HE WAS EMPLOYED BY FBI, [redacted] OR MILITARY INTELLIGENCE. b7E SUBJ HAD JUST BEEN RETURNED FROM MEDICAL CENTER FOR FEDERAL PRISONERS, SPRINGFIELD, AFTER UNDERGOING PSYCHIATRIC EXAMINATION. DIAGNOSIS WAS THAT SUBJ IS CAPABLE OF PARTICIPATING IN HIS OWN DEFENSE BUT THAT HIS MENTAL INSTABILITY WAS UNDETERMINED.

SUBJ IN THE PAST HAS HINTED THAT ROBBERY WAS COMMITTED AS RESULT OF HIS COUNTER INTELLIGENCE ACTIVITIES AND INDICATED THAT HE COMMITTED THE ROBBERY AS A RESULT OF THIS AND HIS ASSOCIATIONS WITH COUNTER ESPIONAGE.

EX-114

REC-99 91-18339-20

AUSA'S POINT IN REQUESTING THIS INFORMATION IS TO REBUTE AND REFUTE

END PAGE ONE

MAR 25 1964

RECEIVED-DIRECTOR

MR. BELMONT FOR THE DIRECTOR

TWO COPIES WFO

PAGE TWO

ALLEGATIONS THAT SUBJ MAY OR MAY NOT MAKE, THAT HE WAS EMPLOYED BY FBI OR OTHER ABOVE MENTIONED AGENCIES. IF HE SHOULD INDICATE EMPLOYMENT BY THE FBI, AUSA WANTS TO BE PREPARED TO REFUTE SUCH A CLAIM AND, WITHOUT PROPER PREPARATION AT THIS TIME HE WILL NOT BE IN THAT POSITION.

WFO ADVISED FOR INFO. BALTIMORE ADVISED AM.

END

LRA

FBI WASH DC*

P

CC-MR. ROSEN
Mr. Thompson

3/25/64

Airtel REGISTERED MAIL

To: SAC, El Paso (91-1189)

From: Director, FBI (91-18339)

RICHARD CASE NAGELL
~~THE STATE NATIONAL BANK OF EL PASO~~
EL PASO, TEXAS
9/20/63
BR

ReBuairtel 3/20/64. Enclosed herewith is a certificate of non-employment of Nagell by the FBI.

Enclosure

1 - WFO (info)

1 - Mr. Wacks (613 RB)

VGM:las:jgs
(6)

NOTE: Subject pointed gun at teller in State National Bank of El Paso, El Paso, Texas, in attempted bank robbery. Teller fled and took cover. Nagell fired two shots into wall over teller's head. He was apprehended by police officer outside the bank. When arrested he had notebook containing names of reported employees of [redacted] and military intelligence agencies. b7E During military service, Nagell had been given psychiatric treatment. He has made various claims concerning his involvement in espionage activities. Espionage aspects being handled separately. USA requested certificates of non-employment from FBI, [redacted] and three military services, to offset any possible attempts by Nagell to utilize any employment as a possible defense in his bank robbery trial. WFO obtaining certificates from military intelligence agencies and [redacted]

91-18339-21

19 MAR 25 1964

MAILED 8
MAR 25 1964
COMM-FBI

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAR 31 1964

MAIL ROOM TELETYPE UNIT

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (91-18339) DATE: 3/19/64

FROM : SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, Aka;
State National Bank, El Paso,
Texas, September 20, 1963
BANK ROBBERY

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

OO: EL PASO

Re El Paso airtel to the Bureau dated 3/10/64.

Assistant United States Attorney [redacted] El Paso advised that this case has been set for trial for the week of March 30, 1964.

He desires that SA THOMAS B. WHITE, JR., of the El Paso Office sit at the council table during the course of the trial.

The subject is acting as his own attorney and it is felt that he may make derogatory allegations against the Bureau since his mental stability is doubtful. His defense may be based on wild statements to justify his actions in connection with the bank robbery. Therefore, I believe that the presence of SA WHITE at the council table to assist the AUSA is a necessity and I, therefore have approved the request.

2-Bureau
1-El Paso

TBW:mis
(3)

REC 7. 91-18339-22

EX-105

26 MAR 31 1964

66 MAR 31 1964

FD-36 (Rev. 10-29-63)

FBI

Date: 3/25/64

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL _____ (Priority)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, WFO (91-1770)

RICHARD CASE NAGELL
THE STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
9/20/63
BANK ROBBERY
(OO:EP)

ReBuairtel 3/20/64.

WFO is completing contact of all military agencies and certificates of non-employment as requested by United States Attorney, El Paso. Will be forwarded as soon as obtained.

(3) - Bureau
1 - El Paso (91-1189) (Info)
1 - WFO

RJM/sjb
(5)

AIRTEL

C-20 91-18339-23

EX-108

25 MAR 26 1964

C. C. Wick

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 10-29-63)

FBI

Date: 3/27/64

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL _____ (Priority)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, WFO (91-1770) P

RICHARD CASE NAGELL, aka;
The State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR
(OO:EP)

ReEPtel to Director et al 3/19/64, and Buairtel to WFO 3/20/64.

On 3/27/64 [redacted] advised SA [redacted] that a check of [redacted] records disclosed no employment in any capacity under the true name or known aliases of JOE CRAMER, JOE KRAMER and ROBERT C. NOLAN. b6 b7C b7E

[redacted] advised generally in cases of this type [redacted] sends a man to testify as to non-employment by their agency and he stated there was a reluctance to prepare a certificate of non-employment. He stated, however, if this is determined to be absolutely necessary by the USA, El Paso, Texas, [redacted] should be recontacted at which time they will then determine whether to furnish the certificate of non-employment or request a subpoena for the personal appearance of one of their agency's members. b6 b7C b7E

On 3/26/64, [redacted] Office of Naval Intelligence (ONI), Pentagon Building, Arlington, Virginia, advised a check of available navy records from 1959 to date b6 b7C

91-18339-24

(3) - Bureau
2 - El Paso (91-1189)
1 - WFO

RJM:kls
(6)

REC-31

6 APR 3 1964

C. C. Wick

AIRTEL

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

56 APR 9 1964

shows no employment by subject NAGELL under his true name or above-enumerated aliases in any capacity. Pursuant to the request of [redacted] a written request is being furnished ONI asking for a certificate of non-employment. b6 b7C

To date, no response has been received from other intelligence agencies contacted.

SUBJECT HAS SUICIDAL TENDENCIES.

FD-36 (Rev. 12-13-56)

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI

Date: 4/3/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, aka;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

OO: EL PASO

Re WFO airtel to Bureau dated 3/27/64.

AUSA, El Paso desires a Certificate of Non-Employment of [redacted] records rather than subpoena a [redacted] representative to testify to non-employment by their agency. He pointed out that this certificate is requested for the purpose of rebuttal and that it may or may not be admissible for rebuttal depending upon the course taken as to testimony. He feels that the Government is being put to undue expense to subpoena a [redacted] representative to appear as a rebuttal witness when a Certificate of Non-Employment would serve the purpose. b7E

REC-97

91-18339-25

LEADS:

EX-108

WASHINGTON FIELD OFFICE:

25 APR 7 1964

AT WASHINGTON, D.C.:

Recontact [redacted] and request that they furnish the Certificate of Non-Employment, and advise them as to the reason for the request. b7E

HOXIE

(3) Bureau
2- WFO (91-1770)
1- EPPD (91-1189)
1- [illegible]

Approved: _____ Sent _____ M Per _____

E. C. Wick Special Agent in Charge

APRIL 8, 1964

CODE

RADIOGRAM DEFERRED

TO SAC, EL PASO (91-1189)

FROM DIRECTOR, FBI (91-18339)

RICHARD CASE NAGELL; AKA.; STATE NATIONAL BANK,
EL PASO, TEXAS, SEPTEMBER TWENTY, SIXTYTHREE. BR.

REURTEL APRIL SEVEN, SIXTYFOUR.

REC-105 91-183926

KEEP THE BUREAU PROMPTLY AND CURRENTLY ADVISED OF ALL DEVELOPMENTS IN THIS MATTER AND SUTEL RESULTS OF EFFORT TO ~~QUASH SUBPOENA~~.

19 APR 10 1964

VIA RADIOGRAM
7:35PM RC
APR 8 1964

NR. 24001
ENC. RAC
CK. RSM
APPROVED BY
TYPED BY

VGM:hw
) 3

NOTE: Relay via San Diego.

Retel reported that a subpoena duces tecum had been directed [redacted] U. S. Attorney advised he will file motion to quash subpoena. [redacted]

b7D

This trial is based on attempted robbery of captioned bank by the subject on 9-20-63, during which he pointed a gun at a teller, who fled and took cover. Subject then fired two shots over the teller's head into a wall. He was apprehended outside the bank by a police officer and had in his possession a notebook containing names of reported employees of [redacted] and military intelligence agencies. He has made various claims concerning his involvement in espionage activities. During military service he was given psychiatric treatment and USDC, EP, also ordered him committed for psychiatric examination. The latter diagnosis indicated he was capable of participating in his own defense, but his mental instability was undetermined.

b7E

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

55 APR 15 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

91-183927

Mr. Herbert J. Miller, Jr.
Assistant Attorney General

April 10, 1964

1 - Mr. Belmont
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. McCarthy

Director, FBI

RICHARD CASE NAGELL
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
SEPTEMBER 20, 1963
BANK ROBBERY

For your information the attorney representing Richard Case Nagell, who is charged with bank robbery, has caused a subpoena duces tecum to be directed to

b7D

[redacted]

Nagell on September 20, 1963, attempted to rob the State National Bank of El Paso, El Paso, Texas. He pointed a gun at a teller who fled and took cover. Nagell then fired two shots over the teller's head into a wall. He was apprehended outside the bank by an [redacted] officer. A notebook in Nagell's possession at the time of his arrest contained names of reported employees of military and civilian intelligence agencies of the Government as well as references to Medical Aid to Cuba and Fair Play for Cuba Committee. With regard to security aspects your attention is invited to letters to Mr. Yeagley dated March 6, 1964, and March 18, 1964.

b7D

1 - Mr. John Wacks (Room 613RB)
NOTE: See memo Rosen to Belmont, same caption, 4-9-64, VGM:cfs
VGM:cfs
(10)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

79 APR 16 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

MAILED 2
APR 10 1964
COMM-FBI

REC'D-READING
APR 10 3

Mr. Herbert J. Miller, Jr.

While in the U. S. Army, Nagell received psychiatric treatment and U. S. District Judge Thornberry, El Paso, Texas, on January 24, 1964, ordered him committed to the Medical Center for Federal Prisoners, Springfield, Missouri, for a period of thirty days for the purpose of psychiatric examination. Nagell informed the Judge that he would not cooperate with the psychiatrist. The diagnosis returned from the Medical Center for Federal Prisoners was that Nagell was "capable of participating in his own defense, but that his mental instability" was undetermined.

The defense request appears to be exploratory and the U. S. Attorney, El Paso, advised he will file a motion to quash this subpoena and attempt to [redacted] b7D

The U. S. Attorney informed that [redacted]

1 - Mr. J. Walter Yeagley
Assistant Attorney General

April 8, 64

GENERAL INVESTIGATIVE DIVISION

Subject pointed gun at teller in State National Bank of El Paso, El Paso, Texas, in attempted bank robbery. Teller fled and took cover. Nagell fired two shots into wall over teller's head. When arrested he had notebook containing names of reported employees of [redacted] and military intelligence agencies. During military service, Nagell had been given psychiatric treatment. He has made various claims concerning his involvement in espionage activities.

The action to quash the subpoena [redacted] will be followed closely.

b7E
b7D

Rent

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

APR 7 1964

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC

FBI EL PASO

4-56 PM MST URGENT 4-7-64 WPS

TO DIRECTOR (91-18339)

FROM EL PASO (91-1189) -P- 2P

RICHARD CASE NAGELL; also known as AKA.; STATE NATIONAL BANK, EL PASO, TEXAS, SEPT. TWENTY, SIXTYTHREE. Bank Robbery BR.

RE MY LET MARCH NINETEEN LAST ADVISING CASE SET FOR TRIAL WEEK OF MARCH THIRTY, SIXTYFOUR. ON A MOTION PREPARED BY COURT APPOINTED ATTORNEYS IN BEHALF OF NAGELL, CASE POSTPONED UNTIL APRIL TWENTYSEVEN NEXT. A SUBPOENA DUCES TECUM DIRECTED TO [redacted] b7D

[redacted] HAS BEEN ISSUED BY COURT APPOINTED DEFENSE ATTORNEYS [redacted]

[redacted]

[redacted] THIS SUBPOENA IS ISSUED ON APPLICATION OF THE DEFENDANT.

91-18339-27

[redacted]

END PAGE ONE

RECEIVED DIRECTOR
11 APR 15 1964

MR. BELMONT FOR THE DIRECTOR

Memo Lacen to Belmont 4-9-64 and Ltr to Mr. Herbert J. Miller, Jr. dtd 4/10/64 filed in 6

PAGE TWO

[redacted] b7D

[redacted] HIS DEMAND [redacted] APPEARS TO BE EXPLORATORY AND IT IS RECOMMENDED [redacted]

Assistant United States Attorney ~~AUSA~~, [redacted] EL PASO, HAS BEEN ADVISED AND IS FILING A MOTION TO QUASH THIS SUBPOENA DUCES TECUM WHICH MAY POSSIBLY BE HEARD BY U.S. DISTRICT COURT, EL PASO, APRIL NINE OR TEN NEXT. AUSA HAS INDICATED [redacted] IN CONNECTION WITH MOTION TO QUASH. IF HE FOLLOWS THIS PROCEDURE AND Unless Advised to Contrary by Bureau [redacted] [redacted]

b6 b7C b7D

END

LRA

FBI WASH DC

P

CC - Mr. Rosen

[redacted]

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
APR 10 1964
TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC

FBI EL PASO

334 PM MST URGENT 4-10-64 LMT

TO DIRECTOR (91-18339)

FROM EL PASO (91-1189) -P-

RICHARD CASE NAGELL, AKA; STATE NATIONAL BANK, EL PASO, TEXAS, SEPTEMBER TWENTY, NINETEEN SIXTY THREE. BR.

RE BUTEL APRIL EIGHT LAST.

REC 10 91-18339-28

EX 103

MOTION TO QUASH SUBPOENA DUCES TECUM FILED BY AUSA, EL PASO, WAS HEARD BY USDC, EL PASO, TODAY. SUB NAGELL REPRESENTED BY TWO COURT APPOINTED ATTORNEYS. WAS PRESENT IN COURT ROOM AND MOTION WAS GRANTED. SAC, HOXIE, WAS RELEASED AS WITNESS.

DEPARTMENT OF JUSTICE
18 APR 16 1964
RECEIVED

CASE SET FOR TRIAL APRIL TWENTY SEVEN NEXT.

END OS

53 APR 20 1964

FBI WASH DC

cc McCarthy

P

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
EL PASO	EL PASO	4/15/64	4/13/64

TITLE OF CASE

RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63

REPORT MADE BY: SA THOMAS B. WHITE, JR. | TYPED BY: shd

CHARACTER OF CASE

BANK ROBBERY

REFERENCES

Report of SA THOMAS B. WHITE, JR. dated 9/26/63 at El Paso;

El Paso teletype to Bureau dated 4/10/64;

El Paso teletype to Bureau dated 4/7/64.

- P -

ADMINISTRATIVE

This report is being prepared at the instruction of the Bureau, and the investigative period of 4/13/64 reflects a review of the file in order to bring the investigative report up to date.

APPROVED | SPECIAL AGENT IN CHARGE

COPIES MADE:

1 - Bureau (91-18339)
1 - AUSA, El Paso
3 - El Paso (91-1189)

DO NOT WRITE IN SPACES BELOW

91-18339-29

REC-47

8 APR 17 1964

STATE SEC

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY
REQUEST RECD.
DATE FWD.
HOW FWD.
BY

NOTATIONS

66 APR 23 1964

U.S. GOVERNMENT PRINTING OFFICE 16—76324-1

It is to be noted that the Bureau has instructed that an Espionage - X case be opened in connection with NAGELL and possible espionage activities on his part. There is presently under investigation in the El Paso Office the case entitled "RICHARD CASE NAGELL, Aka. ESPIONAGE - X", El Paso file 65-951; Bureau file 64-48933. In bringing this investigation up to date, that portion of the investigation which refers to possible security or espionage information in connection with NAGELL is not being reported in the Bank Robbery report, but is being carried in the reports being submitted concerning any espionage violation on the part of NAGELL. AUSA [redacted] El Paso, has stated that he desires no information concerning any espionage or security information concerning NAGELL and that he is simply interested in trying NAGELL on the charge of Bank Robbery. b6 b7C

An extra copy of this report is being prepared for the El Paso Office in the event an extra copy is necessary in requesting another office to conduct additional investigation.

LEADS

EL PASO

AT EL PASO, TEXAS:

Will follow and report the results of prosecution.

FD-294 (Rev. 2-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - AUSA, EL PASO

Report of: SA THOMAS B. WHITE, JR. Office: EL PASO
Date: April 15, 1964

Field Office File No.: EP 91-1189 Bureau File No.: 91-18339

Title: RICHARD CASE NAGELL

Character: BANK ROBBERY

Synopsis: The records of [redacted] b7D

[redacted] NAGELL enlisted U.S. Army, 8/5/48, and honorably discharged 10/29/59, as Captain. Subject made signed statement 11/19/63, in which he alleged that his right to a speedy trial had been violated. Subject made another signed statement 1/16/64, which he claimed was relative to the motive which actuated his conduct on 9/20/63, that he did not actually attempt to rob any bank, and was not guilty as charged. Articles obtained from the person of NAGELL at the time of his arrest are set forth. Federal Grand Jury returned indictment against subject for Bank Robbery on 1/10/64. Subpoena duces tecum directed to [redacted] b7D

[redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EP 91-1189

[redacted] b7D

[redacted] Motion to quash filed by AUSA, El Paso, and on 4/10/64, USDC granted motion to quash. Case set for trial 4/27/64. SUBJECT HAS ATTEMPTED SUICIDE.

- P -

DETAILS:

On September 30, 1963, Dr. EDWIN A. WEINSTEIN, 400 Aspen Street, Apartment A, Washington, D.C., advised he was a consultant for the United States Army and furnished the following information to Special Agent ROY J. MC DONALD:

[redacted]

b6
b7C
b7D

[redacted] b7D

It was the opinion of Dr. WEINSTEIN that the subject still apparently needed psychiatric treatment, but he has not seen him since 1955 and was unable to evaluate his activity since that time.

On February 5, 1964, Dr. EDWIN A. WEINSTEIN advised Special Agent ROY J. MC DONALD the subpoena should be directed to [redacted] b6 b7C b7D

A review on October 17, 1963, by Investigative Clerk [redacted] of the Military Service Records on file at the Military Personnel Records Center, St. Louis, Missouri, indicated RICHARD CASE MAGELL, Serial Number 12 115 891, enlisted in the United States Army on August 5, 1948. He was honorably discharged on August 1, 1951, as a Sergeant at Fort Benning, Georgia, to accept a commission in the United States Army, Officers' Reserve Corps. b6 b7C

He was appointed and commissioned a Second Lieutenant on August 2, 1951, under Serial Number 02 028 346, and entered on active duty on the same date at Fort Benning, Georgia. He was honorably discharged on October 29, 1959, as a Captain at Fort Dix, New Jersey, by reason of unqualified resignation. While serving on active duty in the above period as an officer, he was appointed a Second Lieutenant in the United States Army, Officers' Reserve Corps on November 14, 1952.

The service records indicated that NAGELL served in the United Nations Summer-Fall Campaign in Korea, the Second Korean Winter Campaign in Korea, the Korean Summer-Fall Campaign in 1952, the Third Korean Winter Campaign in 1953, and the United Nations Summer-Fall Compaign in 1953. He was awarded the Korean Service Medal with one Silver Star, the National Defense Service Medal, the United Nations Service Medal, the Bronze Star Medal, the Purple Heart with two Oak Leaf Clusters, the Expert Infantry Badge, the Parachute Glider Badge, the Combat Infantryman's Badge, and the Republic of Korea Presidential Unit Citation.

His character and efficiency rating ranged from unknown to superior, and there is no record of courts-martial or absence without official leave.

The following descriptive and backgound information was contained in the service records:

Date of Birth	August 5, 1930
Place of Birth	Greenwich, New York
Height	6'
Weight	146 pounds
Race	White
Hair	Red
Eyes	Brown
Complexion	Light
Build	Medium
Blood Group	"A"
Education	Four years of high school
Civilian Occupations	Student and track repairman
Military Occupation	Infantry Unit Commander

EP 91-1189

Addresses	8225 Grand Avenue, Elmhurst 73, Long Island, New York (12/7/62); 1533a "B" Street, Fort Dix, New Jersey (12/23/59); 304 Madison Avenue, Albany, New York (8/5/48); 8222 Ankener Avenue, Elmhurst, Long Island, New York (8/1/51); Box 75801 Sanford Station, Los Angeles 5, California (7/26/63); RFD 1, Glens Falls, New York (1935 to 12/41); 140 New Scotland Avenue, Albany, New York (12/41 - 8/48);
Relatives	Mother, FRANCES NAGELL, 22 First Street, Troy, New York (8/5/48); b6 b7C
	[redacted]
Employment	New York Central Railroad, Albany, New York (7/48 to 8/3/48)

Character References	[redacted]	b6 b7C
Credit References	William Sloane House (YMCA), West 34th Street, New York, New York (8/23/50); Times Square Hotel, West 43rd Street, New York, New York (8/23/50); [redacted] Providence Street, Albany 3, New York (8/23/50)	
VA Claim Number	C-21-377-465, Veterans Administration Regional Office, Los Angeles, California	
Photograph	None available in service records	
Social Security #	104-24-8340	

On November 1, 1963, Assistant United States Attorney [redacted] advised that the United States District Court had received a writ of habeas corpus from NAGELL with a request that he be heard by the United States District Court at El Paso. Assistant United States Attorney MORTON advised that the Honorable R. E. THOMASON, United

b6 b7C

States District Judge, had set November 4, 1963, as the date for the hearing.

On November 4, 1963, Special Agent WHITE appeared at the hearing at the request of the Assistant United States Attorney, [redacted] NAGELL had fired his court-appointed attorney, former Assistant United States Attorney [redacted] and had indicated that he had drawn the writ of habeas corpus on his own. NAGELL pointed out to the court that he was arraigned before United States Commissioner HENRY C. CLIFTON on September 21, 1963, at which time a $25,000 bond had been set. He requested that he be given a hearing inasmuch as he desired to hear evidence on the part of the Government to establish Probable Cause. b6 b7C

NAGELL's request was granted by Judge THOMASON and Special Agent WHITE gave testimony to establish Probable Cause. Judge THOMASON then denied the writ of habeas corpus and ordered NAGELL held in lieu of the $25,000 bond for the action of the next Federal Grand Jury.

At the hearing before Judge THOMASON, NAGELL represented himself and consented to the court appointing him another attorney inasmuch as he stated that [redacted] had not been satisfactory. At the same time, he refused to submit to an examination by a civilian psychiatrist as ordered by the United States District Court. NAGELL pointed out to the court that he was drawing 62% disability as a result of war injuries, and he stated that he would submit to an examination by a psychiatrist employed by the Veterans Administration. Judge THOMASON pointed out to him that there is no Veterans Administration facility in El Paso, Texas, and suggested to him that he cooperate with the psychiatrist at the William Beaumont Army Hospital, El Paso. NAGELL b6 b7C

pointed out to the Court that "He was not a liar, and that he could not promise the court that he would cooperate 100% with the psychiatrist at William Beaumont Army Hospital." NAGELL then pointed out to Judge THOMASON that he would like to state that he had not robbed the State National Bank of El Paso.

FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date September 27, 1963

It was determined that the Medical Records, Veterans Administration (VA) Outpatient Clinic, 1031 South Broadway, Los Angeles, California, contained the following information concerning [redacted] b7D

[redacted]

On 9/23/63 at Los Angeles, California File # LA 91-2026

by SA [redacted] Date dictated 9/23/63

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302 (Rev. 1-25-60)

FEDERAL BUREAU OF INVESTIGATION

Date March 23, 1964

1

[redacted] Staff Psychiatrist, b6 b7C
United States Veterans Hospital, Downey, Illinois, advised as follows:

He has this date reviewed records of RICHARD MAGELL. He cannot be sure he visualizes this former patient, but does remember the case.

Records reflect that MAGELL entered the hospital complaining of headaches and lapses of memory on December 20, 1962. He was, therefore, sent to the Neurology Section which found him substantially normal. Therefore, they sent him, on January 15, 1963, to the Psychiatric Ward to see whether there was a psychotic problem.

He examined MAGELL at this time and found him to be fully competent, responsible for his acts and not psychotic. He also had MAGELL "staffed", meaning MAGELL appeared before himself and two other staff psychiatrists. They shared his view as did the Chief of the Psychiatric Service, [redacted] who, it is recalled, examined MAGELL twice. b6 b7C

With regard to his "Final Diagnosis and Present Status", he noted "Chronic brain syndrome associated with brain trauma (by history of) with behavioral reaction characterized by passive aggressive and paranoid features." This means that physical examination had failed to substantiate the trauma so the information as to this was verbal so far as he was concerned.

So far as "passive aggressive" and "paranoid features" are concerned, these relate to behavior and personality patterns and do not imply psychosis.

It was his opinion that the headaches were a neurotic thing. Patient was fully in contact; there was

---

On 3/20/64 at Downey, Illinois File # CG 91-3570 KP 91-1189

by SA [redacted] rms Date dictated 3/21/64 b6 b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

nothing to indicate psychotic thinking; there were no delusions or hallucinations and patient was well oriented. MAGELL had no depression when he saw him.

MAGELL was discharged against medical advice (A.M.A.) only because he wanted to leave the hospital for some job interview while [redacted] prefers to observe every patient about three weeks. b6 b7C

The following investigation was conducted by Investigative Clerk [redacted] on indicated dates: b6 b7C

On October 22, 1963, [redacted] Merchants Credit Association of San Diego, advised she could locate no record of subject under his true name or known aliases.

On November 4, 1963, Lieutenant [redacted] Record Division, San Diego County Sheriff's Office, advised there was no record of subject under true name of known aliases. b6 b7C

On November 5, 1963, Lieutenant [redacted] Records Division, San Diego Police Department, advised that subject's name was unknown in their files.

On January 10, 1964, Special Agent THOMAS B. WHITE, JR. appeared before the Federal Grand Jury at San Antonio, Texas, and presented the facts of the case concerning RICHARD CASE NAGELL. A True Bill was returned by the Grand Jury on the same date.

On January 15, 1964, [redacted] telephone [redacted] telephonically contacted the El Paso Office of the Federal Bureau of Investigation and talked to the Special Agent in Charge. b6 b7C

[redacted] stated [redacted] NAGELL and that she had just heard the evening before about the Bank Robbery charge filed against NAGELL.

She stated that she last saw him in August, 1963, at which time he indicated he wanted nothing to do with his relatives and no interference with his private life. She commented that [redacted] had had a brilliant career in the

military service up until the time of the plane crash near Washington, D.C., following which he was unconscious for three weeks in the Walter Reed Hospital in Washington. Upon his recuperation from those injuries, he underwent a complete personality change.

[redacted] was naturally very concerned regarding the charges against [redacted] She was advised that the court had appointed psychiatrists to examine [redacted] but that he would not cooperate with them. She was also told of the number of the court appointed attorneys with whom NAGELL has refused to cooperate. She was additionally advised of the current whereabouts of NAGELL in the El Paso County Jail. She did not know whether she would be able to come to El Paso or whether she would correspond [redacted]

b6
b7C

The records of the United States Attorney's Office were checked, [redacted] advised on January 24, 1964, that the United States District Court at El Paso, on a motion by the Assistant United States Attorney's Office, ordered on January 24, 1964, that the subject be sent to Springfield for a period of thirty days for the purpose of a psychiatric examination.

b6
b7C

On February 3, 1964, [redacted] Chief Deputy United States Marshal, El Paso, advised that the subject was removed from the El Paso County Jail to be transferred to the Medical Center for Federal prisoners at Springfield, Missouri, to undergo psychiatric examination.

b6
b7C

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date January 16, 1964

1

RICHARD CASE NAGELL was interviewed at the El Paso County Jail by Special Agents EDWARD JOSEPH MURPHY and [redacted] at which time NAGELL furnished the following signed statement: b6 b7C

"1/6/64
"El Paso, Texas

"I, Richard Case Nagell, do hereby make the following free and voluntary statement to Edward Joseph Murphy and Lawrence W. Gorman, who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. They have advised me that I do not have to make any statement and that any statement that I do make may be used against me in a court of law. They have advised me that I may have an attorney if I desire. No threats, promises, force, or inducements of any kind have been used to get me to furnish this statement.

"I was born on August 5, 1930 at Greenwich, New York.

"The following statement is relative to the motive which actuated my conduct on September 20, 1963.

"In September 1962, while I was in Mexico City a representative of a foreign government proposed to me that I participate in an act; Such act being a criminal offense and inimical to the best interests of the United States. At that time I refused such proposal. In May, 1963, another representative of the same foreign government made the same proposal to me. At that time I agreed to such a proposal.

"In Sept. 1963, I was informed by an American, known to me as an agent of the same foreign government, that arrangements for my participation in the aforementioned act were

On 1/6/64 at El Paso, Texas File # EP 91-1189

SA [redacted] & b6 b7C

by SA EDWARD JOSEPH MURPHY/shd Date dictated 1/10/64

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

completed. At this time I refused the aforesaid proposal.

"Approximately one week later I was instructed by this same person to either participate as previously agreed or derrogatory information pertaining to me would be disclosed to the Federal Bureau of Investigation. Thereupon I agreed to follow the instructions of this person, although I did not intend to do so. This existing situation actuated my conduct of September 20, 1963, for which I was arrested and am presently charged.

"I did not actually attempt to rob any bank. I thought that my arrest would provide an immediate, though temporary solution to the problem with which I was confronted.

"I am not guilty as charged.

"I have read this statement consisting of this and two other pages, and which I have initialed, and it is true and correct to the best of my knowledge and belief.

"/s/ Richard Case Nagell

"Witness:

"/s/ Edward Joseph Murphy, Special Agent FBI, El Paso, Texas, 1/6/64

"/s/ [redacted] Special Agent FBI, El Paso, Texas 1/6/64" b6 b7C

NAGELL refused to amplify his comments in the above signed statement and refused to be any more specific than he was in the statement. He advised that he did not desire to name any specific names or specific dates.

FD-302 (Rev. 1-25-60) FEDERAL BUREAU OF INVESTIGATION

Date September 25, 1963

1

The following articles were examined by Special Agent [redacted] They were turned over to SA [redacted] who obtained them from the person of ROBERT CASE NAGELL whom he had arrested outside of The State National Bank at approximately 4:30 P.M. on September 20, 1963. These items are as follows: b6 b7C b7D

1. Social Security Card No. 104-24-8340 under name of RICHARD CASE NAGELL.

2. Veterans' Administration Outpatient Clinic Identification Plate in name of NAGELL, RICHARD C., No. 21 377 465 and No. 3 08 05 30 M 9044.

3. Calendar for 1963 from Holiday Inns of America.

4. Card from Kim Tours and Travel with name on card of [redacted] address 615 South Flower Street, Los Angeles 17, California, telephone Madison 5-5761.

5. Hartford Accident Card with name [redacted] address 548 South Spring Street, Los Angeles 13, California, telephone Madison 6-8411. b6 b7C

6. Card with seal of City of Los Angeles and name [redacted] Administrative Assistant to the Mayor, Office of the Mayor, City Hall, Los Angeles 12, California, telephone Madison 4-5211.

7. Card of [redacted] Bail Bond Agency, 5113 West Pico Blvd., West of Redondo Blvd., Los Angeles 19, California, telephone Webster 7-3766. b6 b7C

8. Card of [redacted] Special Investigator, Division of Labor Law Enforcement, Department of Industrial Relations, Room 5007, Los Angeles State Building, 107 South Broadway, Los Angeles 12, California, telephone Madison 0-2180.

On 9/20/63 at El Paso, Texas File # EP 91-1189

by SA [redacted] st Date dictated 9/20/63 b6 b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

9. Card from City of Pico Rivera with name LOUIS R. DIAZ, Mayor, 6615 Passons Blvd., Pico Rivera, California, telephone Oxford 2-3708, residence Oxford 5-7501.

10. Card with name [redacted] "Larry's Kozy Room", address 739½ South Western Avenue, Los Angeles, California, phone Dunkirk 7-6247 and Dunkirk 7-0603. b6 b7C

11. Card for Nippon Educational Films, [redacted] Vice President, Office Shochiku Films of America, Inc., 2320 South Hill Street, Los Angeles 7, California, Richmond 7-8507, residence 4233 Mandalay Drive, Los Angeles 63, Calif., telephone Angelus 1-0615. b6 b7C

12. Card for General Lee's, [redacted] 475 Gin Ling Way, Los Angeles, California, phone Madison 4-1825 containing names [redacted] and [redacted] On back of this card there is a map showing where above establishment is located.

13. Card of Los Angeles Police Department, Detective Bureau, Robbery Division, presented by Sgt. [redacted] 150 North Los Angeles Street, phone Madison 4-5211, Station 2511. On the back of this card is written CI 18956, 452 W. Milford, Glendale, California.

14. Card for TURISMO, [redacted] S.A., All - Expense Tours, Avenida Juarez, #56-504, telephone 21-61-57, Mexico, D.F. On the back it has rec'd - Fr. [redacted] b6 b7C

15. Card which has something written in a foreign language and in English has words In Spades.

16. A 1962 calendar from Alianza Para el Progreso.

17. A slip of paper with the name [redacted]

18. A slip of paper containing following message: "Mr. NAGELL, Please contact [redacted] or [redacted] FBI, HU 3-3551. Thank you, [redacted] b6 b7C

19. A slip of paper with name [redacted] 1615 Bedford Road, San Marino (Republican) between Huntington and West Drive.

20. A personalized check bearing printed name RICHARD C. NAGELL, Box 75801 Sanford Station, Los Angeles 5, California and the bank is Wilshire and Virgil Branch, Security First National Bank, 2971 Wilshire Blvd., Los Angeles, California.

21. An infantry card that says at the top Certificate with the name typed in of Captain RICHARD C. NAGELL - served with distinction 15th U.S. Infantry in Korea, signed by Colonel Infantry Commanding whose name is illegible. On the back it says "Good Luck and God Bless You, NAGELL! You have done a fine job for the regiment and for your country! All the best." It is signed but name is illegible.

22. A credit card with Cities Service, Credit Card Number 361 216 401 in name of Captain R. C. NAGELL, 1533 A B Street, Fort Dix, New Jersey. The expiration date on this card was September, 1960.

23. Los Angeles Police Department picture taken March 8, 1955, bearing Number [redacted] with name [redacted] b6 b7C also known as [redacted] Los Angeles County Sheriff's Office No. [redacted] San Diego County Sheriff's Office No. (no number indicated), Los Angeles Police Department No. [redacted] male Chinese, 5'7½", 175 lbs., black hair, brown eyes, dark complexion, date of birth [redacted] place of birth [redacted]

24. Small picture of oriental male with name [redacted] b6 b7C

25. Small picture of oriental male with name [redacted]

26. Photograph of oriental female with two birds perched on chest and on back it says [redacted] 1958.

27. Picture of small boy and girl, on the back of this picture the names [redacted] and [redacted] and the year 1962 are written. b6 b7C

28. Small slip of paper with following information: Res: [redacted] b6 b7C Empl: Nisei Sugar Bowl Cafe, 108 South San Pedro Street, Los Angeles, (MA 9-9637) and on the other side [redacted]

29. Card in name of NAGELL, RICHARD CASE, bearing C Number 21377465, Box 76121 Sanford Station, Los Angeles 5, California and following information: Always have this card with you. Important - indicate your name and C-number whenever you write or contact the Veterans' Administration.

30. Selective Service System Notice of Classification for RICHARD CASE NAGELL, SSN 4 101 30 775 which states NAGELL had been classified 5-A on March 2, 1960 with Local Board Number 101, 1301 Westwood Blvd., Los Angeles 24, California.

31. California Operator's License No. D 890000 for RICHARD CASE NAGELL, Box 76121 Sanford Station, Los Angeles, California, sex male, hair red, eyes brown, height 6'1", weight 180 lbs., married, date of birth August 5, 1930, age 29, previous license number D 890000, other

address 3751 6th Street, Los Angeles. On other side is name RICHARD NAGELL, 4712 Saturn Street, Los Angeles 19, marked through and also contains the following 4037 Leeward Avenue, Los Angeles 5, 610 South Oxford Avenue, Los Angeles 5, 20245 Cajon Blvd., San Diego, California.

32. Selective Service Card for RICHARD CASE NAGELL, SSN 4 101 30 775, residence 2830½ West Blvd., Los Angeles 16, California, date of birth August 5, 1930 at Greenwich, New York, issued January 18, 1960. This card has signature of Clerk of Local Board ANNA SIMENGAARD and is signed by RICHARD CASE NAGELL. It contains the following description: color of eyes brown, hair red, complexion fair, height 6'1", weight 180, Local Board #101, 1301 Westwood Blvd., Los Angeles 24, California.

33. Four small cards bearing name RICHARD C. NAGELL.

34. Small photograph of oriental male and on back name [redacted] b6 b7C

35. Small photograph of oriental male with name on back of [redacted]

36. Three ticket stubs.

37. Pictures of subject NAGELL varying in sizes.

38. Small picture of oriental woman.

39. Small picture of oriental woman and child.

40. Picture of oriental girl in phone booth.

He also had in his possession information prepared by Major [redacted] June 23, 1953 which in effect stated that Lt. NAGELL had assumed command of Company C and had through his forceful, energetic display of leadership changed it from its low state of combat readiness to an b6 b7C

inspired combat unit. Further that he had engaged in 175 patrols in Korea and was the type of combat officer who could complete any mission given to him in a superior manner. Also that he had been wounded in action and evacuated as his company successfully recaptured and held a position. He was described as fearless and a tower of strength in combat. Also that he had held his company together as an effective fighting source in the face of heavy losses. In the description prepared by Colonel [redacted] June 26, 1953, NAGELL was described as one of the finest combat officers he had ever known. A very successful company commander in combat and he was recommending NAGELL for a promotion to Captain. It also indicated that he was awarded the Purple Heart, Second Bronze Oak Leaf Cluster.

b6
b7C

He had a newspaper article indicating that he was the only survivor of the B25 which had crashed near Friendship International Airport on the night of November 28, year not given. Five of the six aboard were killed and NAGELL was the sole survivor of the crash. He was pulled from the wreckage 11½ hours after the crash and hospitalized for considerable length of time.

On March 27, 1964, [redacted] Record Clerk, Medical Center for Federal Prisoners, Springfield, Missouri, advised SA JAMES A. MITCHELL that subject returned to the U. S. District Court, El Paso, Texas on March 14, 1964. b6 b7C

A check of the records of the Assistant U. S. Attorney's Office through [redacted] on April 13, 1964, reflects that by letter dated March 6, 1964, [redacted], Warden and Chief Medical Officer at the Medical Center for Federal Prisoners, Springfield, Missouri advised the clerk of the U. S. District Court, Western District of Texas at El Paso that two copies of the report of the psychiatric examination of NAGELL were enclosed. The letter pointed out that the examination was ordered by the Honorable HOMER THORNBERRY. Copies of this letter were sent to the U. S. Attorney's Office at El Paso, U. S. Marshal's Office at El Paso, and to the Chief U. S. Probation Officer at El Paso, as well as a copy to the Bureau of Prisons. b6 b7C

The letter further advised that the studies made at the Medical Center for Federal Prisoners were completed and that the subject was ready for return to the District Court for the competency hearing provided in Section 4244. The letter further advised that it was requested that arrangements be made for his prompt return and that the U. S. Marshal be instructed to advise the day and the hour he planned to assume custody.

This same letter pointed out that the opinion of the Medical Center for Federal Prisoners that the reported findings support an adjudication by the court

that subject now has a rational as well as a factual understanding of the proceedings against him and is able to assist rationally in his defense; and it is requested that the enclosed report be admitted into evidence at the hearing in lieu of actual testimony by our examiners.

The enclosed report of the findings of the Medical Center for Federal Prisoners at Springfield, Missouri, is set forth as follows:

REPORT OF NEUROPSYCHIATRIC EXAMINATION

I. IDENTIFICATION: RICHARD CASE NAGELL was admitted to the Medical Center on February 3, 1964 for psychiatric evaluation under Section 4244.

II. PRESENT SITUATION: Mr. NAGELL stated that he was not planning to come to the Medical Center and his transfer here was unexpected as they left on Saturday, February 1, 1964, from El Paso, Texas to make the trip to Springfield, that he was preparing a writ for dismissal because of long duration in his case before coming to trial.

He stated that he has a charge of bank robbery against him, that his plea is going to be not guilty as he is not guilty, and he wants to go to court. On September 20, 1963, he was arrested and was ordered to have a psychiatric examination on the 24th of September, 1963. A local psychiatrist in El Paso was selected to make the examination but he refused to cooperate. Though he did not have an attorney, this was done on legal advice. On

November 8, he prepared a petition and it was delivered on November 9 to the court and was heard December 9, 1963. He was attempting to have the charges dismissed and that the court order for psychiatric examination be nullified. He stated that there was a hearing on December 9, 1963, and the judge agreed to withdraw the court's request for psychiatric examination but did not set aside the charges.

This judge retired at the end of December and in January a new judge was appointed and the patient was indicted January 9, 1964.

On January 24, 1964, he appeared in court and was going to bring up some information when the U. S. Attorney moved for commitment under Section 4244 to the Medical Center, Springfield, Missouri, where they had all the adequate facilities to perform the examination on him.

He is opposed to psychiatric examination and will not cooperate in this area or any examination that may be performed on him. While in this institution though he will cooperate fully.

III. MENTAL STATUS: It was impossible to perform a complete psychiatric examination as to his thinking processes but here he is cooperative with officials other than medical personnel. In discussing his case he understands that he has a charge against him and the various legal procedures that are prevelant, and he states he can and will cooperate with counsel and assist in his defense for the plea that he will make and try to prove

that he is not guilty of the charge. He recognizes the fact that there is a U. S. District Attorney and his role as well as the role of the judge and other officials of the court.

It is not known if this man has a mental illness but from his actions here and in this interview, it is believed he can factually understand the charges against him and assist in his defense as he has the capacity to do so at this time. Whether he will use it is not known. It is my opinion that he will cooperate with his attorney.

He states that he has worked as an Intelligence Officer in the past and he realizes how various Government agencies will use and imply the use of psychiatric reports.

IV. DIAGNOSIS: Mental Illness, undetermined, in a man who is utilizing passive aggressive tactics.

REPORT OF NEUROPSYCHIATRIC STAFF EXAMINATION - February 14, 1964

RICHARD CASE NAGELL was examined by the Staff today for psychiatric recommendations relative to his commitment under Section 4244. The record of his past history, current psychiatric evaluation and reports of his ability to function in this institution for the past three weeks were discussed and reviewed by the Staff.

Mr. NAGELL has consistently but pleasantly refused to take part in any psychological testing nor psychiatric examination. Consequently, little background information

was obtained from him prior to this staff interview. He has been living in a medium supervision ward for improved psychiatric patients and no unusual behavior has been observed. He has required no special medication nor treatment program. He initiated the interview today by quietly explaining that if this interview were part of a psychiatric examination he would not be able to answer any of our questions. When asked about the reasons for his refusal, he stated that his attorney had advised him not to participate. He outlined in some detail the obtaining of the original 4244 commitment which he presumes was asked because of his failure to cooperate in interrogation and his dismissal of a defense counsel. He gives a reasonable explanation forhis dismissal of the attorney and states that he was opposed to the Medical Center examination. He understands that this commitment was to have been withdrawn at his request by the judge who was handling the case last year before the new judge took office and handed down a January indictment. He explains that he would have carried out his Food Service assignment except that he was informed by a correctional officer that his activity at work would be a part of his observation here. He explained further that he has had expensive experience as a Government investigator and feels that any confidential information would be forwarded to the judge and thence to the U. S. Attorney's office and would be investigated extensively through collateral sources. In addition, he states that when seen by the court appointed psychiatrist, he was informed by this physician that any information given in the interview would be forwarded to the court.

In giving another possible reason for his commitment for observation, he outlined his war injuries in Korea

and previous treatment at Walter Reed General Hospital in Washington, D. C. There was a psychiatric evaluation there because of head injuries. He states that there was a good reason which he cannot reveal which caused him later to seek admission to another psychiatric hospital unnamed but he now states that the reasons given then were part of a necessary farce.

In describing this man's interview behavior, his approach to the examination was related and collected. He was consistently rational and coherent. He related well to the examiner and showed himself to be oriented in the four spheres of time, place, person and a clear understanding of his present situation.

The Staff agreed in the diagnosis of mental illness undetermined in a man who is utilizing passive aggressive tactics in handling the present court situation. From his behavior while under observation and from his interview, this man presently appears to possess the capacity of rationally understanding the proceedings against him and of assisting in his own defense. He is ready for competency hearing. The finding would support an adjudication of competence.

On March 10, 1964, Assistant U. S. Attorney [redacted] advised that the subject's case was set for trial for March 30, 1964. b6 b7C

On March 26, 1964, Assistant U. S. Attorney [redacted] advised that the two court-appointed attorneys for NAGELL had requested a postponement of

NAGELL's trial and that the request was granted by the court. He stated that the case was set for April 27, 1964.

On April 2, 1964, [redacted] b7D

[redacted]

On the same date it was called to the attention of Assistant U. S. Attorney [redacted] that this subpoena duces tecum had been issued, and [redacted] advised that he was filing a motion to quash before the U. S. District Court at El Paso, Texas. b6 b7C

The motion to quash was heard by the U. S. District Court, the Honorable HOMER THORNBERRY at El Paso on April 10, 1964, and the motion to quash was granted. Special Agent In Charge HOXIE was released as a witness.

The following arrest record is set forth:

CONTRIBUTOR OF FINGERPRINTS	NAME & NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Army	RICHARD CASE NAGELL RA 12 115 891	8/5/48 Albany NY		

EP 91-1189

Camp Holabird Baltimore MD	RICHARD C. NAGELL #--	FP 1/27/54	
PD Los Angeles Calif	RICHARD CASE NAGELL #LA 616 479-N	5/31/62	drk
USM El Paso Texas	RICHARD CASE NAGELL #2248-A	9/21/63	Sect #2113 bank rob

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: April 16, 1964

FROM : A. Rosen

SUBJECT: RICHARD CASE NAGELL
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
9-20-63
BANK ROBBERY

PURPOSE

This is to advise the Department by attached letter that the subpoena duces tecum directed to [redacted] b7D
[redacted]
in captioned case has been quashed.

BACKGROUND

Subject Nagell is scheduled to be tried on 4-27-64, for attempted bank robbery of the captioned bank. The attorney for Nagell had caused a subpoena duces tecum to be directed to b7D
[redacted]

Memorandum A. Rosen to Mr. Belmont of 4-9-64, enclosed a letter to the Department advising that the subpoena duces tecum had been so directed and that an attempt to quash was being pursued by the U. S. Attorney, El Paso. (Attached)

RECOMMENDATION

That the attached letter to the Department informing that the subpoena duces tecum has been quashed be approved and sent.

Enclosures

1 - Mr. John Wacks (Room 613RB)

OTJ:cfs
(7)

REC 27 91-18339-230

6 APR 20 1964

56 APR 24 1964

RA

EX-114

Mr. Herbert J. Miller, Jr.
Assistant Attorney General

April 17, 1964

Director, FBI

REC 27 91-183391-31

RICHARD CASE NAGELL
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
SEPTEMBER 20, 1963
BANK ROBBERY

Reference is made to the letter from this Bureau dated April 10, 1964, advising that the attorney representing Richard Case Nagell had directed a subpoena duces tecum to [redacted] b7D

This is to advise that a motion to quash the subpoena duces tecum was filed by an Assistant United States Attorney, El Paso, Texas, and said motion was heard in the United States District Court, El Paso, Texas, on April 10, 1964. Richard Case Nagell was represented by two court-appointed attorneys and he was present in the courtroom. The motion to quash was granted.

1 - Mr. J. Walter Yeagley
Assistant Attorney General

1 - Mr. John Wacks (Room 613RB)

NOTE: See memorandum A. Rosen to Mr. Belmont, 4-16-64, same caption, OTJ:cfs.

OTJ:cfs
(9)

MAILED 11
APR 17 1964
COMM-FBI

FBI

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

56 APR 24 1964

MAIL ROOM TELETYPE UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: April 9, 1964

FROM : A. Rosen

SUBJECT: RICHARD CASE NAGELL
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
9-20-63
BANK ROBBERY

PURPOSE

b7D

The Attorney for subject Nagell has caused a subpoena duces tecum to be directed to [redacted] Attached is a letter to the Department advising of this and that U. S. Attorney, El Paso, is attempting to quash the subpoena and [redacted]

BACKGROUND

Subject Nagell is scheduled to be tried on 4-27-64, for attempted bank robbery of the captioned bank in which he pointed a gun at a teller who fled and took cover. He fired two shots over the teller's head into a wall. Nagell was apprehended outside the bank by [redacted] b7D
A notebook in his possession when arrested contained names of [redacted] b7E reported employees of [redacted] military intelligence agencies and reference to Medical Aid to Cuba and Fair Play for Cuba Committee.* Security aspects are being handled in a separate case and the Department has been advised of them. U. S. District Judge Thornberry, El Paso, Texas, committed him to the Medical Center for Federal Prisoners on 1-24-64, for psychiatric examination. Nagell informed that he would not cooperate with psychiatrists. Diagnosis was that he was "capable of participating in his own defense but that his mental instability" was undetermined.

b7D

U. S. Attorney, El Paso, has advised that he will file a motion to quash this subpoena duces tecum and that at that time [redacted]

Enclosure
1 - Mr. John Wacks
VGM:cfs
(7)

*During military service, Nagell received psychiatric treatment [redacted]

let Rosen to Belmont OTJ:lcw 4-15-64

let Heidt to Miller AAG OTJ:lcw 4-15-64

6 APR 20 1964

Memorandum to Mr. Belmont
RE: RICHARD CASE NAGELL

RECOMMENDATION

Attached for approval is a letter in which the above facts are submitted to the Department.

see 4-7-64 teletype from El Paso

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (91-18339) DATE: 4/28/64

FROM : SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, Aka;
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
SEPTEMBER 20, 1963
BANK ROBBERY

OO: EL PASO

Re Bulet to El Paso dated 4/22/64.

Assistant United States Attorney [redacted] El Paso, who is in charge of the prosecution of the bank robbery charges pending against NAGELL has previously requested that no further interviews be conducted with NAGELL since he feels that it would be detrimental towards the prosecution of this case. This case is set for trial in the U.S. District Court at El Paso, Texas on May 4, 1964.

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b7C

Upon the receipt of the Bureau letter, [redacted] was contacted as to his feelings about interviewing NAGELL and again requested that he not be interviewed because he feels that nothing can be accomplished towards the solution of the case and would in all probability be detrimental to the prosecution.

This Office concurs with [redacted] concerning any interview with NAGELL at this time.

In regard to NAGELL's letter to the Director dated April 16, 1964, it is to be noted that NAGELL refers to his counsel, [redacted] who was appointed by the Court to represent him. In this connection NAGELL has refused to cooperate with [redacted] and at [redacted] request

b6
b7C

91-18339-32

(2)-Bureau
1-El Paso
TBW:mis
(3)

REC 5

MAY 1 1964

EX-108

72 MAY 8 1964

WA 6, 613 RB

he has been relieved of his duties to represent NAGELL.

It is also noted that in the same letter NAGELL refers to a registered letter from "JOSEPH KRAMER" to the FBI in September, 1963. It is to be noted that NAGELL has used the alias of JOE KRAMER. It is also noted that NAGELL has, among a number of other FBI Offices, contacted the Miami Office and Legat, Mexico City in the past.

In view of [redacted] request that NAGELL not be interviewed and unless advised to the contrary by the Bureau, no interview of NAGELL will be conducted at this time. b6 b7C

With respect to the letter mentioned by NAGELL as having been written by him to the FBI in September, 1968, this matter is being handled separately in the case captioned "RICHARD CASE NAGELL, Aka, ESPIONAGE - X," Bufile 64-48933.

SAC, El Paso (91-1139) 4-22-64

91-18339-33

Director, FBI

REC-[illegible]

RICHARD CASE NAGELL
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
SEPTEMBER 20, 1963
BANK ROBBERY

Enclosed herewith for the El Paso Office are two Xerox copies of a letter addressed to the Director from Richard C. Nagell dated April 16, 1964.

The El Paso Office is instructed to immediately interview Nagell in order to completely resolve the purpose of this letter.
Enclosures (2)

1 - El Paso 65-951

1 - Mr. John Wacks Room 613 RB
1 - 91-18339
1 - 64-48933

OTJ:jh
(8)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-4-81 BY SP4BTJ/JW
97,975

MAILED 8
APR 23 1964
COMM-FBI

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

12 MAY 5 1964

MAIL ROOM TELETYPE UNIT

RECORDED COPY FILED IN 91-18339-1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 97975
DATE 9-4-81 BY sp-3 BTS/3m

April 16, 1964

Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

This letter is being sent to you, at my insistence, through the facilities of my counsel, [redacted] in order to insure that it is brought to your personal attention.

I wish it to be understood that [redacted] was appointed by the U. S. District Court, El Paso, Texas, to represent me at my forthcoming trial on a charge of violating Section 2113 (a), Title 18, U.S.C., and is not cognizant of any details pertaining to the matter discussed herein, although such matter is most relevant to my defense against the aforesaid charge.

My purpose in writing this letter is to advise you that since it is apparent the Federal Bureau of Investigation is determined to have me convicted of this deceptive charge by witholding pertinent information from the U. S. Attorney, you, as director of the F.B.I. will not be able to relinguish at least partial responsibility for the death of President Kennedy.

My responsibility concerning the then prospective action of Lee H. Oswald (Albert Hidel) terminated with the dispatch of the registered letter from Joseph Kramer to the F.B.I. in September 1963.

Since the information disclosed in that letter was judged to be mendacious by the F.B.I., as is quite evident, then with whom the responsibility lies for what subsequently happened in Dallas is rather obvious.

Certainly, F.B.I. files in Washington, D.C. (or Miami, Florida, Mexico City, etc.) reflect who "Joseph Kramer" is. And, such information received from a known Communist who allegedly had been effective enough to penetrate several U.S. military intelligence

MCT-13 91-18[illegible]-33

3 APR 29 1964

b6
b7C

APR 30 1964

CORRESPONDENCE

agencies, should not have been ignored. In this respect, the efficacy of the F.B.I. is the responsibility of its director, regardless of the actions or judgement of his subordinates.

In any event, I shall not acquiesce to sit idle and maintain silence while the F.B.I. railroads me into prison on a phony charge, simply because it cannot have me convicted of other matters.

Very truly,

Richard C. Nagell

Richard C. Nagell
El Paso County Jail
El Paso, Texas

BENSTUDY 75

NOTATIONS HEREIN ACCOUNT FOR ACCESS AND/OR DELIVERY OF THIS DOCUMENT TO SENATE SELECT COMMITTEE (SSC) AND/OR HOUSE SELECT COMMITTEE (HSC) ON INTELLIGENCE ACTIVITIES.

IMPORTANT NOTE: FORM IN WHICH ACCESS AND/OR DELIVERY WAS MADE MAY BE DIFFERENT THAN AS REPRESENTED BY THIS DOCUMENT IN THAT CERTAIN EXCISIONS MAY HAVE BEEN MADE. FOR ACCESS/DELIVERY FORM, SEE BUFILE (S) 62-116395 (SSC), 62-116464 (HSC).

SSC 62-116395-1341

ACC. _____ DATE _____

DEL. ✓ DATE 1/26/76

HSC

ACC. _____ DATE _____

DEL. _____ DATE _____

MISC: DOCUMENTS FURNISHED TO SSC RE MARTIN LUTHER KING, JR., WERE ALSO FURNISHED TO ESTATE OF KING THROUGH THE DEPT. AS INDICATED BELOW FOR INSTANT DOCUMENT; DATE DENOTING DELIVERY TO DEPT. SEE BUFILE 100-106670 FOR FORM IN WHICH FURNISHED.

[redacted] TO DEPT.

FD-364 (Rev. 3-12-64)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (Attn: Bank Robbery Desk)

DATE: March 30, 1964

FROM : SAC, EL PASO

SUBJECT: (Complete Title)

RICHARD CASE NAGELL, aka., Joe Cramer, Joe Kramer, Robert C. Nolan; State National Bank of El Paso, El Paso, Texas, 9/20/63 BANK ROBBERY

OO: EL PASO
Office File 91- 1189
Bureau File 91- 18339
Loot $ None

3240
054 42

BANK ROBBERY (MO-PA FILE)

#1 #2 #3
00 05 45

Name of Subject to which this Form applies: RICHARD CASE NAGELL, aka.

INSTRUCTIONS: *(1) Spaces at the top of page are to be typed. (2) The title should include name of all subjects when known, name and address of institution and date of offense. (3) Circle in pencil the number opposite the word or words which best describe the known or unknown subject under each applicable heading. (4) More than one item may be circled under the same heading. (5) When number opposite "Other" is circled or additional information is known and not listed on form, explain in "Remarks".*

b7E

MODUS OPERANDI

91-18339

NOT RECORDED
3 APR 3 1964

STAT. SECT.

70 SEP 22 1965

April 21, 1964

GENERAL INVESTIGATIVE DIVISION

Nagell robbed the State National Bank of El Paso, Texas, on 9/20/63. He was apprehended immediately thereafter [redacted] He has an unstable background having been treated for mental problems while in the U. S. Army. He was given psychiatric treatment. He has made various claims concerning his involvement in espionage activities and his association with Lee Harvey Oswald. Investigation failed to substantiate any of these allegations. Joe Kramer is one of his aliases. El Paso Office being requested to interview Nagell in order to completely resolve purpose of this letter.

b7D

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1396722-0

Total Deleted Page(s) = 3
Page 26 ~ Duplicate - pgs 14-12;
Page 27 ~ Duplicate - pgs 14-12;
Page 28 ~ Duplicate - pgs 14-12;

XXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1214363-0

Total Deleted Page(s) = 3
Page 26 ~ Duplicate - pgs 14-12;
Page 27 ~ Duplicate - pgs 14-12;
Page 28 ~ Duplicate - pgs 14-12;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
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The Attorney General

July 31, 1975

Director, FBI

RICHARD C. NAGELL
FREEDOM OF INFORMATION ACT MATTER

Enclosed herewith is a copy of a letter dated July 21, 1975, with enclosure, from Mr. Richard C. Nagell.

You will note that the enclosure to Mr. Nagell's letter is a letter dated May 1, 1975, directed to him from [redacted] Esquire, of a Washington, D. C. law firm. From a reading of [redacted] letter, it is obvious that the advice which he offers is in blatant violation of the spirit and intent of the Freedom of Information Act. b6 b7C

I am bringing this matter to your attention as another example of abuse of the Freedom of Information Act.

For your information, we have acknowledged Mr. Nagell's letter and have advised him that this matter is being made a matter of record in our files.

Enclosures (2)

1 - The Deputy Attorney General - Enclosures (2)
Attention: [redacted] b6 b7C

1 - Assistant Attorney General - Enclosures (2)
Office of Legal Counsel

AHM:dw (7)

MAILED 6
AUG 1 1975
FBI

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

ENCLOSURE

ST 104 CH 45

SEE NOTE PAGE 2

MCT 25 REC-33

1-183-32-66

17 AUG 5 1975

5 AUG 13 1975

MAIL ROOM ☑ TELETYPE UNIT ☐

GPO 954-546

The Attorney General

NOTE: [redacted] is a local attorney who has submitted several FOIA requests on behalf of his clients and in connection with his interest in the Robert F. Kennedy assassination. The information set forth in the enclosed correspondence is such an obvious abuse of the FOIA that it is felt this matter should be brought to the attention of the Attorney General. b6 b7C

REGISTERED MAIL

July 21, 1975

Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

Dear Mr. Kelley:

Reference is made to the fourth paragraph of the enclosed xerox copy of a letter dated May 1, 1975, received from [redacted]

I have not authorized [redacted] or anybody else to file suit under the Freedom of Information Act or under any other Act or law to obtain any files related to me that may be in the possession of the FBI.

b6
b7C

Sincerely,

Richard C. Nagell

Richard C. Nagell

ENCLOSURE 91-18339-66

Law Offices

[redacted]

b6
b7C

[redacted]

NEW YORK ASSOCIATES

BASS & ULLMAN
747 THIRD AVENUE
NEW YORK, N. Y. 10017

May 1, 1975

Mr. Richard Nagell
1141 Ninth St.
Manhattan Beach, Calif. 90266

Dear Dick:

[redacted] has probably written recently about developments in the Court of Claims, so I won't repeat on him. b6 b7C

Other matters.

Enclosed is an article upon which I would like your comments, in as much detail as you have time. Could the picture be of [redacted]

Is it reasonable to assume that you have retrieved your tape from [redacted] Additionally, would it be reasonable to guess that the three of the four people are [redacted] Any chance of hearing a dub of the tape? Things are getting down to the wire here in Wasington.

Have you thought of the possibility of Freedom of Information suits under the new FOI Act for files with respect to you in possession of the FBI and [redacted] If you sue and they don't produce, they have to explain why to a federal judge and, if he requires, show the file to him. It might help vis-a-vis the Court of Claims. It's another not-so-subtle form of pressure. Also might be very interesting. Give it some thought. b7E

Warm regards.

Sincerely,

[redacted]

b6
b7C

BF:crr
Encl.

ENCLOSURE 91-18339-66

"TREAT AS ORIGINAL"

Transmitted by Facsimile / AIRTEL — Priority: Airtel

DIRECTOR, FBI (91-1833)
ATTN: Supervisor [redacted]

To: [redacted] 4240

From: SAC, EL PASO (91-1189)

COMMUNICATIONS SECTION

Date: 9/23/74

Time: Transmitted -

Initials -

Subject:

TELETYPE

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

b6
b7C

[ ] Fingerprint Photo [ ] Fingerprint Record [ ] Map [ ] Newspaper clipping [ ] Photograph

[ ] Artist's Conception [X] Other List of property returned to ~~RICHARD CASE NAGELL, 12/12/63~~

Special handling instructions: Hand carry to Supervisor [redacted]

Approved: _____

REC 109

91-1833-64

1 OCT 1 1974

1 ENCLOSURE

57 OCT 4 1974

"TREAT AS ORIGINAL"

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
FBI

Date: 9/23/74

Transmit the following in PLAINTEXT (Type in plaintext or code)

Via TELETYPE NITEL (Priority)

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Telephone Rm.	
Director Sec'y	

TO: DIRECTOR (91-18339)

FROM: SAC, EL PASO (91-1189) (C)

RICHARD CASE NAGELL, AKA; STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER 20, 1963, BR, OO: EL PASO.

RE BUREAU FTS CALL SEPTEMBER 23, 1974 AND BUREAU FACSIMILE SEPTEMBER 23, 1974.

A REVIEW OF EL PASO FILES INVOLVING RICHARD CASE NAGELL DISCLOSED THAT ALL PERSONAL PROPERTY TAKEN BY THE FBI, WHICH WAS NOT USED IN EVIDENCE IN COURT, HAS BEEN RETURNED TO MR. NAGELL. THERE IS NO RECORD IN THE EL PASO FILES FOR ANY OF THE ITEMS LISTED IN THE FACSIMILE LETTER FROM [redacted] b6 b7C

IF THE ITEMS LISTED IN THE AFOREMENTIONED LETTER WERE IN POSSESSION OF NAGELL AT THE TIME OF HIS ARREST THEY WOULD HAVE BEEN MAINTAINED IN HIS PROPERTY AT THE EL PASO COUNTY JAIL AND SENT WITH HIM AFTER HIS ORIGINAL CONVICTION TO WHEREEVER HE HAD BEEN DESIGNATED TO GO.

REC-61 91-18339-65

(1)
EJM/par

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

December 17, 1963
El Paso, Texas

1

On this date Special Agent Thomas B. White Jr., F.B.I., El Paso Texas, returned the following items to Richard C. Nagell:

1 - California Operators license # D 89000[illegible]
2 - Certificate of service with 15th U.S. Infantry
3 - Brown wallet
4 - Automobile Registration Card 1963 [illegible]
5 - Social Security Card # 104-24-8840
6. Veterans Admin. letter dated 1/18/61
7 - One blank check # 358 on Security 1st Nat. Bank
8 - Slip of paper re: award of Purple Heart -
9 - Vets. Admin. Outpatient Clinic Plate
21 377 465, 3 08 05 30M 904
10 - Selective Service Registration Card # 4 101 30 [illegible]
11 - " " Classification Card - (5A)
12 - Vets Admin. c # 21377465
13 - Cities Service Credit Card # 3619164
14 - Immunization Certificate
15 - Photostat of newspaper article re: crash
of B-25

91-1858-28
ENCLOSURE

b6
b7C

16 - Copy of Commendation by

El Paso, Texas

2

17 - Sixteen photos consisting of self & family.
18 - 1 letter dated 10/14/55 to Uncle Dick from [redacted] b6 b7C
19 - Two pocket calendars
20 - Quotation by Thiem
21 - One photo of Hagelin in uniform.
22 - Photostat of Army DD FORM 214 10/24/51
23 - One photo of [redacted]
24 - Numerous calling cards
25 - Three stamps, air mail, & two foreign.

Record item listed this date (12/13/63)

[redacted]

[redacted]

Law Offices

[redacted]

[redacted]

b6
b7C

New York Associates

BASS & ULLMAN
342 Madison Avenue
New York, N. Y. 10017

August 20, 1974

Mr. Clarence Kelley, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Kelley:

We represent Mr. Richard Case Nagell, who is well known to the FBI.

Mr. Nagell was arrested in El Paso, in September, 1963, for bank robbery of a Federally insured bank and, consequently, was remanded to the FBI. At the time of his arrest, he was relieved of much personal property including certain notebooks and photographs. These properties were not used in his trial or in connection therewith; yet, despite numerous past efforts, he has never been able to effect the return of these personal properties, and he believes them to be of considerable value.

Mr. Nagell has asked us to represent him in regaining possession of his notebooks, photographs, etc.

As a first step toward an amicable settlement of this matter, would you consent to my viewing the material and receiving an informal explanation as to why they cannot be returned to him?

EXP. PROC.
AUG 27 1974
#31

REC-48 91-18339-62

Most sincerely yours,

[redacted]

b6
b7C

EX-1

D.C.

BF/blf

9 AUG 27 1974

File 91-18339

28. Photocopy of a business card for Mayor Louis R. Diaz, City of Pico Rivera

29. Photocopy for [redacted] Bail Bond Agency b6 b7C

30. Photocopy of business card for Nippon Educational Films

31. Photocopy of business card of the Los Angeles Police Department for a Sergeant [redacted] (last name illegible)

[redacted]

SA [redacted] FBIHQ
Washington, D.C. 9/4/74

b6
b7C

12. A strip of paper which appears to be from a small notebook with the residence address of [redacted] and the employment address, and on the reverse the address of [redacted]

13. A slip of paper bearing the bame of [redacted] and his address and telephone number

14. A slip of paper containing the name and address for [redacted]

15. What appears to be a note on a slip of paper taken from a tablet addressed to Mr. Nagell signed [redacted] requesting that he contact [redacted] or [redacted] FBI, their telephone number HU 3-3551

16. One small brown covered spiral notebook

17. Small passport size photograph bearing the name [redacted]

b6
b7C

18. Small passport size photograph bearing the name [redacted]

19. Small passport size photograph bearing the name [redacted]

20. Small passport size photograph bearing the name [redacted]

21. An LAPD photograph [redacted] with the name [redacted] [redacted] on the reverse side

b6
b7C

22. A business card with a photograph of a male with the legend "Turismo-[redacted] S. A."

23. Business card of [redacted] bearing pasted on Japanese or Chinese characters on the reverse side

24. Business card containing a Japanese or Chinese legend with the words "In Spades" in English under it

25. A business card bearing the name [redacted] and some Japanese or Chinese characters

26. A photocopy of a business card for [redacted]

27. Photocopy of a business card for [redacted] Special Investigator

This is to certify that on 9/4/74 at Washington, D.C., Special Agent [redacted] of the Federal Bureau of Investigation returned the following items to [redacted] which items are the personal property of Richard Case Nagell: b6 b7C

1. Photocopy of Army form DD-214 for Richard Case Nagell

2. Photocopy of what appears to be excerpts pertaining to commendations awarded to Nagell while in the United States Army

3. One sheet containing photocopy of Veteran Administration's letter dated 1/18/61 to Richard Case Nagell and newspaper clipping captioned "B 25 Which Crashed 11/28 had full Power, A F Believes"

4. Five pages under the heading of "Information to Date on [redacted] b6 b7C

5. A small slip of paper which bears the name [redacted] with what appears to be a Japanese address and some Japanese or Chinese writing

6. What appears to be a letter in Japanese or Chinese with a signature [redacted] b6 b7C

7. Photocopy containing several lists of names and penciled notations which start with item #1, [redacted] and ends with "C" - Yando Island

8. Slip of notebook paper containing three columns of numbers written in red

9. A typewritten list of various headings starting with #1, "name", and ending with #19, "etc."

10. A strip of paper cut from a tablet which contains a listing of 9 items on one side starting with "heat control valve" and ending with #9 "turn indicators" and on the opposite side contains that which appears to be mileage information regarding oil filters, lubrication, transmission fluid, and tires

11. Tyepwritten listing of 30 items starting with #1, "Principles of USA Intelligence" and ending with #30 "Weapons"

Quitel
SAC, EP
WRG.ssi
9/9/74

Airtel

September 6, 1974

TO: SAC, El Paso (91-1183)

1 - Mr. Gilbert
1 - FCW

FROM: Director, FBI (91-10330) — 62

EX-105 REC-48

RICHARD CASE NAGELL, aka;
STATE NATIONAL BANK
OF EL PASO
EL PASO, TEXAS
9/20/63
BANK ROBBERY
CO: EP

ReBuairtel to Bureau dated 8/20/74.

Enclosed for El Paso is a xerox copy of a receipt reflecting the return of property taken from Richard Case Nagell at the time of his arrest. This property was returned to Attorney [redacted] b6 b7C
at EPIC by Supervisor [redacted] on 9/4/74.
The original receipt for these items will be maintained in the Bureau file.

Enclosure

b6
b7C

NOTE: Attorney [redacted] directed letter to Director Kelley dated 8/20/74 requesting return of personal notes, photographs, etc., taken from his client Nagell at time of his arrest for bank robbery in El Paso during September, 1963. The 31 items of personal property were forwarded from El Paso to the Bureau and subsequently personally returned to [redacted] on 9/4/74. Original receipt for these items is maintained in the Bureau file.

WRG:llb
(3)

MAILED 9
SEP 5 1974
FBI

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

MAIL ROOM ☑ TELETYPE UNIT ☐

REC-61 91-18339-63

September 30, 1974

1 - Mr. Gebhardt
1 - Mr. Bates
1 - [redacted] b6 b7C
1 - Correspondence Folder

[redacted]

Dear [redacted]

This is to acknowledge receipt of your letter dated September 17, 1974, in which you inquire as to certain items retained by the FBI during a 1963 bank robbery investigation involving Richard Case Nagell.

I have determined from a representative of our El Paso office that all Mr. Nagell's personal property taken by the FBI which was not used as evidence in court, was turned over to you on September 4, 1974, in accordance with your previous request. There is no listing in FBI records for any of the items described in your most recent letter.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 22
SEP 30 1974
FBI

NOTE SAC, EL PASO

Facsimile of Attorney [redacted] letter was furnished you on 9/23/74. b6 b7C

1 - El Paso (For information) (91-1189)

WRG:pac
(7)

SEE NOTE PAGE TWO

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

MAIL ROOM ☐ TELETYPE UNIT ☐

[redacted] Esq.

b6
b7C

NOTE: Attorney [redacted] directed a letter to Director Kelley dated 8/20/74 requesting return of personal notes, photographs, etc., taken from his client Nagell at time of his arrest for bank robbery in El Paso during September 1963. The 31 items of personal property were forwarded from El Paso to the Bureau and subsequently returned to [redacted] on 9/4/74. This concerns a second letter from [redacted] dated 9/17/74 in which he lists several additional items that his client, Richard Case Nagell, claims are missing. This letter advises [redacted] that all of Mr. Nagell's personal property has been returned and there is no record in FBI files of the items listed in his most recent letter.

FD-448 (10-28-71)

DCW

Transmit attached by Facsimile – PLAINTEXT

Priority Urgent

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

To: SAC, El Paso

AUG 27 1974

Date: 8/27/74

From: Director, FBI (91-18339) 415 DCW

Time: Transmitted – 1155 P.M.

TELETYPE

Subject: Richard Case Nagell
BR

Received –

☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Newspaper clipping ☐ Photograph

☐ Artists Conception ☒ Other Letter to Director dated 8/20/74 from [redacted] b6 b7C

☐ (6 min) ☐ (4 min)

Special handling instructions:

Hand carry to Supervisor Murphy.
Handle in accordance with instructions
Butelcall this date.

Approved: DCW

DCW

Law Offices [redacted]

b6
b7C

[redacted]

NEW YORK ASSOCIATES

BASS & ULLMAN
342 MADISON AVENUE
NEW YORK, N. Y. 10017

September 17, 1974

FBI headquarters
Bank Robbery Division
Department of Justice
Washington, D. C.

Attn: [redacted]

b6
b7C

Dear [redacted]

RICHARD CASE

As I predicted, Mr. Nagell believes that certain items are still missing. Here is his list:

1) Another "small brown spiral notebook" containing more pages and in better condition than the one returned.

2) Ten, possibly twelve, black and white photographs, obvious enlargements, depicting frontal and/or oblique views of separate persons, each measuring approximately 4" x 6" in size.

3) Two receipts for registered mail, one issued at El Paso, Texas, on 9/20/63, and the other issued prior thereto at either Beaumont, Texas, or New Orleans, Louisiana.

4) A typewritten letter addressed to ~~me~~ Nagell in my true name at my post office box (POB 76121, Sanford Station) in Los Angeles, signed by one [redacted] and dated in July 1963.

b6
b7C

5) A mimeographed or offset-printed newsletter issued by a Los Angeles chapter of the Fair Play for Cuba Committee, concerning in part [redacted] (then) recent operation and hospitalization.

6) All items taken from inside the lining of a dark brown suit jacket, bearing the label of a clothing store located in Mexico City, on which is embroidered its name and the words "Hecho en Mexico" (which was located in ~~my~~ his luggage, but of which ~~I do~~ he does not claim ownership).

REC-61 91-18339-63

14 OCT 1 1974

ack
9-30-74
wcb/pac

[redacted]

b6
b7C

Would you be kind enough to check with El Paso and see if they can locate this material?

With thanks.

Sincerely yours,

[redacted]

BF:crr

FD-36 (Rev. 5-22-64)

FBI

Date: 8/28/74

Transmit the following in (Type in plaintext or code)

AIRTEL

Via (Priority)

TO: DIRECTOR, FBI (91-18339)
ATTENTION: BANK ROBBERY UNIT
ROOM 4240

FROM: SAC, EL PASO (91-1189) (C)

SUBJECT: RICHARD CASE NAGELL, aka.;
STATE NATIONAL BANK OF EL PASO,
EL PASO, TEXAS
9/20/63
BR

OO: EP

Re EP teletype to the Bureau, 8/28/74;
Bureau FTS call to EP, 8/27/74.

A review of the El Paso file in instant matter reflects that all of the property taken from RICHARD CASE NAGELL at the time of his arrest, including that used in evidence, have been returned to NAGELL with the exception of the following items which are enclosed herewith:

1. Photocopy of Army form DD-214 for RICHARD CASE NAGELL

2. Photocopy of what appears to be excerpts pertaining to commendations awarded to NAGELL while in the United States Army

EX 104 REC-73 91-18339-61

3. One sheet containing photocopy of Veteran Administration's letter dated 1/18/61 to RICHARD CASE NAGELL and newspaper clipping captioned "B 25 Which Crashed 11/28 had full Power, A F Believes"

7 AUG 31 1974

2-Bureau (Encl. 31) (REGISTERED AIR MAIL SPECIAL DELIVERY)
1-El Paso

ENCLOSURE

EJM:sf
(3)

all Enclosures returned to ... 9/4/74 ... Rm 4240

Approved: Special Agent in Charge Sent M Per

GPO : 1970 O - 402-735

53 SEP 12 1974

4. Five pages under the heading of "Information to Date on [redacted] b6 b7C

5. A small slip of paper which bears the name [redacted] with what appears to be a Japanese address and some Japanese or Chinese writing

6. What appears to be a letter in Japanese or Chinese with a signature [redacted]

7. Photocopy containing several lists of names and penciled notations which start with item #1, [redacted] and ends with "C" - YANDO ISLAND

8. Slip of notebook paper containing three columns of numbers written in red

9. A typewritten list of various headings starting with #1, "name", and ending with #19, "etc."

10. A strip of paper cut from a tablet which contains a listing of 9 items on one side starting with "heat control valve" and ending with #9 "turn indicators" and on the opposite side contains that which appears to be mileage information regarding oil filters, lubrication, transmission fluid, and tires

11. Typewritten listing of 30 items starting with #1 "Principles of USA Intelligence" and ending with #30 "Weapons"

12. A strip of paper which appears to be from a small notebook with the residence address of [redacted] and the employment address, [redacted] and on the reverse the address of [redacted] b6 b7C

13. A slip of paper bearing the name of [redacted] and his address and telephone number

14. A slip of paper containing the name and address for [redacted] b6 b7C

15. What appears to be a note on a slip of paper taken from a tablet addressed to Mr. NAGELL signed [redacted] requesting that he contact [redacted] FBI, their telephone number HU 3-3551

16. One small brown covered spiral notebook

17. Small passport size photograph bearing the name [redacted] b6 b7C

18. Small passport size photograph bearing the name [redacted]

19. Small passport size photograph bearing the name [redacted]

20. Small passport size photograph bearing the name [redacted]

21. An LAPD photograph [redacted] with the name [redacted] on the reverse side

22. A business card with a photograph of a male with the legend "TURISMO- [redacted] S. A." b6 b7C

23. Business card of [redacted] bearing pasted on Japanese or Chinese characters on the reverse side

24. Business card containing a Japanese or Chinese legend with the words "In Spades" in English under it

25. A business card bearing the name [redacted] and some Japanese or Chinese characters b6 b7C

26. A photocopy of a business card for [redacted]

27. Photocopy of a business card for [redacted] Special Investigator

28. Photocopy of a business card for Mayor LOUIS R. DIAZ, City of Pico Rivera

29. Photocopy for [redacted] Bail Bond Agency b6 b7C

30. Photocopy of business card for Nippon Educational Films

31. Photocopy of business card of the Los Angeles Police Department for a Sergeant [redacted] (last name illegible)

There is nothing in the El Paso file which would preclude the return of these items to Mr. RICHARD CASE NAGELL.

NAGELL HAS IN THE PAST ATTEMPTED SUICIDE.

28. Photocopy of a business card for Mayor Louis R. Diaz, City of Pico Rivera

29. Photocopy for [redacted] Bail Bond Agency b6 b7C

30. Photocopy of business card for Nippon Educational Films

31. Photocopy of business card of the Los Angeles Police Department for a Sergeant [redacted] (last name illegible)

All items Returned to Attorney [redacted]

4/4/74

SA [redacted] WDC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (91-18339) DATE: 5/27/68

FROM : SAC, EL PASO (91-1189) (C)

SUBJECT: RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas
9/20/63
BR

OO: EP

Re EP letters to the Bureau, 4/12/68 and 4/15/68.

This is to advise that on 5/20/68, AUSA [redacted] El Paso, Texas, advised the Honorable U. S. District Judge D. W. SUTTLE ordered a judgment ordering acquittal of this subject be filed in the USDC on 4/28/68. b6 b7C

THE SUBJECT HAS ATTEMPTED SUICIDE

2-Bureau
1-El Paso

HHB:sl
(3)

REC-1 91-18339-58

EX 106

14 MAY 27 1968

5 JUN 3 1968

5010-108-01

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

GOVERNMENT IN EAST GERMANY AND TAKEN OFF OF A TRAIN AND WAS SUBSEQUENTLY RELEASED AFTER SEVERAL MONTHS.

NAGELL HAD AN EXCELLENT COMBAT RECORD DURING THE KOREAN CONFLICT, RECEIVING SEVERAL CITATIONS AND A PURPLE HEART WITH TWO CLUSTERS. HE WAS WOUNDED ON ONE OR TWO OCCASIONS IN THE HEAD, RECEIVING SHRAPNEL WOUNDS.

NAGELL HAS IN THE PAST ATTEMPTED SUICIDE.

END

TMA FBIHQ CLR

THE DEFENDANT'S MOTION FOR ACQUITTAL AND A JUDGEMENT ACQUITTING THE DEFENDANT TO BE SUBMITTED FOR USDC, EL PASO,

BASED ON THE STRONG EVIDENCE OF NAGELL'S INSANITY.

FOR THE FURTHER INFORMATION OF THE BUREAU, ~~ROBERT~~ RICHARD CASE NAGELL IS THE SOLE SURVIVOR OF A B-29 CRASH IN THE WASHINGTON, D.C. AREA IN NOVEMBER, 1954, WHICH CAUSED FACIAL DISFIGUREMENT AS WELL AS APPARENT BRAIN DAMAGE AND HE WAS IN A COMATOSE CONDITION FOR SEVERAL WEEKS AFTERWARDS. PRIOR TO THE BANK ROBBERY, NAGELL HAD BEEN IN CONTACT WITH FBI OFFICES IN LOS ANGELES, MIAMI, NEW YORK, JACKSONVILLE, AND LEGAT, MEXICO, REFERRING TO THE FACT THAT HE HAD BEEN APPROACHED BY AGENTS OF A FOREIGN GOVERNMENT TO WORK FOR THEM AND THAT HE WAS TRYING TO AVOID HAVING TO DO SO. NAGELL HAS MADE OTHER WILD CLAIMS SUCH AS BEING AN ASSOCIATE OF LEE HARVEY OSWALD AND HAS IN THE PAST BEEN IN CONTACT WITH FORMER DISTRICT ATTORNEY GARRISON OF NEW ORLEANS. IN JULY, 1968, NAGELL WAS ARRESTED BY THE COMMUNIST

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 28 1974

TELETYPE

Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

NR 002 EP PLAIN
12:04PM URGENT AUGUST 28, 1974 JRC
TO: DIRECTOR (91-18339)
FROM: EL PASO (91-1189) (C)

RICHARD CASE NAGELL, AKA., STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, 9/20/63, BR, OO: EL PASO.

RE BUREAU FTS CALL, AUGUST 27, 1974.

IN RESPONSE TO REFERENCED BUREAU FTS CALL, BY SEPARATE COVER, 31 ITEMS OF CORRESPONDENCE, NOTES, PHOTOGRAPHS, AND OTHER PERSONAL PAPERS OF ~~ROBERT~~ ELSHORE CASE NAGELL ARE BEING FORWARDED TO THE BUREAU, REGISTERED AIR MAIL SPECIAL DELIVERY.

FOR THE INFORMATION OF THE BUREAU, ~~ROBERT~~ RICHARD CASE NAGELL WAS CONVICTED OF BANK ROBBERY IN U.S. DISTRICT COURT IN EL PASO ON JUNE 9, 1964, WHICH WAS REVERSED BY 5TH CIRCUIT COURT OF APPEALS (CCA) ON JANUARY 4, 1966, WITH INSTRUCTIONS FOR A NEW TRIAL. NEW TRIAL HELD AND NAGELL AGAIN FOUND GUILTY ON SEPTEMBER 26, 1964 AND SENTENCED TO SERVE 10 YEARS. ON APRIL 3, 1968, THE 5TH USCCA AGAIN REVERSED THE CONVICTION AND DIRECTED AN ORDER GRANTING

END PAGE ONE

REC 44 91-18339-59

ST-101

14 SEP 4 1974

FBI SEP 10 1974

6-MM

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 28 1974

TELETYPE

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Telephone Rm.	
Director Sec'y	

NR ØØ3 EL PLAINTEXT

1:Ø8PM URGENT AUGUST 28, 1974 HXG

TO: DIRECTOR (91-18339)

FROM: EL PASO (91-1189) (C) ///1P///

RICHARD CASE NAGELL, AKA.; STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER 2Ø, 1963, BR, OO: EL PASO

RE EL PASO TELETYPE TO BUREAU, AUGUST 28, 1974.

BUREAU REQUESTED TO CHANGE THE FIRST NAME OF ROBERT TO RICHARD IN RE TELETYPE ON THE FOLLOWING LINES: PAGE 1, PARAGRAPH 2, LINE 3; PARAGRAPH 3, LINE 1; PAGE 2, PARAGRAPH 1, LINE 1, EL PASO COPIES CORRECTED.

NAGELL HAS IN THE PAST ATTEMPTED SUICIDE.

END

BEH FBIHQ CLR

REC-74 91-18339-60

EX-103

7 SEP 4 1974

corrections made 9/3 WEB

56 SEP 10 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (91-18339) DATE: 4/12/68

FROM : SAC, EL PASO (91-1139) (P*)

SUBJECT: RICHARD CASE NAGELL, aka.
State National Bank of El Paso,
El Paso, Texas,
9/20/63
BR

OO: EP

Re El Paso airtel to the Bureau 3/5/68; El Paso airtel to the Bureau, 11/27/67.

Enclosed to the Bureau via RM is a decision of reversal of U.S. Court of Appeals for the Fifth Circuit #24152, RICHARD CASE NAGELL, Appellant, versus United States of America, Appellee. Appeals from the United States District Court for the Western District of Texas, 4/3/68, before JONES and WISDOM, Circuit Judges, and SINGLETON, District Judge,

This Xerox copy was furnished by AUSA [redacted] El Paso, Texas, on 4/5/68. [redacted] advised he did not know if USDJ D. W. SUTTLE will have this defendant returned to El Paso for acquittal and a judgment acquitting the defendant as ordered by the U.S. Court of Appeals for the Fifth Circuit. This final action to be taken will be followed at El Paso, Texas, and the Bureau advised.

b6
b7C

In view of the above-referred-to reversal, the context of this ruling by the U.S. Court of Appeals for the Fifth Circuit #24152 is being set forth in view of the question of the court ruling concerning sanity in this matter:

ENCLOSURE ATTACHED
ENCLOSURE

REC-134 91-18339-57

2 - Bureau (Enc. 1) (RM)
1 - El Paso

EX-116

2 APR 16 1968

HHB/mep
(3)

APR 22 1968

NINE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108-01

EP 91-1189

WISDOM, Circuit Judge: Judge Hutcheson, speaking for this Court, recently observed:

Appellate review of the sufficiency of the evidence is never an easy matter, and the difficulty is compounded when a jury in a criminal case has reached a verdict contrary to both medical testimony and visceral reaction. Brock v. United States, No. 24279, Nov. 17, 1967, at page 6. As in Brock, we are confronted with the question whether "reasonable doubt must necessarily have existed in the minds of reasonable jurors regarding appellant's sanity". Answering this question in the affirmative, we reverse the conviction of Richard C. Nagell.

As Judge Hutcheson pointed out, "Each (case) must be decided upon its own facts, with careful attention to the weight of the evidence on each side." Brock v. United States, at p. 9. This case, like Nagell himself, has had a long and stormy course. Nagell was first tried in 1964. The charge was then, and is now, entering a federally insured bank with intent to rob in violation of 18 USC, Section 2113(a). He was convicted as charged. Later, the court held a full evidentiary hearing on the defendant's motion for a new trial when Nagell revealed a number of facts previously unknown to his counsel. After denial of this motion, the defendant appealed to the Court. We reversed. Nagell v. United States, 5 Cir. 1966, 354 F.2d 441. A second trial followed. Again the jury found Nagell guilty. On this appeal, Nagell challenges the conviction on a number of grounds, one of them being the sufficiency of the evidence to support the jury's conclusion that he was sane --i.e. whether a reasonable man would have had no reasonable doubt as to his sanity. Since we conclude that reasonable doubt must have existed in the minds of reasonable jurors regarding Nagell's sanity, we do not reach the other issues presented here.

The facts of this case are extensively reviewed in this Court's earlier opinion. 354 F.2d 441. Briefly, the facts underlying the charge are as follows:

The record shows that late in the afternoon of September 20, 1963, appellant went into the State National Bank of El Paso, Texas. He asked where traveler's checks could be obtained, and upon reaching the proper cage asked the teller, a young woman, for one hundred dollars worth of checks in ten dollar denominations. The teller moved to get them, whereupon Nagell said, "Lady, this is a real gun". She immediately ran, and appellant took several steps away from the cage, fired two shots into the wall at a height of about seven feet, not aiming at the teller, and ran out of the bank. He was followed by a police officer who happened to be in the bank at the time. He was, without difficulty, arrested at a time when he was about to leave in an automobile which he had left parked near the bank. 354 F.2d at 442.

On appeal from his first conviction, Nagell asserted that his sanity was not shown beyond a reasonable doubt, but we rejected this assertion without discussion. During the first trial four doctors were called to testify and all four, though suggesting that Nagell manifested some psychological abnormalities, testified that he had the capacity to distinguish right from wrong on September 20, 1963, the date of the alleged offense. A substantial and significant segment of Nagell's medical history came to light after that trial; it was developed in the hearing on his motion for a new trial, and we related it in our earlier opinion. 354 F.2d at 447.

In the second trial this new medical history and the diagnosis related thereto was unfolded through the testimony of Dr. Edwin A. Weinstein. With the newly

discovered relevant history at hand, two psychiatrists, [redacted] who had testified at the first trial that Nagell could distinguish between right and wrong on the date in question reversed their testimony and without hesitation announced at the new trial that Nagell could not distinguish between right and wrong on that date, could not appreciate the nature of his actions, could not refrain from doing wrong. Both of these doctors are "certified" in neurology and psychiatry. Another psychiatrist, [redacted] on the basis of observation testified that in committing the act for which he was being prosecuted Nagell did not think he was doing wrong, did not know the nature and quality of the act, and could not conform his conduct to the requirements of the law. Finally, two clinical psychologists, both of whom had done psychological testing of Nagell, testified that when Nagell went into the State National Bank he did not appreciate the implications of his act and was not in control of his conduct.

b6
b7C

We recognize that "expert opinion as to insanity rises no higher than the reasons upon which it is based" and that "it is not binding upon the trier of the facts". Dusky v. United States, 8 Cir. 1961, 295 F.2d 743, 754; Breland v. United States, 5 Cir. 1967, 372 F.2d 629, 633; see Mims v. United States, 5 Cir. 1967, 375 F.2d 135, 143. "Description and explanation of the origin, development and manifestation of the alleged disease are the chief functions of the expert witness." Carter v. United States, D.C. Cir. 1956, 252 F.2d 608, 617; Fitts r. United States, 10 Cir. 1960, 284 F.2d 108. Here the record is replete with expert testimony regarding Nagell's mental condition: "Mentally disturbed", the particular characterization being "chronic traumatic encephalopathy" -- a disease of the brain caused by trauma. Its symptoms: paranoia suicidal preoccupations, "confabulations", tendency toward projection, impaired judgment, lack of contact with reality.

"The nature and quantum of rebuttal evidence sufficient to present a jury question is to some degree determined by the strength of the case for insantiy." Brock v. United States, supra at p. 8, and authorities cited n. 10. Although in many of the cases when an appellate court has reversed a jury finding of sanity the Government had only introduced lay testimony as to the defendant's sanity, in some cases the Government had introduced psychiatric testimony on this issue. Isaac v. United States, D.C. Cir. 1960, 284 F2d 168; United States v. Westerhausen, 7 Cir. 1960, 283 F.2d 844. We do not resolve this "battle by psychiatrist" quantitatively; that is why we reassert that "each case must be decided upon its own facts with careful attention to the weight of the evidence on each side." We acknowledge that "questions of the credibility and weight of expert opinion testimony are for the trier of facts," Mims v. United States, supra at 140, but we also recognize that "we must reverse a criminal conviction when it is 'clear to us that upon the evidence. . . a reasonable mind must necessarily have had a reasonable doubt as to. . . guilt'." Hopkins v. United States, D.C. Cir. 1960, 275 F.2d 155, 157 n. 2 and cases cited therein. "The quantum and nature of proof the Government must offer to take the case to a jury varies in different situations and to some degree depends upon the quantum and nature of proof the defendant offers." Wright v. United States, D.C. Cir. 1957, 250 F.2d 4, 7; United States v. Westerhausen, 7 Cir. 1960, 283 F.2d 844, 852; see Hopkins v. United States, D.C. Cir. 1960, 275 F.2d 155, 157; Brown v. United States, 5 Cir. 1965, 351 F.2d 473, 474. We merely conclude here, as the Tenth Circuit did in McKenzie v. United States, 10 Cir. 1959, 266 F.2d 524, 528, that

> We are contrained to the view in this case, in which the evidence of trained and disinterested psychiatrists, whose duty it was to determine the mental condition of the defendant, is so overwhelming as to his insanity, that if the burden of proving sanity beyond a reasonable doubt has

any significance at all, it was not met by the meager evidence of the prosecution.

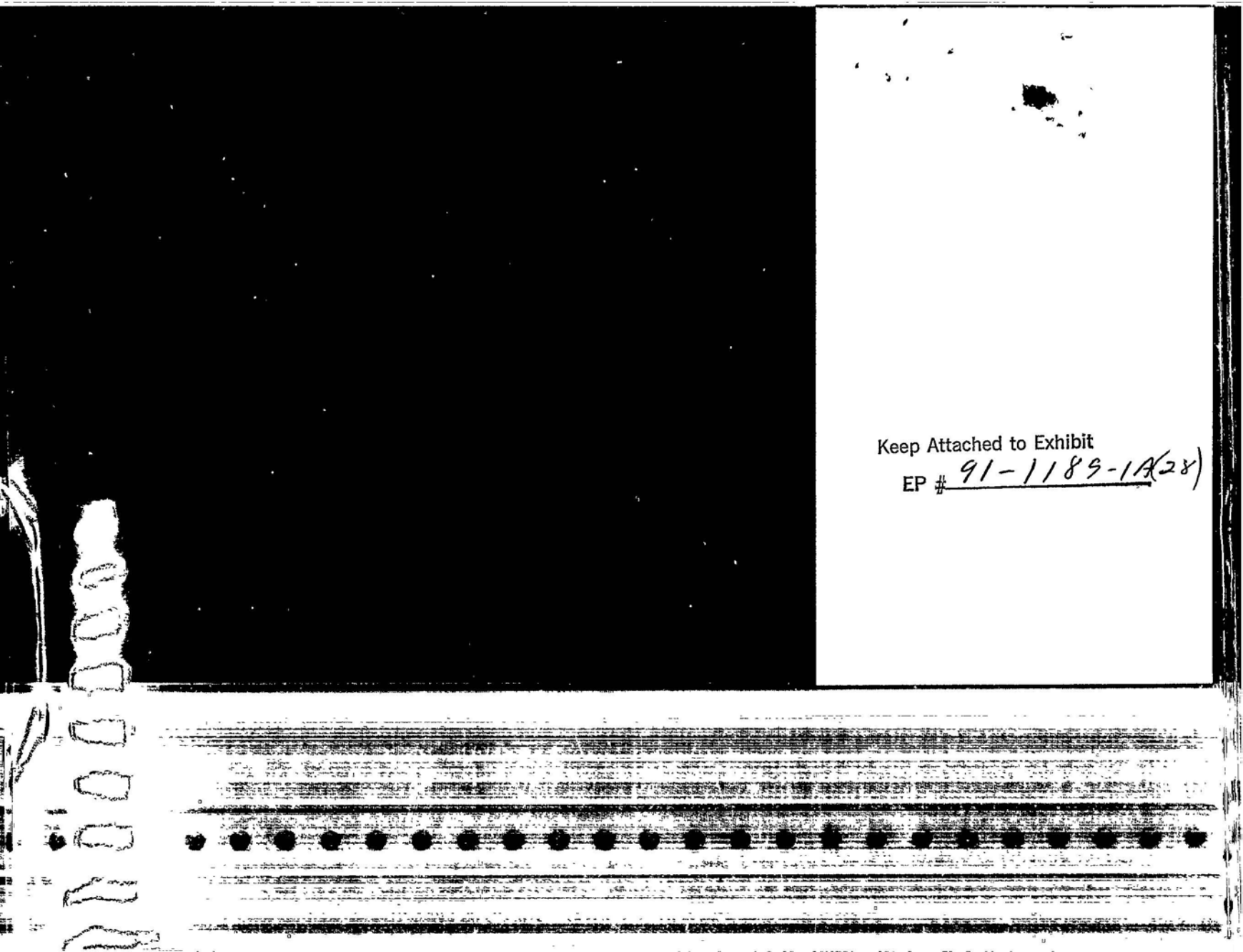
The Government in this case did introduce the testimony of two psychiatrists as to Nagell's sanity. Neither had special training in neurology, and while this is not crucial, it is an important consideration when the disorder involved is asserted to be neurological in origin. More important is the "inadequacy of the factual assumptions on which the opinion (s are) based". Mims v. United States, supra at 143. [redacted] while asserting b6 b7C that Nagell had the capacity to tell right from wrong on the date in issue, admitted that he did not have a complete medical history of Nagell, did not check the veracity of the answers related to him by Nagell during interviews (many of which answers were later shown to have been pure confabulation), did not have pertinent medical reports or psychological reports when his diagnosis was made, and did not check relevant nurses notes on Nagell's behavior. [redacted] also concluding that Nagell was sane when he b6 b7C entered the bank, acknowledged that he did not give any of the tests normally given before making a complete evaluation, did not have a "good diagnosis" of Nagell, and had not read the complete file of Nagell's medical history. Finally, [redacted] a defense witness, observed that he would be hard pressed to reach the diagnosis reached by the defense witness without the records that the Government's witnesses did not have in making their evaluation.

We feel constrained to emphasize the particular and peculiar facts of this case reinforcing psychiatric testimony that Nagell was symbolizing, projecting, dramatizing, and/or confabulating when he entered the bank. Cf. Brock v. United States, supra. Nagell demanded travelers' checks, not cash. He asked for a specific (and relatively small) amount. He said, "this is a real gun", not "this is a stick-up". He fired two shots into the wall, not at anyone and for no apparent reason. And he was not at all evasive when he left the bank.

The peculiar facts of this case also suggest error in the charge of the court below regarding the requisite intent under the statute that Nagell was charged with violating. A specific intent to rob is required under 18 USC, Section 2113. The trial court instructed the jury that it might infer intent from Nagell's conduct in the bank. Viewing the totality of Nagell's conduct and in light of the strong evidence of his insanity at the time, we observe that it was error for the court not to instruct the jury in terms of the more restrictive specific intent required by the statute. See Clifton v. United States, 5 Cir. 1965, 341 F.2d 649, 650-51; Mann v. United States, 5 Cir. 1963, 319 F.2d 404, 409-10.

Considering the facts of this case and the evidence in the record, we conclude that the evidence introduced by the Government is not sufficient to sustain the conviction. While in some of the cases in which the appellate courts have reversed convictions on this ground the cases were remanded to allow the Government an opportunity to strengthen its position, we feel that "no good purpose could be served in ordering a new trial" in this case. United States v. Westerhausen, 7 Cir. 1960, 283 F.2d 844; Argent v. United States, 5 Cir. 1963, 325 F.2d 162; see Hartford v. United States 9 Cir. 1966, 362 F.2d 63; McKenzie v. United States, 10 Cir. 1959, 266 F.2d 524. The judgment of the conviction is reversed and the case is remanded to the district court with directions to vacate that judgment and to enter an order granting the defendant's motion for acquittal and a judgment acquitting the defendant.

THE SUBJECT HAS ATTEMPTED SUICIDE.



Keep Attached to Exhibit
EP # 91-1189-1A(28)

91-18339-57

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 24152

RICHARD CASE NAGELL,
Appellant,

versus

UNITED STATES OF AMERICA,
Appellee.

Appeals from the United States District Court for the Western District of Texas.

(April 3, 1968.)

Before JONES and WISDOM, Circuit Judges, and SINGLETON, District Judge.

WISDOM, Circuit Judge: Judge Hutcheson, speaking for this Court, recently observed:

> Appellate review of the sufficiency of the evidence is never an easy matter, and the difficulty is compounded when a jury in a criminal case has reached a verdict contrary to both medical testimony and visceral reaction. *Brock v. United States,* No. 24279, Nov. 17, 1967, at page 6.

As in *Brock*, we are here confronted with the question whether "reasonable doubt must necessarily have existed in the minds of reasonable jurors regarding appellant's sanity". Answering this question in the affirmative, we reverse the conviction of Richard C. Nagell.

As Judge Hutcheson pointed out, "Each [case] must be decided upon its own facts, with careful attention to the weight of the evidence on each side." *Brock v. United States*, at p. 9. This case, like Nagell himself, has had a long and stormy course. Nagell was first tried in 1964. The charge was then, and is now, entering a federally insured bank with intent to rob in violation of 18 U.S.C. § 2113(a). He was convicted as charged. Later, the court held a full evidentiary hearing on the defendant's motion for a new trial when Nagell revealed a number of facts previously unknown to his counsel. After denial of this motion, the defendant appealed to this Court. We reversed. *Nagell v. United States*, 5 Cir. 1966, 354 F.2d 441. A second trial followed. Again the jury found Nagell guilty. On this appeal, Nagell challenges the conviction on a number of grounds, one of them being the sufficiency of the evidence to support the jury's conclusion that he was sane—i.e. whether a reasonable man would have had no reasonable doubt as to his sanity. Since we conclude that reasonable doubt must have existed in the minds of reasonable jurors regarding Nagell's sanity, we do not reach the other issues presented here.

The facts of this case are extensively reviewed in this Court's earlier opinion.[1] 354 F.2d 441. Briefly, the facts underlying the charge are as follows:

> The record shows that late in the afternoon of September 20, 1963, appellant went into the State National Bank of El Paso, Texas. He asked where travelers' checks could be obtained, and upon reaching the proper cage asked the teller, a young woman, for one hundred dollars worth of checks in ten dollar denominations. The teller moved to get them, whereupon Nagell said, "Lady, this is a real gun". She immediately ran, and appellant took several steps away from the cage, fired

[1] On the first appeal this Court summarized the highlights of Nagell's background: "At the time of the trial, Nagell was thirty-three years old. He was born in Greenwich, New York. His father died when he was two years old. Under circumstances not explained in the record, he was separated from his mother when he was four. He lived in various foster homes until he was eleven, and in an orphanage until he was eighteen. He then enlisted in the Army, 1945. He became a paratrooper, but in 1951 went to Korea with the 24th Infantry as a second lieutenant. He served a year in Korea, was rotated home, but immediately went back at his own request. On three separate occasions he was wounded in action. In 1951, he was a passenger in a military airplane enroute from Los Angeles to Washington. The plane crashed while attempting a landing at Friendship Airport, killing all occupants except Nagell. He sustained severe head injuries, including organic brain damage, although this damage, as will be seen, was unknown to the trial judge or defense attorneys until after the trial now under review. He was hospitalized in Walter Reed Hospital, was later returned to duty through some machinations of his own, and resigned from the service under honorable conditions. He drew 64% service connected disability compensation, but not for a mental condition. In 1958, at the American Embassy in Tokyo, he was married to a Japanese subject. They had two children, but the marriage had gone on the rocks before September, 1963. He later worked for the State of California, but lost that job. In August, 1962, he shot himself through the left chest. He originally claimed this was done by an assailant whom he refused to name; it later came out that the shot was self-inflicted." 351 F.2d 441 at 443.

> two shots into the wall at a height of about seven feet, not aiming at the teller, and ran out of the bank. He was followed by a police officer who happened to be in the bank at the time. He was, without difficulty, arrested at a time when he was about to leave in an automobile which he had left parked near the bank. 354 F.2d at 442.

On appeal from his first conviction, Nagell asserted that his sanity was not shown beyond a reasonable doubt, but we rejected this assertion without discussion. During the first trial four doctors were called to testify and all four, though suggesting that Nagell manifested some psychological abnormalities, testified that he had the capacity to distinguish right from wrong on September 20, 1963, the date of the alleged offense. A substantial and significant segment of Nagell's medical history came to light after that trial; it was developed in the hearing on his motion for a new trial, and we related it in our earlier opinion. 354 F.2d at 447.

In the second trial this new medical history and the diagnosis related thereto was unfolded through the testimony of Dr. Edwin A. Weinstein.[2] With the new-

[2] Dr. Weinstein is a medical doctor specializing in neurology and psychiatry. He has done extensive research on the effect of brain injuries on human behavior; Dr. Weinstein studies patients with brain injuries brought to Walter Reed Army Hospital and follows their subsequent activities to correlate the behavior before the injury, the type of brain injury sustained, and the symptoms later manifested. He has written two books and ninety articles related to this field and has used Richard Nagell as an example in his writings. Reference to Dr. Weinstein's testimony in the hearing on Nagell's motion for a new trial following his first convictions can be found in our earlier opinion, 354 F.2d at 447.

ly discovered relevant history at hand, two psychiatrists, Drs. Bennett and Hernandez, who had testified at the first trial that Nagell *could* distinguish between right and wrong on the date in question *reversed their testimony* and without hesitation announced at the new trial that Nagell could not distinguish between right and wrong on that date, could not appreciate the nature of his actions, could not refrain from doing wrong. Both of these doctors are "certified" in neurology and psychiatry. Another psychiatrist, Dr. Alderete, on the basis of observation, testing, and a review of the medical history, testified that in committing the act for which he was being prosecuted Nagell did not think he was doing wrong, did not know the nature and quality of the act, and could not conform his conduct to the requirements of the law. Finally, two clinical psychologists, both of whom had done psychological testing of Nagell, testified that when Nagell went into the State National Bank he did not appreciate the implications of his act and was not in control of his conduct.

We recognize that "expert opinion as to insanity rises no higher than the reasons upon which it is based" and that "it is not binding upon the trier of the facts". *Dusky v. United States,* 8 Cir. 1961, 295 F.2d 743, 754; *Breland v. United States,* 5 Cir. 1967, 372 F.2d 629, 633; see *Mims v. United States,* 5 Cir. 1967, 375 F.2d 135, 143. "Description and explanation of the origin, development and manifestation of the alleged disease are the chief functions of the expert witness." *Carter v. United States,* D.C. Cir. 1956, 252

F.2d 608, 617; *Fitts v. United States*, 10 Cir. 1960, 284 F.2d 108, . Here the record is replete with expert testimony regarding Nagell's mental condition: "Mentally disturbed", the particular characterization being "chronic traumatic encephalopathy"—a disease of the brain caused by trauma. Its symptoms: paranoia suicidal preoccupations, "confabulations", tendency toward projection, impaired judgment, lack of contact with reality.

"The nature and quantum of rebuttal evidence sufficient to present a jury question is to some degree determined by the strength of the case for insanity." *Brock v. United States, supra* at p. 8, and authorities cited n. 10. Although in many of the cases when an appellate court has reversed a jury finding of sanity the Government had only introduced lay testimony as to the defendant's sanity, in some cases the Government had introduced psychiatric testimony on this issue. *Isaac v. United States,* D.C. Cir. 1960, 284 F.2d 168; *United States v. Westerhausen,* 7 Cir. 1960, 283 F.2d 844. We do not resolve this "battle by psychiatrist" quantitatively; that is why we reassert that "each case must be decided upon its own facts with careful attention to the weight of the evidence on each side." We acknowledge that "questions of the *credibility* and *weight* of expert opinion testimony are for the trier of facts," *Mims v. United States, supra* at 140, but we also recognize that "we must reverse a criminal conviction when it is 'clear to us that upon the evidence . . . a reasonable mind must necessarily have had a reasonable doubt as to

. . . guilt'." *Hopkins v. United States,* D.C. Cir. 1960, 275 F.2d 155, 157 n. 2 and cases cited therein. "The quantum and nature of proof the Government must offer to take the case to a jury varies in different situations and to some degree depends upon the quantum and nature of proof the defendant offers." *Wright v. United States,* D.C. Cir. 1957, 250 F.2d 4, 7; *United States v. Westerhausen,* 7 Cir. 1960, 283 F.2d 844, 852; see *Hopkins v. United States,* D.C. Cir. 1960, 275 F.2d 155, 157; *Brown v. United States,* 5 Cir. 1965, 351 F.2d 473, 474. We merely conclude here, as the Tenth Circuit did in *McKenzie v. United States,* 10 Cir. 1959, 266 F.2d 524, 528, that

> We are constrained to the view in this case, in which the evidence of trained and disinterested psychiatrists, whose duty it was to determine the mental condition of the defendant, is so overwhelming as to his insanity, that if the burden of proving sanity beyond a reasonable doubt has any significance at all, it was not met by the meager evidence of the prosecution.

The Government in this case did introduce the testimony of two psychiatrists as to Nagell's sanity. Neither had special training in neurology, and while this is not crucial, it is an important consideration when the disorder involved is asserted to be neurological in origin. More important is the "inadequacy of the factual assumptions on which the opinion[s are] based". *Mims v. United States, supra* at 143. Dr. Schwartz, while asserting that Nagell had the ca-

pacity to tell right from wrong on the date in issue, admitted that he did not have a complete medical history of Nagell, did not check the veracity of the answers related to him by Nagell during interviews (many of which answers were later shown to have been pure confabulation), did not have pertinent medical reports or psychological reports when his diagnosis was made, and did not check relevant nurses notes on Nagell's behavior. Dr. Baker, also concluding that Nagell was sane when he entered the bank, acknowledged that he did not give any of the tests normally given before making a complete evaluation, did not have a "good diagnosis" of Nagell, and had not read the complete file of Nagell's medical history. Finally, Dr. Alderete, a defense witness, observed that he would be hard pressed to reach the diagnosis reached by the defense witness without the records that the Government's witnesses *did not have* in making their evaluation.

We feel constrained to emphasize the particular and peculiar facts of this case reinforcing psychiatric testimony that Nagell was symbolizing, projecting, dramatizing, and/or confabulating when he entered the bank. *Cf. Brock v. United States, supra.* Nagell demanded travelers' checks, not cash. He asked for a specific (and relatively small) amount. He said, "this is a real gun", not "this is a stick-up". He fired two shots into the wall, not at anyone and for no apparent reason. And he was not at all evasive when he left the bank

The peculiar facts of this case also suggest error in the charge of the court below regarding the requisite intent under the statute that Nagell was charged with violating. A *specific intent* to rob is required under 18 U.S.C. § 2113.[3] The trial court instructed the jury that it might infer intent from Nagell's conduct in the bank.[4] Viewing the totality of Nagell's conduct, and in light of the strong evidence of his insanity at the time, we observe that it was error for the court not to instruct the jury in terms of the more restrictive specific intent required by the statute. See *Clifton v. United States*, 5 Cir. 1965, 341 F.2d 649, 650-51; *Mann v. United States*, 5 Cir. 1963, 319 F.2d 404, 409-10.[5]

Considering the facts of this case and the evidence in the record, we conclude that the evidence intro-

[3] See Prince v. United States, 1957, 352 U.S. 322, 77 S.Ct. 403, 1 L.Ed.2d 370; Womack v. United States, D.C. Cir. 1964, 336 F.2d 959; cf. Morisette v. United States, 1952, 342 U.S. 246, 72 S.Ct. 240, 96 L.Ed. 288; Heideman v. United States, D.C.Cir. 1958, 259 F.2d 943.

[4] The trial judge instructed:

> As a general rule, it is reasonable to infer that a person ordinarily intends all the natural and probable consequences of acts knowingly done or knowingly omitted. So, unless the evidence in the case leads the jury to a different or contrary conclusion, the jury may draw the inference and find that the defendant intended all the natural and probable consequences which one . . . should reasonably have expected to result.

[5] In Helms v. United States, 5 Cir. 1964, 340 F.2d 15, we held that a charge similar to the one given in this case was not "plain error". We observed that "in the Mann case the purely mental state was the crucial issue while here the contest centers about objective conduct". 340 F.2d at 19. In the present case we cannot divorce the concept of "objective conduct" from that of "mental state", since the insanity of Nagell has from the start been clearly in issue. We thus cannot legitimate the inference of specific intent—a mental state—from the at least ambiguous conduct of Nagell in the bank.

duced by the Government is not sufficient to sustain the conviction. While in some of the cases in which the appellate courts have reversed convictions on this ground the cases were remanded to allow the Government an opportunity to strengthen its position,[6] we feel that "no good purpose could be served in ordering a new trial" in this case. *United States v. Westerhausen*, 7 Cir. 1960, 283 F.2d 844; *Argent v. United States*, 5 Cir. 1963, 325 F.2d 162; see *Hartford v. United States*, 9 Cir 1966, 362 F.2d 63; *McKenzie v. United States*, 10 Cir. 1959, 266 F.2d 524. The judgment of the conviction is reversed and the case is remanded to the district court with directions to vacate that judgment and to enter an order granting the defendant's motion for acquittal and a judgment acquitting the defendant.

[6] Brock v. United States, 5 Cir. No. 24279, Nov. 17, 1967, Fielding v. United States, D.C. Cir. 1957, 251 F.2d 878; Wright v. United States, D.C. Cir. 1957, 250 F.2d 4.

Adm. Office, U. S. Courts—E. S. Upton Printing Co., N. O., La.

FD-36 (Rev. 5-22-64)

FBI

Date: 11/27/67

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P*)

SUBJECT: RICHARD CASE NAGELL, aka.
State National Bank of El Paso,
El Paso, Texas,
9/20/63
BR

OO: EL PASO

Re report of SA HAROLD H. BOYCE, El Paso, dated 9/28/66.

Enclosed to the Bureau via Registered Mail are the following briefs, which were furnished by AUSA [redacted] El Paso, Texas:

1. Appellant's Opening Brief filed by Attorneys [redacted] and [redacted] for the appellant RICHARD CASE NAGELL, U.S. Court of Appeals for the Fifth Circuit #24152.

2. Brief of Appellee, U.S. Court of Appeals for the Fifth Circuit #24152.

b6
b7C

ENCLOSURE

3 - Bureau (Enc. 2) (RM)
1 - El Paso

"ENCL. BEHIND FILE" RLC 24

91-18337-55

HHB/mep
(4)

8 NOV 29 1967

EX 101

C. C. - Bishop

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

DEC 1 1967

EP 91-1189

As reflected in referenced El Paso report, this subject was tried by jury on bank robbery charges in U.S. District Court, El Paso, Texas, and a guilty verdict was returned on 9/26/66. On 9/27/66, this subject was sentenced to serve ten years under count one of a bank robbery indictment with count two being withdrawn under provisions of Section 4208 (a) (II), Title 18, USC.

AUSA [redacted] pointed out that after the conviction and sentencing of this subject his attorneys under forma pauperis filed a motion of appeal in U.S. Court of Appeals for the Fifth Circuit. [redacted] advised that on the last notice of cases to be heard by the Fifth Circuit, this case was scheduled for hearing in the U.S. Court of Appeals for the Fifth Circuit convening at Houston, Texas, on 12/1/67. b6 b7C

The following is a summary of the above-referred-to Appellant's Opening Brief and Brief of Appellee. The Appellant's Opening Brief listed the following Specifications of Error:

FIRST SPECIFICATION OF ERROR: The trial court erred in his instructions to the jury in refusing, over defendant's objection, to instruct the jury on the defense of mental capacity by defendant to formulate the necessary specific intent to commit the crime charged.

SECOND SPECIFICATION OF ERROR: The trial court erred in its instructions urging the jury to arrive at a verdict by virtue of the so-called "Allen Charge". The verdict was a product of judicial coercion.

THIRD SPECIFICATION OF ERROR: The evidence was insufficient as a matter of law to exclude beyond a reasonable doubt the hypothesis of insanity, and the trial court erred in denying appelant's timely motions for judgment of acquittal made during and after the trial.

FOURTH SPECIFICATION OF ERROR: The Court erred in refusing to admit into evidence, the government's motion for a psychiatric examination (defendant's exhibit L) which was admissable to rebutt and impeach the government's contention at the trial, that the defendant was merely suffering from a "jail psychosis" shortly after his arrest, and therefore, that he was not suffering from any serious mental disease at the time of the offense.

FIFTH SPECIFICATION OF ERROR: The trial court erred in not charging the jury as requested by the defendant when the jury inquired (a) if under the court's charge mental illness was grounds for the defendant to be pronounced not guilty, and (2) requested an explanation in more detail and to give example of "doubt" and "reasonable doubt".

The government filed a brief of appellee in answer to the above appellant's brief.

POINT ONE

The trial court did not err in his instructions to the jury. The Court made it quite clear that appellant was quite innocent until the government carried its order proving him guilty beyond a reasonable doubt in that an essential element of such proof was proof of specific intent to commit the crime charged in the indictment.

POINT TWO

The trial Court's supplementary charge to the jury was not error and did not constitute an unlawful coercion of the verdict.

Avoidance of a hung jury is deemed desirable in the administration of justice of accomplished through fair and legitimate means. The trial Court gave an "Allen" charge which is acceptable in this circuit, pointing out that in all respect this charge is most favorable to the appellant and carefully adheres to the admonitions enumerated in Estes v. U.S., supra and Thaggard v. U.S., supra.

POINT THREE

The evidence was sufficient to support the jury's finding that appellant was legally sane at the time of the offense.

At the trial, the appellant presented the testimony of four psychiatrists and two psychologists in an attempt to establish that on the date of the offense he was not criminally responsible for his actions. The government offered the testimony of lay witnesses concerning the facts of the offense and the appellant's behavior on the day in question to establish his legal sanity. The jury apparently accepted the appellee's evidence and found the appellant guilty. There is no question that the appellant had a history of mental problems; however, this Court has observed that an accused may have a mental disorder or deficiency and in some cases will be mentally competent to be hold legally responsible for his crimes. The jury's finding that appellant was legally same should be affirmed.

POINT FOUR

The trial Court correctly refused to admit the government's motion for psychiatric examination into evidence.

None of the cases cited in appellant's brief are relevant to the present issue. None involved an attempt by the defense to introduce in evidence a Government motion for psychiatric examination. The trial Court properly refused to admit the motion into evidence.

POINT FIVE

The trial Court correctly answered the jury's question as to whether or not mental illness would be grounds for acquittal of the appellant, and the trial Court acted properly in refusing to give examples of "doubt" and "reasonable doubt."

The Court in his charge gave a correct and complete definition of reasonable doubt; therefore, it was proper that he not attempt to explain further or give examples of "doubt"or " reasonable doubt". It has heretofore been recognized that attempts to explain the term "reasonable doubt" usually do not result in making it any clearer in the minds of the jury.

CONCULSION

The appellant has now been tried twice and convicted twice on the same charge. His first conviction was reversed by this Court and remanded for a new trial, based

on "newly discovered evidence". NAGELL v. U.S., 354 F. 2d 441 (5th Cir. 1966). At the second trial, all the evidence available to both sides was presented, and the jury again convicted. Two different juries have now found appellant guilty, and two different trial courts have imposed identical sentences. There is no more evidence available to either side. The judgment should be affirmed. However, if this Court should see fit to reverse the conviction, appellee joins appellant in suggesting that no good purpose could be served by another trial, and that this Court shall dispose of the case once and for all.

Respectfully submitted,

ERNEST MORGAN
United States Attorney

[redacted] b6 b7C
Assistant U.S Attorney

[redacted]
Assistant U.S. Attorney

THE SUBJECT HAS ATTEMPTED SUICIDE.

FD-36 (Rev. 10-29-63)

FBI

Date: 3/5/68

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL
(Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P*)

SUBJECT: RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas.
9/20/63
BR

OO: EP

Re Bureau O-1 dated 2/29/68;
EP airtel to Bureau, 11/27/67.

AUSA [redacted] advised SA HAROLD H. BOYCE on 3/4/68, instant case is still pending the decision of the U. S. Court of Appeals, Fifth Circuit. b6 b7C

The Bureau will be advised as soon as the decision is furnished to the AUSA at El Paso.

THE SUBJECT HAS ATTEMPTED SUICIDE.

EX-102

(3) Bureau
1-El Paso

HHB:sl
(4)

REC-4 91-18339-56

9 MAR 7 1968

SEE

E. G. Hoover

F87

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-362 (Rev. 11-21-63)

PAROLE REPORT
FEDERAL BUREAU OF INVESTIGATION

Reporting Office	Office of Origin	Date
EL PASO	EL PASO	9/28/66

Name of Convict with Aliases:

RICHARD CASE NAGELL, aka.,
Joe Kramer
Joe Cramer
Robert C. Nolan

Report Made By: HAROLD H. BOYCE

Typed By: CLB

Violation:

BANK ROBBERY

Outline of Offense: On 9/20/63 convict entered the State National Bank, El Paso, Texas, thrust a .45 caliber Colt blue steel short barrel revolver through the window, pointed it at a woman teller and exclaimed, "This is a real gun, lady". When teller fled from window to take cover, subject fired two shots into the wall above the head of the teller, fled from the bank, where he entered a 1957 Ford two door Fairlane 500, and started to flee. On encountering [redacted] patrolman, subjectsurrendered and taken into custody. U.S. 5th Circuit Court of Appeals reversed prior judgment 1/4/66 with instructions new trial be granted. b7D

Date and place of indictment; or information filed: San Antonio, Texas, 1/10/64

Code and section under which charged: Section 2113, Title 18, U.S. Code (retrial)

Section under which sentenced: Section 4208(a)(II), Title 18, U.S. Code.

Date and nature of plea: 9/19/66, not guilty (retrial)

Date and place of conviction: 9/26/66, U.S. District Court, El Paso, Texas

Date and duration of sentence: 9/27/66, ten years.

Fines: None

Aggravating or Mitigating circumstances: This convict has an outstanding war record in connection with the Korean conflict and was wounded on several occasions. He was the lone survivor of a military aircraft crash in 1954, at which time he suffered severe head injuries. He has had psychiatric treatment in numerous Veterans Administration Hospitals.

(Cont. on Page 2)

Approved _____ Special Agent in Charge

Do Not Write in Spaces Below

91-19339-54

Copies Made:
3 - Bureau
Dissemination at SOG
2 - Bureau of Prisons
Date Fwd.: 10/11/66
By:
1 -

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ENCLOSURE

EP 91-1189

AGGRAVATING OR MITIGATING CIRCUMSTANCES (CONT):

This offense is aggravated since he fired two shots in a heavily crowded bank at the time of the attempted holdup. He refused to cooperate with five separately appointed court attorneys, refused to cooperate with various psychiatrists, and has indicated a desire to commit suicide.

Subsequent to subject's prior conviction and sentence on 6/9/64, he attempted suicide by taking sleeping or tranquilizer pills in the El Paso County Jail.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 AUSA, El Paso

Report of: HAROLD H. BOYCE
Date: 9/28/66

Office: EL PASO

Field Office File #: 91-1189

Bureau File #: 91-18339

Title: RICHARD CASE NAGELL
State National Bank of
El Paso, El Paso, Texas,
September 20, 1963

Character: BANK ROBBERY

Synopsis: U.S. Fifth Circuit Court of Appeals on 1/4/66 reversed the previous conviction of this subject on 6/9/64 with instructions new trial be granted. Trial by jury commenced USDC, El Paso, 9/19/66 and jury started deliberation 9/22/66 and returned guilty verdict 9/26/66. On 9/27/66 subject sentenced to serve ten years under Count 1 of bank robbery indictment with Count 2 being withdrawn under provisions of Section 4208(a)(II), Title 18, USC. SUBJECT HAS ATTEMPTED SUICIDE. ONE CONVICTION.

- C -

Details: AT EL PASO, TEXAS

On September 19, 1966, Assistant United States Attorney [redacted] advised that inasmuch as the United States Fifth Circuit Court of Appeals on January 4, 1966, had reversed the judgment and conviction of this subject with instructions that a new trial be granted, retrial in this case was commenced on September 19, 1966, before the Honorable United States District Judge D. W. SUTTLE.

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EP 91-1189

[redacted] advised the Government was represented in this case by Assistant United States Attorney [redacted] and himself. He advised the jury hearing this case consisted of six men and six women, and the Government elected to try this case under Count 1 of the indictment with Count 2 being withdrawn. He advised that trial of this case was completed and turned over to the jury for deliberation on September 22, 1966. b6 b7C

On September 27, 1966, [redacted] further advised that a verdict of guilty was returned at 3:05 p.m. on September 26, 1966, and on September 27, 1966, RICHARD CASE NAGELL was sentenced to ten years under Title 18, United States Code, Section 4208(a)(II). He advised subject's attorneys, [redacted] and [redacted] were granted ten days by the United States District Court to file motions. b6 b7C

[redacted] pointed out that under the provisions of Title 18, United States Code, Section 4208(a)(II), the subject can be released on parole at any time it is deemed advisable.

EP 91-1189

ADMINISTRATIVE

As reflected in referenced El Paso airtels to Bureau, it is noted that on 1/4/66 the United States Fifth Circuit Court of Appeals reversed the conviction of this subject on a sentence of ten years on 6/9/64 with instructions that a new trial be granted.

Inasmuch as the above conviction was possibly deleted from the statistical accomplishments of the El Paso Office, one conviction in instant retrial is being scored by the El Paso Office.

FD-263 (Rev. 9-17-65)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
EL PASO	EL PASO	9/28/66	9/19-28/66

TITLE OF CASE

RICHARD CASE NAGELL, aka.;
State National Bank of
El Paso, El Paso, Texas,
9/20/63

REPORT MADE BY	TYPED BY
HAROLD H. BOYCE	CLB

CHARACTER OF CASE

BR

REFERENCES

Report of SA THOMAS B. WHITE, Jr., dated 4/15/64 at El Paso.

El Paso airtel to Bureau 8/4/66.
El Paso airtel to Bureau 4/8/66
El Paso airtel to Bureau 1/11/66.

= C =

ENCLOSURES

DISPOSITION SHEET DETACHED AND HANDLED SEPARATELY.

TO THE BUREAU

One (1) disposition sheet re subject NAGELL.
Three (3) copies parole report re subject NAGELL.

Case has been: Pending over one year ☐ Yes ☒ No; Pending prosecution over six months ☒ Yes ☐ No

APPROVED _____ SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

1 Bureau (91-18339) (Enc. 4)
1 AUSA, El Paso
1 El Paso (91-1189)

3 ENCLOSURE

91-1133-54

REC- 15

12 SEP 29 1966

57 OCT 5 1966

Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.	5	4 OCT 1 0 1966		
By				

Notations

SIX

STAT. SEC.

DIRECTOR, FBI

10/17/75

SAC, EL PASO

ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
11/22/63
DALLAS, TEXAS
MISCELLANEOUS INFORMATION CONCERNING
Bufile 62-109060
EP file 89-52 (RUC)

RICHARD CASE NAGELL, aka
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
9/20/63
BANK ROBBERY
OO: EP
Bufile 91-18339
EP file 91-1189 (C)

Enclosed is a self-explanatory letter to ASAC [redacted] from [redacted] reporter for the El Paso Herald Post. Also enclosed is an article by Reporter [redacted] concerning allegations that NAGELL might have information concerning the KENNEDY assassination.

This matter is being submitted to the Bureau for Bureau information in that it does not appear there is anything that can be done in El Paso on this matter. Bureau is in complete receipt of all background information regarding RICHARD CASE NAGELL.

ORIGINAL FILED IN

b6
b7C

1 - Bureau (2 62-109060) (Enc. 2)
(2 91-18339)
2 - El Paso (1 89-52)
(1 91-1189)

91-18339-

NOT RECORDED
48 NOV 6 1975

TDW/mcc
(6)

FD-36 (Rev. 5-22-64)

FBI

Date: 1/11/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P*)

SUBJECT: RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

OO: EL PASO

Re Bureau airtel 1/7/66.

Pursuant to Bureau instructions, the following is a summary of the points listed in the appeal and the defense answer thereto:

For the information of the Bureau, on 1/11/66 AUSA [redacted] furnished this office with a xerox copy of the opinion for the Fifth Circuit Court of Appeals dated 1/4/66, rendered by the Honorable Chief Judge TUTTLE, Circuit Judge COLEMAN, and District Judge HUNTER, reversing the conviction of this subject with instructions that a new trial be granted.

b6
b7C

Enclosed herewith for the Bureau, the El Paso Office is returning the appellant's briefs and the Government's answers which were forwarded to the El Paso Office in referenced Bureau airtel. Also included is a xerox copy of the above referred to ruling by the U.S. Fifth Circuit Court of Appeals which will also be included in the following summary:

1 ENCLOSURE

EX-107 REC-4 11-18339-46

(3) - Bureau (RAM) (Encl. 7)
1 - Houston (Info)
1 - Kansas City (Info)
1 - El Paso
HHB/bam (6)

JAN 17 1966

C. C. Wick

"ENCL BEHIND FILE"

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

50 JAN 19 1966

EP 91-1189

APPELLANT'S OPENING BRIEF
CASE NUMBER 21620

Appellant's trial commenced on May 4, 1964 in USDC, El Paso, Texas, and on 5/6/64 the jury returned the verdict Guilty to both counts of the indictment in violation of 18, U.S.C.A. Sec. 2113 (a). The appellant elected to serve his sentence and is presently in the Federal Penitentiary at Ft. Leavenworth, Kansas pending this appeal. This appeal was based on the following specifications of error:

Point One

The evidence is insufficient as a matter of law to sustain the conviction and the trial court erred in denying and overruling appellant's timely motions for judgement of acquittal.

Point Two

The evidence is insufficient as a matter of law to sustain the conviction since it does not exclude beyond a reasonable doubt the hypothesis of insanity by appellant; and the trial court erred in overruling appellant's timely motion for judgement of acquittal and in refusing appellant's motion for a judgement of acquittal notwithstanding the jury's verdict.

Point Three

The trial court abused its discretion and erred in denying appellant's motion for a continuance because it deprived appellant of effective assistance of counsel.

Point Four

The trial court erred in denying and overruling appellant's motions for mistrial when the prosecution by improper examination and inadmissable testimony of appellant's own medical expert witnesses, and by argument, made it known to the jury that in order to protect society from

appellant, and appellant from himself, in the future, that appellant should be convicted regardless of the evidence showing appellant's insanity, or the legal defense of insanity.

Point Five

The trial court abused its discretion and erred in denying and overruling appellant's motion for a new trial which was necessarily required in the interest of justice and because the newly discovered evidence would have no doubt resulted in an acquittal.

Point Six

Appellant's constitutional rights to a fair and impartial trial were denied to him because his appointed attorneys were lulled and mislead into relying upon the government's erroneous representations that all evidence bearing on defendant's mental condition would be made available to them, when in fact pertinent and vital medical evidence was not made available to them.

Point Seven

It was fundamental error and a denial of appellant's constitutional rights to a fair and impartial trial and due process of law for the trial court to charge the jury on the defense of insanity in the limited terms of the second Davis case without further reference to modern alternative tests for insanity which would have authorized the jury to consider other factors bearing on the nature of appellant's mental disorder and its relationship to the acts charged.

Point One Restated

The evidence is insufficient as a matter of law to sustain the conviction and the trial court erred in

denying and overruling appellant's timely motions for judgement of acquittal.

The brief filed by the appellee (USA) pointed out in substance:

Counterpoint One

The court correctly overruled appellant's motions for judgment of acquittal and the evidence is sufficient to sustain the verdict of guilty.

Counterpoint Two

The court properly overruled appellant's motions for judgment of acquittal in that the government produced sufficient evidence to sustain its burden on the issue of insanity.

Counterpoint Three

The trial court properly overruled appellant's motion for continuance.

Counterpoint Four

The trial court properly overruled appellant's motions for mistrial in that prosecution's cross examination of appellant's medical expert witnesses was proper.

Counterpoint Five

The trial court properly overruled appellant's motion for a new trial in that the granting of a new trial would have thwarted the interests of justice and no newly discovered evidence was presented.

Counterpoint Six

The court properly denied appellant's motion for a new trial in the interests of justice because the Government did not suppress evidence or mislead the defense, and the absence of witnesses and evidence at the trial was due to appellant's concealment thereof.

Counterpoint Seven

The trial court gave the proper instructions to the jury on the issue of insanity and properly refused appellant's requested instructions on said issue.

APPELLANT'S FIRST SUPPLEMENTAL BRIEF

In the appellant's first supplemental brief it was pointed out that in point three the trial court abused its discretion and erred in denying appellant's motion for a continuance because it deprived appellant of effective assistance of counsel. In point five the brief pointed out that the trial court abused its discretion and erred in denying and overruling appellant's motion for a new trial which was necessarily required in the interest of justice and because the newly discovered evidence would have no doubt resulted in an acquittal.

This brief also brought out the following concerning point six of appellant's opening brief:

Appellant's rights to a fair trial were denied because his appointed attorneys were lulled and mislead into relying upon the government's erroneous representations that all evidence bearing on defendant's mental condition would be made available to them, when in fact pertinent and vital medical evidence was not made available to them.

In this first supplemental brief, the appellant

pointed out in conclusion it can safely be said that injustice does not necessarily result in a criminal case where the prosecution, for reasons other than willfulness, fails to disclose evidence which is doubtfully material to the defense; however, justice is impossible or denied in a criminal case involving the issue of insanity where the prosecution for any reason, whether in good or bad faith, fails to disclose not only to the defense counsel, all evidence having a bearing on the issue of criminal responsibility of the accused.

APPELLANT'S SECOND SUPPLEMENTAL BRIEF

Appellant's second supplemental brief filed 8/30/65, pointed out in substance that to sustain points three and five of the appellant's opening brief, the defense at the time of trial belabored under the opinion that their client suffered a functional mental disorder due to evidence available at the time, concerning appellant's traumatic head injury. It pointed out that a motion for a new trial hearing was made. There was positive evidence that there was casual connection between the brain injury and the abnormal behavior,which under periods of stress, resulted in absolute psychotic behavior which prevented the defendant from knowing the difference from right and wrong. This new evidence at the time of the motion for new trial showed that the abnormal behavior was caused by severe organic brain injury rather than the result of a functional disorder of the mind alone and that this should be classified as newly discovered evidence.

This brief pointed out:

If this court decides that the matter complained of herein was not properly brought to the attention of the trial court (and appellant insists that it was) then appellant invokes 18 U.S.C.A, Federal Rules of Criminal Procedure, 52 b,

and says that the trial court committed plain error which affected appellant's substantial rights to a fair trial, which warrants a reversal of this conviction.

The Government filed a supplemental brief for appellee in November, 1965 which in substance pointed out the Government could sympathize with the plight of the appellant if the later disclosed information had actually been discovered by counsel from independent sources, but in view of the record, which shows that these disclosures came immediately after the trial from the appellant himself, the Government feels the exception which appellant seeks to establish is not valid and would indeed be a dangerous precedent. The Government pointed out the mere fact that appellant's attempted bank robbery was aborted is no evidence of insanity, and it pointed out that the testimony showed the appellant intended to rob the bank although it was ill conceived and poorly carried out. Appellant's reasoning power is further illustrated by the fact that at the trial he attempted in his testimony, to portray himself as a lost wanderer in the bank, displaying a gun to the teller as though it was only a showpiece, firing two shots into the wall without reason, and calmly walking out of the bank, all of which was contrary to other evidence in the case.

The appellant filed in action to the Government's briefs, a lengthy reply ending with the conclusion:

Appellant submits that the record in this cause and all the specifications of error, when considered singularly and collectively, and presented by him in his opening and this closing brief, not only show error, but injury to his substantial rights to a proper and fair trial under law, that therefore, this court should reverse and set aside his conviction and sentence and order a new trial, or in the alternative, reverse and set aside his conviction and sentence with orders to dismiss the prosecution.

EP 91-1189

On 1/4/66 the U.S. Court of Appeals for the Fifth Circuit, RICHARD CASE NAGELL, Appellant, vs. United States of America, Appellee, #21620 before the Hon. Chief Judge TUTTLE, Honorable Circuit Judge COLEMAN, and the Hon. District Judge HUNTER, the case was reversed with instructions for a new trial to be granted.

This opinion pointed out that every doctor who testified at the trial was of the opinion that NAGELL could distinguish between right and wrong on 9/20/63. As a result of the newly discovered evidence, which the defendant concealed as a result of a damaged brain and a diseased mind, three doctors, one of them an outstanding national authority on brain damage, are now prepared to testify that in their opinions he did not then know the difference between right and wrong. This put an entirely different face on the matter.

The Fifth Circuit Court of Appeals concluded its opinion with the following:

"We do not here infer any criticism of the trial court for denying the new trial motion. He was following a well beaten path, after handling with commendable and unusual patience what must have been a most exasperating trial experience.

"Reversed, with instructions that a new trial be granted."

One copy of this airtel is being furnished for the information of the Houston Office in view of the fact this matter was heard before the U.S. Court of Appeals for the Fifth Circuit at Houston, Texas.

One copy of this airtel is also being furnished

for the information of the Kansas City Office as subject is presently reported to be incarcerated in the Penitentiary at Leavenworth, Kansas.

Appropriate form errors have been scored.

THE SUBJECT HAS ATTEMPTED SUICIDE.

FD-36 (Rev. 5-22-64)

FBI

Date: 3/8/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189)(P*)

RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

OO: EP

Re Bureau letter (form 0-1) received 3/4/66;
EP airtel to the Bureau, 1/11/66.

Referenced Bureau letter (form 0-1) requested status and prosecutive action taken in this case.

This is to advise this subject, RICHARD CASE NAGELL, was returned to the Federal District of West Texas to the El Paso County Jail, 2/19/66. As reflected in referenced El Paso airtel of 1/11/66, the conviction of this subject in USDC at El Paso, Texas was reversed by the 5th Circuit Court of Appeals 1/4/6.

On 3/4/66, AUSA [redacted] was contacted by SA HAROLD H. BOYCE at which time he advised that no definite date had been set for a re-trial of this case. He further advised the situation exists as it did prior to and during the subject's original trial, of his dissatisfaction with court-appointed counsel and the possibility exists, pending decision of the Department, of having the Veteran's Administration commit this subject to an institution for psychiatric patients.

b6
b7C

REC 17

(3) - Bureau
1 - El Paso
HHB/sc
(4)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

[redacted] pointed out that in the event any action is taken relative to this matter the El Paso Office will be immediately advised. b6 b7C

The El Paso Office will continue to follow this matter and will advise the Bureau of any action taken.

FD-36 (Rev. 5-22-

FBI

Date: 4/8/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P*)

SUBJECT: RICHARD CASE NAGELL, aka. ;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

OO: EL PASO

Re El Paso airtel to the Bureau dated 3/8/66.

This is to advise that on April 7, 1966 AUSA [redacted] advised U.S. District Judge D. W. SUTTLE ordered subject, RICHARD CASE NAGELL, committed to the U. S. Medical Center in Springfield, Mo. for mental examination. In ordering NAGELL's commitment Judge SUTTLE directed that a written report be made by the hospital officials in 90 days before any new trial proceedings are taken. The Judge also directed that three letters written by NAGELL be entered as part of the defendant's record and sent to Springfield along with the Appeal Court opinion and a certified copy of the defendant's motion for a new trial and a transcript of the prior trial. He added that NAGELL will be taken to Springfield for this examination by the U. S. Marshal.

b6
b7C

REC-47 11-1 48

3-Bureau
1-El Paso

HHB:mad
(4)

APR 11 1966

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

aside and the process dismissed with the intention of having NAGELL committed to a Veterans mental institution, was discussed with Judge SUTTLE. However, Judge SUTTLE refused to dismiss this case, favoring a new trial on the basis that the reports indicated NAGELL was mentally incompetent at the time of the crime but is not now. [redacted] advised Judge SUTTLE then denied a motion by the U. S. Attorney's Office to dismiss charges, and he has scheduled tentatively to go to trial in September or October of 1966 for the second time on instant BR charges.

b6
b7C

The El Paso Office will continue to follow this matter and will advise the Bureau of further action taken.

SUBJECT HAS ATTEMPTED SUICIDE.

FD-36 (Rev. 5-22-64)

FBI

Date: 8/4/66

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Wick
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P*)

RICHARD CASE NAGELL, aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63;
BR

OO: EP

Re EP airtel to the Bureau 4/8/66;
EP airtel to the Director 8/3/66.

For the information of the Bureau, the following information was inadvertantly left out of referenced El Paso airtel to the Bureau dated 8/3/66:

On 7/28/66, AUSA [redacted] advised that this subject was recently returned from the U. S. Medical Center in Springfield, Missouri to El Paso, Texas. [redacted] advised that the results of the psychiatric examination at the U. S. Medical Center reflected in substance that this subject was insane at the time of the commission of this crime on 9/20/63, but is considered sane at this time. b6 b7C

AUSA [redacted] advised the Department had authorized the dismissal of this case; however, consultation with the U. S. District Judge D. W. SUTTLE concerning the possibility of having his conviction set b6 b7C

REC 22 49

(3) Bureau
2- El Paso (91-1189) (44-369)

HHB:cam (5)

C C - Wick

16 AUG 8 1966

56 AUG 11 1966

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

Prior to talking with NAGELL, NAGELL's court-appointed attorney, [redacted] El Paso, Texas, was telephonically contacted and advised of his client's request to talk with an FBI Agent. [redacted] had no objection. [redacted] was advised, however, that unless his client had a complaint falling within the jurisdiction of the FBI or some other information of value to a Bureau investigation, NAGELL should bring his comments to the attention of his lawyer first. [redacted] concurred with this idea. b6 b7C

On 8/2/66, SA RICHARD H. PICKEN, in the presence of SA [redacted] met with NAGELL at the El Paso County Jail, at which time NAGELL stated that the information he wished to relate pertained to the BR charge for which he is to be tried. He stated he had no information to discuss with the FBI Agents other than that pertaining to the BR charge. He made some nebulous remarks about things which had happened in 1949, 1959, and indicated that he would like to talk extensively about his tie-in with some sort of intelligence operation. In view of the fact that NAGELL has been interviewed by Agents of several field offices and since NAGELL rambles and because he evades being specific and in view of his mental condition which is still in question, he was not permitted the opportunity to rehash his life's story. b6 b7C

NAGELL was told that he would not be contacted in the future due to prosecution pending against him and that if he had additional information bearing upon his BR case, he should furnish it directly to his attorney.

UACB, NAGELL's future requests to talk with an Agent from the El Paso Division will not be honored since it is felt that he is simply attempting to get someone to listen to him and really has nothing of a probative nature to furnish.

SUBJECT HAS ATTEMPTED SUICIDE.

FD-36 (Rev. 5-22-64)

FBI

Date: 8/3/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

Mr. Tolson
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P)

RICHARD CASE NAGELL, aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63;
BR

OO: EP

Re EP airtel to Bureau 4/8/66;
Report of SA RICHARD H. PICKEN 7/25/66 at EP and captioned [redacted] Deputy Sheriff, Bexar County, San Antonio, Texas; ET AL; RICHARD CASE NAGELL - VICTIM; CIVIL RIGHTS;"
Report of SA [redacted] 7/27/66 at SA and captioned "[redacted] Deputy Sheriff; ET AL; RICHARD CASE NAGELL, aka. - VICTIM; CIVIL RIGHTS."

b6
b7C

On 8/2/66, subject NAGELL who is still confined in the El Paso County Jail, El Paso, Texas, awaiting trial on the BR charge in the WDT, sent word to the El Paso FBI Office that he desired to talk with an FBI Agent. It was presumed at this time that NAGELL, in view of his recent Civil Rights complaint (see references), desired to make additional comment concerning the Civil Rights matter or to lodge a new Civil Rights complaint.

(3) Bureau
2- El Paso (91-1189) (44-369)

RHP:cam
(5)

REC-1 91-18339-50

EX-102 13 AUG 11 1966

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

It is noted in an article appearing in the El Paso Times newspaper on April 8, 1966 the press referred to this hearing as a "stormy"session in which NAGELL again fired his court appointed attorneys, and NAGELL presented serveral letters he had written while in the El Paso County Jail, and in a parting shot as he was lead away by the U. S. Marshal, NAGELL called the hearing "a mockery of Justice".

The news article also pointed out that NAGELL had previously agreed to be placed in a Veterans Administration Hospital in Long Island, New York for examination and treatment providing he paid his own transportation, while he reportedly agreed to this arrangement, he again changed his mind on Thursday, April 7, 1966, and discharged attorney [redacted] and attorney [redacted] as his attorneys.

b6
b7C

The El Paso Office will continue to follow this matter and will advise the Bureau of further action taken.

4-3 (Rev. 1-27-66)

DECODED COPY

☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

Tolson
DeLoach
Mohr
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Casper
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Conrad
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Trotter
Tele. Room
Holmes
Gandy

R-55

URGENT 9-1-66 1:42 PM

TO DIRECTOR, WASHINGTON FIELD AND CHICAGO

FROM EL PASO 011622

RICHARD CASE NAGELL, AKA; STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER 20, 1963, BANK ROBBERY.

RE EL PASO AIRTEL TO BUREAU, AUGUST 4, LAST; WFO AIRTEL TO BUREAU, JUNE 4, 1964; CG AIRTEL TO EL PASO, MARCH 23, 1964.

AUSA [redacted] AUGUST 31, LAST, ADVISED THIS CASE, AFTER REVERSAL BY US FIFTH CIRCUIT OF APPEALS ON JANUARY 4, LAST, IS SCHEDULED FOR RETRIAL IN US DISTRICT COURT, EL PASO, TEXAS, SEPTEMBER 19, NEXT. HE ADVISED DR. [redacted] US VETERANS HOSPITAL, DOWNEY, ILLINOIS, AND SPECIAL AGENT ROY J. MC DONALD, WFO, WILL BE NECESSARY WITNESSES FOR THE GOVERNMENT. THE AUSA REQUESTS EXPEDITE VERIFICATION OF THEIR PRESENT WHEREABOUTS FOR OFFICIAL SUBPOENA. SUBJECT HAS ATTEMPTED SUICIDE.

b6
b7C

REC- 24 91-18-3-1-51

EX-110

RECEIVED: 2:12 PM EFH

2 CC: WASHINGTON FIELD

cc: Mr. Sullivan

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

9/2/66

1 - Mr. Huppert

Airtel

To: SAC, El Paso (91-1189)

From: Director, FBI (91-18339)

REC- 24

RICHARD CASE NAGELL, AKA;
STATE NATIONAL BANK OF EL PASO,
EL PASO, TEXAS
9/20/63
BR

ReEPradgram, dated 9/1/66.

SA Roy J. McDonald is still assigned to the Washington Field Office and will be available for necessary testimony at subject's re-trial 9/19/66.

El Paso will insure that SA McDonald's presence at El Paso will be held to an absolute minimum.

2 - Washington Field Office (91-1770)

JDH:jall
(6)

MAILED 4
SEP 2 1966
COMM-FBI

Tolson
DeLoach
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Wick
Casper
Callahan
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Sullivan
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Tele. Room
Holmes
Gandy

103 MAIL ROOM ☐ TELETYPE UNIT ☐

FD-36 (Rev. 5-22-64)

F B I

Date: 9/7/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, WFO (91-1770) (P)

RICHARD CASE NAGELL, aka
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR
(CO:EP)

ReEPairtel, 9/2/63.

SA ROY J. MC DONALD, WFO, will report as directed.

REC 31 91-18339-52

SEP 7

(3) - Bureau
1 - El Paso (91-1189)
1 - WFO

RJM:smm
(5) C.C.-WFO

AIRTEL

54 SEP 12 1966

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 5-22-64)

FBI

Date: 9/7/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P)

SUBJECT: RICHARD CASE NAGELL, aka;
State National Bank of El Paso,
El Paso, Texas
9/20/63
BR

OO: EP

Re Bureau airtel to EP dated 9/2/66.

AUSA [redacted] advised he desires SA ROY J. MC DONALD to appear as a witness in this case September 19, 1966.

b6
b7C

SUBJECT HAS ATTEMPTED SUICIDE.

3-Bureau
2-WFO (91-1770)
1-El Paso

HHB:mad
(6)

91-[redacted]-53

REC-23 SEP 9 1966

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

57 SEP 14 1966

1/7/66

1 - FOF
1 - Mr. Loetterle

AIRTEL

To: El Paso (91-1189) PERSONAL ATTENTION
REC-34
From: Director, FBI (91-18339)
EX-117
RICHARD CASE NAGELL, AKA.;
STATE NATIONAL BANK OF EL PASO,
EL PASO, TEXAS, 9/20/63
BR
(OO:EP)

21783

ReBuairtel 12/30/65 and EPairtel 1/4/66.

As previously requested in referenced Buairtel, you should furnish a summary of the points raised in the appeal and the Government's answer thereto.

Appellant's brief and the Government's answer are returned herewith for your assistance in preparing this summary and should be returned with the summary to the Bureau.

Handle promptly and in the future, insure that an appropriate summary is included in the initial communication to the Bureau. Score appropriate form errors.

MAILED 10
JAN 7 1966
COMM-FBI

Enclosures (6)

VFL:gfs
(5)

NOTE:
Appellant in a 73 page brief and three supplemental briefs alleges seven points of error in the trial in which subject received a 10-year sentence. The Government's answer consists of one 52 page brief and a six page brief. Current instructions provide that a summary is to accompany these briefs when submitted to the Bureau. El Paso did not do this.

57 JAN 14 1966

Tolson
DeLoach
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Holmes
Gandy

MAIL ROOM ☑ TELETYPE UNIT ☐

FD-36 (Rev. 5-22-64)

F B I

Date: 1/4/66

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL REGISTERED
(Priority)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189)(P*)

SUBJECT: RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

OO: EP

Re Bureau airtel to EP, dated 12/30/65;
EP letter to the Bureau, dated 12/20/65.

Pursuant to instructions in referenced Bureau airtel there are enclosed herewith, registered mail, the following briefs which were furnished by AUSA [redacted] El Paso, Texas:

b6
b7C

1. Appellant's Opening Brief

2. Appellant's Reply to Government's Brief

3. Appellant's First Supplemental Brief

4. Appellant's Second Supplemental Brief

One copy of this airtel is being furnished for the information of the Houston Office in view of the fact this matter is being heard before the U.S. Court of Appeals

(3) - Bureau (Encs. 4)(REG.AM)
1 - Houston (Info)(REG.AM)
1 - Kansas City (Info)(REG.AM)
1 - El Paso
HHB/sc
(6)

91-18339-45

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

for the 5th Circuit under Docket #21620.

One copy of this airtel is also being furnished for the information of the Kansas City Office as subject is presently reported to be incarcerated in the penitentiary at Leavenworth, Kansas.

THE SUBJECT HAS ATTEMPTED SUICIDE.

12/30/65

1 - Mr. Loetterle

Airtel

To: SAC, El Paso (91-1189)

REC-134

From: Director, FBI (91-18339)-44

EX. 112

RICHARD CASE NAGELL, AKA;
STATE NATIONAL BANK OF EL PASO,
EL PASO, TEXAS, 9/20/63
BR
CO: EL PASO

ReEPlet 12/20/65.

In accord with instructions set out in the Manual of Rules and Regulations, Part II, Section 8, page 22, you should obtain copies of appellant's brief and furnish same to the Bureau along with a summary of the points raised and the Government's answer thereto.

Handle immediately.

VFL:jall
(4)
NOTE: Relet advised of filing of appeal and enclosed appellee's briefs but did not enclose appellant's brief. While relet noted that according to the USA there were no derogatory allegations against the FBI it is felt that brief should be submitted for review in accord with present instructions.

Tolson
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Gandy

MAILED 2
DEC 30 1965
COMM-FBI

53 JAN 13 1966

MAIL ROOM ☑ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-107

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (91-18339)

DATE: 12/20/65

FROM : SAC, EL PASO (91-1189) (P*)

SUBJECT:
RICHARD CASE NAGELL, Aka.;
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

OO: EL PASO

Re report of SA THOMAS B. WHITE, JR., El Paso, dated June 10, 1964.

For the information of the Houston and Kansas City Offices, this subject was found guilty by a jury in United States District Court, El Paso, Texas, on May 6, 1964, on two counts of Bank Robbery. A motion for a new trial was heard by the United States District Court at El Paso, Texas, on June 8, 1964, and on June 9, 1964, the motion was denied and this subject was sentenced to serve ten years under the provisions of Section 4208(a)(II), Title 18.

On December 14, 1965, Assistant U.S. Attorney [redacted] b6 b7C
[redacted] El Paso, Texas, advised through court appointed attorney, [redacted] El Paso, Texas, this subject filed an appeal in the United States Court of Appeals for the 5th Circuit, their case number 21620. [redacted] also pointed out that in the briefs filed by the appellant, there are no derogatory allegations made concerning the FBI. The Assistant U.S. Attorney furnished this office with the enclosed Brief for Appellee and a Supplemental Brief for Appellee which were submitted by the Government to the United States Court of Appeals for the 5th Circuit in care of Mr. EDWARD W. WADSWORTH, Clerk, U.S. 5th Circuit Court of Appeals, c/o United States District Court, United States Court House, 515 Rusk Avenue, Houston, Texas.

Assistant U.S. Attorney [redacted] pointed b6 b7C
out the United States Court of Appeals for the 5th Circuit

2 - Bureau (Encls. 2)
2 - Houston
1 - Kansas City (Info.)
1 - El Paso
HHB:st
(6)

Rec'd. by EB Bulet 1/7/66 UTL 9ff.

91-18339-44

REC-21

1 DEC 22 1965

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

was scheduled to take this matter under consideration in December of 1965 and their decision is not expected to be rendered prior to February, 1966.

One copy of this letter is being furnished for the information of the Kansas City Office inasmuch as this subject is presently reported to be incarcerated at the Federal Penitentiary at Leavenworth, Kansas.

The Houston Office will follow with the United States Court of Appeals for the 5th Circuit, Docket Number 21620, and advise the Bureau, El Paso, and Kansas City Offices of the results of the decision reached by this court.

THE SUBJECT HAS ATTEMPTED SUICIDE.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-AUSA, El Paso

Report of: SA THOMAS B. WHITE, JR. Office: EL PASO

Date: June 10, 1964

Field Office File No.: EP 91-1189 Bureau File No.: 91-18339

Title:

RICHARD CASE NAGELL
State National Bank of El Paso,
El Paso, Texas, 9/20/63

Character:

BANK ROBBERY

Synopsis:

Trial by jury commenced 5/4/64, and on 5/6/64, verdict of guilty on both counts of bank robbery was returned. Motion for a new trial heard by USDC, El Paso, on 6/8/64. On 6/9/64, motion denied and subject sentenced to serve ten years under provisions of Section 4208(a)(II), Title 18. THE SUBJECT HAS ATTEMPTED SUICIDE.

-C-

DETAILS:

AT EL PASO, TEXAS:

On May 4, 1964, a trial by jury was commenced in United States District Court, El Paso, Texas, presided over by the Honorable HOMER THORNBERRY, United States District Judge.

On May 6, 1964, jury returned a verdict of guilty on two counts of bank robbery.

Subject's attorneys filed a motion for a new

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-263 (Rev. 5-1-59)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
EL PASO	EL PASO	6/10/64	4/28/64 - 6/9/64

TITLE OF CASE

RICHARD CASE NAGELL, Aka
State National Bank of
El Paso, El Paso, Texas,
9/20/63

REPORT MADE BY: SA THOMAS B. WHITE, JR. | TYPED BY: mis

CHARACTER OF CASE

BR

REFERENCES:

Re report of SA THOMAS B. WHITE, JR., dated 4/15/64, at El Paso.

El Paso letter to the Bureau dated 4/28/64.

El Paso letter to the Bureau dated 5/6/64.

-C-

ENCLOSURES TO THE BUREAU:

Enclosed to the Bureau, one disposition sheet and parole report.

-A*-

COVER PAGE

APPROVED | SPECIAL AGENT IN CHARGE

COPIES MADE:

1-Bureau (91-18339) (Encls. 4)
1-AUSA, El Paso
1-El Paso (91-1189)

DO NOT WRITE IN SPACES BELOW

91- [illegible] 43

REC- 49

[illegible] MAY 18 1964

DISSEMINATION RECORD OF ATTACHED REPORT

AGENCY				
REQUEST RECD.				
DATE FWD.				
HOW FWD.				
BY				

NOTATIONS

50 JUL 2 1964

U.S. GOVERNMENT PRINTING OFFICE 16—76324-1

trial.

On June 8, 1964, testimony was heard by the U.S. District Court, El Paso, in connection with the motion for a new trial.

On June 9, 1964, Federal Judge HOMER THORNBERRY denied the motion for a new trial and sentenced the subject to serve ten years under the provisions of Section 4208(a)(II), Title 18, U.S. Code, which provides that the subject can be released under parole at any time it is deemed advisable.

(Rev. 11-21-63)

PAROLE REPORT
FEDERAL BUREAU OF INVESTIGATION

Reporting Office	Office of Origin	Date
EL PASO	EL PASO	6/10/64

Name of Convict with Aliases:	Report Made By	Typed By
RICHARD CASE NAGELL, Aka Joe Kramer, Joe Cramer, Robert C. Nolan	SA THOMAS B. WHITE, JR.	mis
	Violation: BANK ROBBERY	

Outline of Offense:

On September 20, 1963, the convict entered the State National Bank, El Paso, Texas, thrust a .45 caliber Colt blue steel short barrel revolver through the window, pointed it at a woman teller and exclaimed,"This is a real gun, lady". When teller fled from window to take cover, subject fired two shots into the wall above the head of the teller, fled from the bank where he entered a 1957 Ford, two-door, Fairlane 500, and started to flee. On encountering [redacted] b7D

Date and place of indictment; or information filed: Federal Grand Jury, San Antonio, Texas, 1/10/64. Con't next page

Code and section under which charged: Section 2113, Title 18, U.S. Code.

Section under which sentenced: Section 4208(a)(II), Title 18, U.S. Code.

Date and nature of plea: 5/4/64, not guilty.

Date and place of conviction: 5/6/64, U.S. District Court, El Paso, Texas.

Date and duration of sentence: 6/9/64, ten years.

Fines: None

Aggravating or Mitigating circumstances: This convict has an outstanding war record in connection with the Korean conflict and was wounded on several occasions. He was the lone survivor of a military aircraft crash in 1954, at which time he suffered severe head injuries. Has had psychiatric treatment in numerous Veterans Administration Hospitals. ENCLOSURE Con't next page

Approved	Special Agent in Charge	Do Not Write in Spaces Below
Copies Made:		91- 18339-1- 43
3 - Bureau (91-18339)		
Dissemination at SOG		
2 - Bureau of Prisons		
Date Fwd.: 6/19/64		
By:		
1 - El Paso (91-1189)		
TBW:mis		
(4)		

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

OUTLINE OF OFFENSE: (Con't)

Patrolman, subject surrendered and taken into custody.

AGGRAVATING CIRCUMSTANCES: (Con't)

This offense is aggravated since he fired two shots in a heavily crowded bank at the time of the attempted hold up. He refused to cooperate with five separately appointed court attorneys, refused to cooperate with various psychiatrists and has indicated a desire to commit suicide.

FD-36 (Rev. 12-13-56)

FBI

Date: 6/11/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (C)

SUBJECT: RICHARD CASE NAGELL, Aka.
State National Bank of El Paso,
El Paso, Texas, 9/20/63
BR

OO: EL PASO

Re attached report of SA THOMAS B. WHITE, JR. dated 6/10/64 at El Paso.

Referenced report reflects the conviction and sentencing of subject following verdict of guilty on 5/6/64 and argument on motion for new trial heard by U.S. District Court, El Paso, on 6/4/64. On 6/9/64, the motion was denied and subject was sentenced.

I would like to call to the attention of the Bureau the unusually fine job done by Assistant United States Attorneys, [redacted] and [redacted] who are assigned to the United States Attorney's Office at El Paso, Texas, and under the supervision of ERNEST MORGAN, United States Attorney, with offices at San Antonio, Texas.

b6
b7C

Both [redacted] and [redacted] handled the prosecution of RICHARD CASE NAGELL and did a splendid job in securing a jury verdict of guilty to charges of Bank Robbery on May 6, 1964,

91-114

REC-46 91-11-37-42

3 - Bureau (Encls. 5)
2 - El Paso (1 - 91-1189) (1 - 66-1366)
HEH:st
(5)

See page 2A for recommendations of General Investigative Division

19 JUN 12 1964

C.C. - Wick

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

in U.S. District Court at El Paso, Texas. They were confronted with numerous problems in the prosecution of this individual who was defended by very able counsel. Subject NAGELL had a brilliantwar record, but suffered injuries during airplane crash of which he was the sole survivor. This has caused a complete personality change on the part of the subject. He was a source of constant irritation ever since his arrest and during the entire period of his confinement. He made numerous allegations which [redacted] and [redacted] were most helpful in refuting. On 6/3/64, Messrs. [redacted] and [redacted] presented a masterful summation of the Government's case at the time of hearing of the motion for a new trial. This hearing lasted the entire day and included testimony by Agents at El Paso and from the Washington Field Office. The defense raised the issue that the Government had concealed possible testimony valuable to the defense. The AUSAS were diligent in refuting this claim and clearly pointed out that due notice had been given both from the FBI to the United States Attorney's Office and from the United States Attorney's Office to defense counsel. The manner in which Messrs. [redacted] and [redacted] conducted themselves undoubtedly contributed greatly to the successful conclusion of this case. b6 b7C

The indices of the El Paso Office reflect no derogatory information concerning either [redacted] or [redacted] It is recommended that individual letters of appreciation be directed to them by Mr. HOOVER and additionally that a letter be directed to United States Attorney ERNEST MORGAN, San Antonio, Texas, calling to his attention the splendid manner in which Messrs. [redacted] and [redacted] handled this case. b6 b7C

HOXIE

June 18, 1964

Honorable Ernest Morgan
United States Attorney
Post Office Box 1701
San Antonio, Texas 78206

Dear Mr. Morgan:

It is a pleasure to write in connection with the excellent manner in which Assistant United States Attorneys [redacted] and [redacted] represented the Government in the prosecution of Richard Case Nagell.

Their thorough preparation and capable handling in court are evident through the results obtained. These efforts reflect credit upon your office and my associates and I extend congratulations to them.

Sincerely yours,

J. Edgar Hoover

1 - El Paso (91-1189)
Reurairtel 6-11-64

NOTE: Correspondent is on the Special Correspondents' List. Bufiles contain no derogatory information concerning [redacted] and [redacted] By letter 4-4-63, the Director wrote [redacted] and thanked him for his assistance to the prosecution of the case involving [redacted]

RR:rls (6)

b6
b7C

b6
b7C

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Trotter
Tele. Room
Holmes
Gandy

JUN 26 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

FD-36 (Rev. 12-13-56)

FBI

Date: 6/1/64

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via TELETYPE URGENT
(Priority or Method of Mailing)

Mr. Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI (91-18339) AND
SAC, ELPASO (91-1189)

FROM: SAC, WFO (91-1770)

ROBERT CASE NAGELL, AKA, STATE NATIONAL BANK OF EL PASO, TEXAS, SEPTEMBER TWENTY, NINETEEN SIXTYTHREE, BR.

RE EL PASO TELETYPE MAY TWENTYEIGHT LAST. ELPASO RECONTACT AUSA [redacted] TO DETERMINE IF PRESENCE SA MCDONALD ABSOLUTELY NECESSARY SINCE ONLY POSSIBLE TESTIMONY ON INDICATED DEFENSE MOTION FOR NEW TRIAL WOULD BE HEARSAY INFORMATION OBTAINED FROM DR. EDWIN WEINSTEIN, WHO WILL BE AVAILABLE AS A RESULT OF THE DEFENSE SUBPOENA, AND WHO REQUESTED INFORMATION FURNISHED BUREAU BE MADE AVAILABLE ONLY THROUGH ISSUANCE SUBPOENA. b6 b7C

IF APPEARANCE SA MCDONALD DEEMED ABSOLUTELY NECESSARY, REQUEST AUSA [redacted] TO ADVISE PURPOSE OF MCDONALDS APPEARANCE, AND NATURE OF TESTIMONY ANTICIPATED. b6 b7C

(2) - Bureau
2 - Teletype Unit
1 - WFO

RJM: eeb
(5)

91-18339-38

REC-129

2 JUN 3 1964

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 12-13-56)

F B I

Date:

Transmit the following in _____
(Type in plain text or code)

Via _____ _____
(Priority or Method of Mailing)

WFO 91-1770

PAGE TWO

QUOTE DR. WEINSTEIN ADVISED OF A [redacted] b7D

[redacted]

QUOTE IT WAS THE OPINION OF DR. WEINSTEIN THAT THE SUBJECT STILL APPARENTLY NEEDED PSYCHIATRIC TREATMENT BUT HE HAS NOT SEEN HIM SINCE NINETEEN FIFTYFIVE AND WAS UNABLE TO EVALUATE HIS ACTIVITY SINCE THAT TIME. DR. WEINSTEIN ADVISED THE SUBJECTS COMPLETE MEDICAL RECORD WOULD BE RETAINED AT ST. LOUIS AND COULD BE MADE AVAILABLE UPON REQUEST. UNQUOTE

SINCE SA MCDONALDS TESTIMONY WOULD APPEAR TO SUPPORT, RATHER THAN REBUT, DR. WEINSTEINS TESTIMONY FOR THE DEFENSE, REQUEST FACTS AGAIN BE DISCUSSED WITH AUSA [redacted] TO DETERMINE DESIRABILITY OF SA MCDONALDS TESTIMONY. SUTEL. b6 b7C

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 12-13-56)

FBI

Date: 6/2/64

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via TELETYPE URGENT
(Priority or Method of Mailing)

TO: DIRECTOR (91-18339) AND
SAC, EL PASO (91-1189)

FROM: SAC, WFO (91-1770)

ROBERT CASE NAGELL, AKA, STATE NATIONAL BANK, EL PASO, TEXAS, SEPTEMBER TWENTY, SIXTYTHREE, BR. OO EL PASO.

RE EL PASO TELETYPE JUNE ONE LAST INDICATES PRESENCE SA MCDONALD NECESSARY TO REBUT TESTIMONY OF DR. WEINSTEIN. PAGE TWO REFERENCED TEL REFERS TO WFO AIRTEL TO EL PASO DATED OCTOBER EIGHT SIXTYTHREE SETTING FORTH RESULTS OF SA MCDONALDS INTERVIEW WITH DR. WEINSTEIN. NOTE WFO AIRTEL DOES REFLECT TREATMENT BY DR. WEINSTEIN IN NINETEEN FIFTYFIVE, [redacted] b7D

[redacted]

PAGE TWO OF WFO AIRTEL TO EL PASO DATED OCTOBER EIGHT SIXTYTHREE IS QUOTED AS REPORTED COLON

2 - Bureau
2 - Teletype Unit
1 - WFO

RJM: eeb
(5)

EX-101 REC- 17

91-18339-39

2 JUN 3 1964

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 12-13-56)

F B I

Date: 6/4/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, WFO (91-1770)

ROBERT CASE NAGELL, aka
State National Bank,
El Paso, Texas, 9/20/63
BR
(OO:EP)

ReEPtel 6/2/64.

SA ROY J. MC DONALD will be present El Paso, 8:00 a.m., 6/8/64.

REC-97 91-18339 4/0

15 JUN 4 1964

3 - Bureau
2 - El Paso (AM)
1 - Washington Field

RJM:nln
(6)

AIRTEL

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

c c-5 6 JUN 10 1964

4-3 (Rev. 4-17-63)

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Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

DECODED COPY

☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

DEFERRED 6-17-64
TO DIRECTOR
FROM EL PASO 171632

RICHARD CASE NAGELL, AKA., STATE NATIONAL BANK OF EL PASO, EL PASO, TEXAS, SEPTEMBER 20, 1963; BR. 00: EL PASO.

FOR INFORMATION OF BUREAU, ON JUNE 16 LAST NAGELL ATTEMPTED SUICIDE, WHILE IN EL PASO COUNTY JAIL, BY SWALLOWING SIX OR SEVEN TRANQUILIZERS. JAILORS, ON DOCTOR'S ORDERS WERE GIVING NAGELL FOUR PILLS PER DAY, ONE AT A TIME, AND JAIL OFFICIALS ARE OF OPINION NAGELL ACCUMULATED PILLS BY PALMING PILLS WHILE PRETENDING TO SWALLOW THEM. NAGELL TAKEN TO HOSPITAL AT LA TUNA FCI AND IS REPORTED RESTING COMFORTABLY AND IS EXPECTED TO RECOVER FULLY.

RECEIVED: 2:57 PM TRM

REC- 34 62-18329-41

53 JUN 22 1964

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

RECOMMENDATIONS OF THE GENERAL INVESTIGATIVE DIVISION 6/15/64 FDT:cad

The General Investigative Division concurs in the observation of the SAC, El Paso that the performance of the Assistant U. S. Attorneys [redacted] and [redacted] is of such a nature as to warrant letters of appreciation from the Director. It is noted that the AUSA's were diligent in refuting allegations against the Bureau. Rather than direct individual letters to AUSA's [redacted] and [redacted] the General Investigative Division recommends that a single letter be directed to United States Attorney Ernest Morgan, San Antonio, Texas, expressing through him the Director's appreciation to AUSA's [redacted] and [redacted] It is recommended that this communication be routed to the Crime Records Division in order that an appropriate letter may be prepared.

b6
b7C

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 28 1964

FBI WASH DC*

TELETYPE

FBI EL PASO

7-13 PM MST DEFERRED 5-28-64 RAR

TO DIRECTOR (91-18339) AND WASHINGTON FIELD (91-1770)

FROM EL PASO (9L-1129)

ROBERT CASE NAGELL, AKA, STATE NATIONAL BANK OF EL PASO, TEXAS SEPTEMBER TWENTY NINETEEN SIXTY THREE, BR.

AUSA [redacted] DESIRES PRESENCE OF SA ROY J. MC DONALD AT EL PASO ON JUNE EIGHT NEXT AT EIGHT A.M. DEFENSE ATTORNEYS FOR NAGELL HAVE FILED A MOTION FOR A NEW TRIAL BASED ON THEIR ALLEGATION THAT GOVERNMENT FAILED TO DIVULGE INFORMATION FURNISHED TO SA [redacted] DEFENSE HAVE [redacted] FOR HEARING. AUSA [redacted] REQUESTED THAT SA MC DONALD [redacted] SA MC DONALD BELIEVED NOW ASSIGNED TO WFO.

END AND ACK PLS

JMS

FBI WASH DC*

CLR@

REC-129 91-18339-37

TWO COPIES WFO

cc - Mr. Thompson

JUN 8 1964

b6
b7C
b7D
b7D

NF 7:30 P 6-2-64 6-2-64

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
JUN 2 1964
TELETYPE

Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC*

FBI EL PASO

353 PM MST URGENT 6-2-64 LMT

TO DIRECTOR (91-18339) AND WFO (91-1770)

FROM EL PASO (91-1189)

ROBERT CASE NAGELL, AKA; STATE NATIONAL BANK, EL PASO, TEXAS, SEPTEMBER TWENTY, SIXTYTHREE, BANK ROBBERY, OO. EL PASO.

RE WFO TEL TODAY.

AUSA [redacted] INSISTS UPON PRESENCE OF SA ROY J. MC DONALD b6 b7C ON JUNE EIGHT NEXT AT EIGTH AM INASMUCH AS HE FEELS DR. WEINSTEIN MAY ELABORATE ON HIS TESTIMONY AS TO THE RESULTS OF HIS PERSONAL EXAMINATION OF NAGELL IN NINETEEN FIFTY FIVE. AUSA [redacted] DOES NOT DESIRE A PRODUCTION [redacted] WAS SUBPOENAED AND TESTIFIED AT ORGINAL TRIAL AS TO HIS EXAMINATION. IT IS EXPECTED THAT DR. WEINSTEIN WILL BE b7D REQUIRED TO TESTIFY AS TO THE RESULTS OF HIS OWN PERSONAL EXAMINATION AND IF HE DOES ELABORATE ON HIS TESTIMONY, THEN IT WILL BE NECESSARY FOR SA MC DONALD TO TAKE THE STAND AND REBUT THIS TESTIMONY [redacted]

END PAGE ONE.

12 JUN 3 1964

TWO COPIES REC'D

61 JUN 8 1964

cc - Thompson

PAGE TWO.

IF TESTIMONY OF DR. WEINSTEIN FOLLOWS THE INFO WHICH HE FURNISHED TO SA MC DONALD, THEN MC DONALD WILL NOT BE REQUIRED TO TESTIFY BUT IF HE IS REQUIRED TO FURNISH REBUTTAL TESTIMONY, HE CANNOT DO SO UNLESS HE IS PRESENT AT EIGHT AM ON JUNE EIGHT NEXT.

END NHH

FBI WASH DC*

@

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 1 1964

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

FBI WASH DC*

FBI EL PASO

4-03 PM MST URGENT 6-1-64 WPS

TO DIRECTOR (91-18339) AND WASHINGTON FIELD (91-1770)

FROM EL PASO (91-1189) -P- 2P

ROBERT CASE NAGELL, AKA.; STATE NATIONAL BANK, EL PASO, TEXAS, SEPT. TWENTY, SIXTYTHREE. BR.

REMYTEL DTD. MAY TWENTYEIGHT LAST AND WFO TEL TO BUREAU AND EL PASO DTD. JUNE ONE PRESENT.

b6
b7C

AUSA, [redacted] RE-CONTACTED AND ADVISES THAT PRESENCE OF SA ROY J. MC DONALD IS ABSOLUTELY ESSENTIAL IN CONNECTION WITH MOTION FOR A NEW TRIAL FILED BY DEFENSE ATTORNEYS. THEY HAVE TELEPHONICALLY CONTACTED DR. EDWIN A. WINSTEIN AND DEFENSE ATTORNEYS CLAIM THAT DR. WINSTEIN TOLD THEM THAT HIS EXAMINATION REVEALED THAT NAGELL HAD SUFFERED PERMANENT BRAIN DAMAGE AS A RESULT OF AIRCRAFT ACCIDENT WAS IN NEED OF PSYCHIATRIC TREATMENT AND HE IS STILL IN NEED OF SUCH TREATMENT.

DEFENSE ATTORNEYS HAVE SUBPOENAED DR. WINSTEIN AND HAVE INDICATED THAT GOVERNMENT HAS ACTED IN BAD FAITH BY NOT FURNISHING ABOVE INFO TO THEM IN THEIR DEFENSE OF NAGELL.

AUSA [redacted] DESIRES PRESENCE OF SA R. J. MC DONALD FOR PURPOSE OF

END PAGE ONE

REC-102 91-18339-35

JUN 5 1964

JUN 2 1964

TWO COPIES WFO

cc: Thompson

PAGE TWO

REBUTTAL WITNESS TO TESTIMONY OF DR. WINSTEIN.

WFO AIRTEL DTD. OCT. EIGHT, SIXTYTHREE SETTING FORTH SA MC DONALD'S INTERVIEW WITH DR. WINSTEIN DOES NOT REVEAL THAT WINSTEIN FURNISHED SUCH INFO TO SA MC DONALD THAT NAGELL HAD SUFFERED PERMANENT BRAIN DAMAGE AND IN NEED OF PSYCHIATRIC TREATMENT AND POSSIBLY STILL IN NEED OF SUCH TREATMENT.

PRESENCE OF MC DONALD ESSENTIAL TO REBUT THIS TESTIMONY AND TO FURNISH THE INFO SUPPLIED TO HIM BY DR. WINSTEIN WHEN MC DONALD INTERVIEWED HIM ON SEPT. THIRTY, SIXTYTHREE.

SA MC DONALD MUST BE IN EL PASO ON JUNE EIGHT NEXT AT EIGHT A.M.

END

WA LLD

FBI WASH DC*

@

WFO

[redacted] b6 b7C

By [illegible] 201

FD-36 (Rev. 12-13-56)

FBI

Date: 5/6/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (91-18339)

FROM: SAC, EL PASO (91-1189) (P)

RE: RICHARD CASE NAGELL, Aka;
STATE NATIONAL BANK OF EL PASO
EL PASO, TEXAS
SEPTEMBER 20, 1963
BANK ROBBERY

OO: EL PASO

Trial by jury commenced May 4, 1964, and on May 6, 1964, a verdict of guilty on both counts of bank robbery was returned.

Upon verdict being read by Clerk, of the U.S. District Court, El Paso, subject caused a demonstration in the courtroom and had to be forcibly removed by three U.S. Deputy Marshals.

HOXIE

3-Bureau (1-64-48933)
2-El Paso (91-1189) (65-951)
TBW:mis
(5)

EX-108

REC-34 91-18339-34

20 MAY 9 1964

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

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IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 21,620

RICHARD CASE NAGELL,

Appellant,

VERSUS

UNITED STATES OF AMERICA,

Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BRIEF FOR APPELLEE

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IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 21,620

RICHARD CASE NAGELL,

Appellant,

VERSUS

UNITED STATES OF AMERICA,

Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

SUPPLEMENTAL BRIEF FOR APPELLEE

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91-18339-96

NO. 21620

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

RICHARD CASE NAGELL vs. UNITED STATES
Appellant Appellee

APPELLANT'S SECOND SUPPLEMENTAL BRIEF

IN THE UNITED STATES COURT OF APPEALS

FOR THE

FIFTH CIRCUIT

RICHARD CASE NAGELL, Appellant	
vs.	No. 21620
UNITED STATES OF AMERICA, Appellee	Appellant's Second Supplemental Brief.

TO THE COURT:

As further argument and authority to sustain points three and five of his opening brief, appellant would show the Court the following: As stated by Justice Frankfurther in the case of GREENWOOD v. U.S., 350 U.S. 366, 100 L.Ed 412, 76 S. Ct. 410, at page 419 of 100 L. Ed:

> " The only certain thing that can be said about the present state of knowledge and therapy regarding mental disease is that science has not reached finality of judgment....."

The following comment was made in the annotations concerning Justice Frankfurter's opinion in 100 L. Ed p. 423, footnoes 4 and 5:

> " In other words, it would appear that at least with respect to what is generally known as 'functional' (as contrasted with 'organic' insanity) there is no such thing as true permanent insanity, but only insanity which in the best state of knowledge and therapy is regarded as permanent."

and, as stated in the footnotes in said comment, it is highly doubtful whether the Supreme Court's ruling in Greenwood would be applicable in cases of incurable organic insanity. That is, insanity from actual physical damage to the tissue of the brain as opposed to functional insanity.

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The defense at the time of the trial belabored under the opinion that their client suffered a functional mental disorder due to the limited evidence available at that time concerning appellant's traumatic head injury. All that the appellant could show at the trial, was that appellant had had a series of traumatic injuries to his head, and a serious traumatic head injury. In addition, of course, was the allied evidence showing a history of mental illness and unusual and bizarre behavior. (See pp. 38 and 39 of appellant's opening brief, and page 38 of his reply brief, which summarizes the distinction between the medical evidence presented and known at the time of the trial, and that evidence later known and shown at the motion for new trial hearing .)

Appellant would further show that at the time of the trial there was no positive evidence to show that there was a casual connection between the brain damage and the abnormal behavior; however, at the motion for new trial hearing, there was positive evidence (Dr. Weinstein) that there was a casual connection between the brain injury and the abnormal behavior, which under periods of stress resulted in absolute psychotic behavior which prevented the defendant from knowing the difference

between right and wrong. The new evidence at the time of the motion for new trial clearly showed that the abnormal behavior was caused by severe organic brain injury rather than the result of a functional disorder of the mind alone, and therefore, the distinction made in law in the GREENWOOD case, between a functional insanity and organic insanity, surely should be classified as newly discovered evidence.

As further authority to support point 4 of appellant's opening brief, appellant cites the Court to STATE v. JOHNSON 44 ALR (2) 973 and the annotations following in 44 ALR (2) 978 to 984.

After a recent research of the law and a more careful reading of the record in this case, appellant's counsel finds that he overlooked the raising of another point of error which appellant believes affected his substantial rights to a fair trial. At page 552 of the record, the Court charged the jury as follows:

> " Under the law, every man is presumed sane; this presumption stands until it is overcome by evidence to the contrary. Such evidence may come, of course, from witnesses for the government, as well as witnesses for the defense; and when all the evidence is in, the jury must be satisfied before conviction, not only that the accused did the acts which constituted the crime charged, but also that those acts proceeded from a responsible agent, one capable of committing the offense.
>
> In this event the burden is upon the government to prove the defendant sane beyond a reasonable doubt. But whenever from all the evidence in the case the jury has a reasonable doubt of his sanity, the defendant should be found insane.

Appellant's counsel at page 556 of the record, objected to the Court's charge on insanity as follows:

" Now, your Honor, I want to object to the Court's charge on insanity. I predicate my first objection this way, that I object for the court not giving me the charge as specifically requested in Charge No. 3 and for failing to charge specifically and properly about the burden with which the government is saddled in this question of insanity. I don't think that was made too clearly to the jury. I think the Court should specifically tell them that once evidence has been introduced in this case raising the issue of insanity, that then the burden shifts to the government to prove beyond reasonable doubt that the defendant was sane at the time of the commission of the offense, and I don't think that is in this charge properly, your Honor " .

(So that the court may be more properly appraised of appellant's counsel contention as hereinafter set out, the pertinent parts of appellant's requested charge No. 3 are set out herein :)

" Under the law, every man is presumed sane, that is to say he is presumed to have no mental disease or defect, and is responsible for his acts. But that presumption no longer prevails when some evidence develops that he may not be sane or that he may have a mental disease or defect. The defendant is not required to prove he is ' insane' or that he has a mental disease or defect. To raise the issue of mental competence to form criminal intent, he need only indicate by some evidence that his sanity or mental capacity is in doubt. Davis v. U.S., 160 U.S. 469, 16 S. Ct. 353, 40 L. Ed 499.

When he has put that issue in question, as he has here, the mental condition of the defendant then becomes a critical element in the case and the government must then prove beyond a reasonable doubt that the defendant has no mental disease or defect, or if he did, that the act was not the product of the disease or defect. "

Not withstanding the aforesaid requested charge and the objection and exception to the Court's charge (see bottom of R. 559) the Court repeated that portion of the charge which he had previously given to the jury, and to which appellant's counsel had objected. (R. 560, top half of page)

It is appellant's contention that the Court in that portion of its charge complained of, failed to clearly tell the jury that as a matter of law the presumption of sanity in this case had been dissipated by the evidence, and having failed to do so, the Court's subsequent instruction with reference to the burden of proof, was misleading

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and confusing in that it did not explain that the presumption of sanity having been overcome by the evidence, it was now the government's burden to prove appellant sane beyond a reasonable doubt. By the requested instruction on the matter of the presumption of sanity and burden of proof, and by his objection to the Court's charge, appellant's counsel called to the attention of the trial court, the impropriety of the court's instruction on that subject.

On the basis of the evidence, the trial court should have determined as a matter of law that the presumption of sanity no longer existed, and should have instructed the jury accordingly and as aforesaid.

The effect of the challenged instruction, when considered in its context, was to tell the jury that the law presumes the defendant sane until sufficient evidence is introduced to raise a reasonable doubt of his sanity, and the jury was left to decide the sufficiency of the evidence to generate the requisite reasonable doubt. OTNEY v. U. S. 340 Fed (2) 696; DAVIS v. U. S. 160 U.S. 469, 16 S. Ct. 353, 40 L.Ed 499 (1895) ; PHILLIPS v. U. S. 311 Fed (2) 204 (10th Cir) ; FITTS v. U. S. 284 Fed (2) 108, 112, 113 .

(If this court decides that the matter complained of herein was not properly brought to the attention of the trial court (and appellant insists that it was) then appellant invokes 18 U. S.C. A., Federal Rules of Criminal Procedure, 52 b, and says that the trial court committed plain error which affected appellant's substantial rights to a fair trial, which warrants a reversal of this conviction.) See LANDSDOWN vs. U.S. decided June 23, 1965 , No. 21360 by the 5th Circuit, not yet reported.

Respectfully submitted,

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by [redacted]

I certify that on this the 30th day of August, 1965 I delivered a true copy of the foregoing appellant's second supplemental brief, to [redacted] Assistant U.S. Attorney for the Western District of Texas, El Paso Division.

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NO. 21620

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

RICHARD CASE NAGELL vs. UNITED STATES
Appellant Appellee

APPELLANT'S FIRST SUPPLEMENTAL BRIEF

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U. S. ATTORNEY'S OFFICE
EL PASO, TEXAS

IN THE

UNITED STATES COURT OF APPEALS FOR

THE FIFTH CIRCUIT

* *

RICHARD CASE NAGELL, Appellant		No. 21620
vs.		
UNITED STATES OF AMERICA, Appellee		APPELLANT'S FIRST SUPPLEMENTAL BRIEF.

STATEMENT

Since the filing of appellant's opening and reply briefs and prior to the setting of this Case for submission, court appointed counsel for appellant are convinced that this supplemental brief is necessary in properly representing their client.

As further authority in support of Points Three and Five, contained and asserted in appellant's opening brief, to wit:

(Point 3) The trial court abused its discretion and erred in denying appellant's motion for a continuance because it deprived appellant of effective assistance of counsel.

and

(Point 5) The trial court abused its discretion and erred in denying and overruling appellant's motion for a new trial which was necessarily required in the interest of justice and because the newly discovered evidence would have no doubt resulted in an acquittal.

appellant cites this Court to PAPPAS v. STATE 78 SW (2) 619, and because appellant sincerely believes that the case of PURCELL v. STATE, 322 SW (2) 268 is directly

in point with the instant case, he attaches to this brief the complete opinion as reported in the Southwestern Reporter volume above cited. Please note that the State maintained the same contention for denying the motion for new trial in the Purcell case as in the instant case. Note also, that as in the Purcell case, at page 271, appellant's counsel have never contended that Nagell was incompetent to stand trial and the record so shows. However, the Court of Criminal Appeals of the State of Texas, a court which generally construes the rights of individuals in criminal cases narrowly, on a motion for rehearing reversed the conviction in the Purcell case.

As further authority in support of point Six of appellant's opening brief, which reads:

> Appellant's constitutional rights to a fair trial were denied to him because his appointed attorneys were lulled and mislead into relying upon the government's erroneous representations that all evidence bearing on defendant's mental condition would be made available to them, when in fact pertienent and vital medical evidence was not made available to them.

We call to the Court's attention, Judge Davidson's opinion in the Purcell case, found at Page 279, in connection with Dr. Wade's testimony not made available to the jury:

> " I do not charge, or find, that there was any wilful or deliberate intention on the part of either Dr. Wade or the prosecuting attorney to withhold material testimony. To the appellant, the effect was the same, however, as if they had so intended. Appellant did not have the benefit of that testimony before the jury.
>
> No one knows whether a different result will be reached upon another trial, with the absent testimony before

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another jury. Were this case affirmed, obviously there would not be another trial.

I have concluded that the ends of justice will best be served and maintained by according to the appellant another trial."

In BRADY v. STATE OF MARYLAND, 174 Atlantic (2) 167, the Court of Appeals of Maryland reversed Brady's conviction insofar as punishment was concerned where a co-defendant's undisclosed confession was not made available to the jury. That Court said:

"We think that there was a duty on the State to produce the confession of Boblit that he did the actual strangling or at least to inform counsel for the accused of its existence. The suppression or withholding by the State of material evidence exculpatory to an accused is a violation of due process. See People v. Fisher, Gen.Sess. N.Y.Co. 23 Misc 2nd 391, 192 N.Y.S 2d 741, 746; United States ex rel Thompson v. Dye, supra, Griffin v. United States, 87 U.S. App. D.C. 172, 183 F (2) 990. For cases involving the related problem of the prosecution's failing to correct testimony known to be untrue and holding such failure and the use of such testimony to amount to a denial of due process, see Alcoria v. State of Texas, 355 U.S. 28, 78 S.Ct. 103, 2 Led (2) 9, Napue v. People of State of Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3 L. Ed (2) 1217; People v. Savvides 1 N.Y.(2)554, 154 N.Y.S. (2) 885, 136 N.E. (2) 853 (non-disclosure and failure to correct untrue testimony as denying a fair trial). It is none the less a denial of due process if the withholding of material evidence is without guile (Griffin v. U.S.; People v. Savvides; both just cited) but it seems fair to add, that the appellant here does not contend that failure to produce Boblit's statement in issue was the result of guile."

The Supreme Court of the United States affirmed the holding of the Maryland Court, 378 U.S. 83, 10 L. Ed (2) 215, 83 S. Ct. 1194, John L. Brady v. State of Maryland, and agreed with the Maryland Court by saying:

" We now hold that the suppression by the prosecution of evidence favorable to the accused, upon request, violated due process where the evidence is material either to guilt or punishment irrespective of the good faith or the bad faith of the prosecution. "

See also, Suppression of Evidence Favorable to an Accused, by the Honorable James Carter, Judge , United States District Court, Southern District of California, 34 F.R.D., p. 87. As stated in such article , counsel for appellant made the proper motion for disclosure after the government had closed its case in chief.

The defense of insanity or the lack of criminal responsibility of an accused is as much and should be as much concern to the prosecution as to the defense. Notwithstanding the aforesaid, Agent McDonald of the Federal Bureau of Investigation made a haphazard and incomplete and misleading report concerning Captain Negell's mental condition. This is clearly shown by the testimony of Dr. Weinstein at the motion for new trial. As a result, and for this misleading and haphazard report, the defense was prejudiced.

In POLLARD v. U.S. 282 Fed (2) 450 , the government, contrary to what the prosecution in the above cited cases did, cooperated with the defense so admirably that Judge McAllister commented on it in his opinion, at page 452:

" The government, then, voluntarily and in a most commendable effort to submit to the District Court all evidence that it had obtained bearing upon appellant's claimed irresistible impulse- even contrary to its own theory and contentions- introduced the testimony of two experts in psychiatry, Dr. Alfred C. LaBine and Dr. Alfred Raskin. They agreed with appellant's witness, Dr. Palmer and testified that, in their opinion, appellant had acted under an irresistible impulse when he attempted the robbery of the banks.

On the authority of the foregoing cases it can safely be said that an injustice does not necessarily result in a criminal case where the prosecution for reasons other than wilfullness, fails to disclose evidence which is doubtfully material to the defense or defenses of an accused; however, justice is impossible or denied in a criminal case involving the issue or defense of insanity where the prosecution for any reason wilfully or negligently or for any motive, whether in good or bad faith, fails to disclose to the trier of fact (not only defense counsel) all evidence having a material bearing on the issue of criminal responsibility of the accused.

Respectfully submitted,

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Attorneys for the Appellant

[redacted]

I certify that on this 6th day of May, 1965 I delivered a true copy of the foregoing supplemental brief of appellant Richard Case Nagell, to [redacted] Assistant United States Attorney for the Western District of Texas, El Paso Division, Federal Courthouse Bldg., El Paso, Texas.

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IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 21620

RICHARD CASE NAGELL,
Appellant,

versus

UNITED STATES OF AMERICA,
Appellee.

Appeal from the United States District Court for the Western District of Texas.

(January 4, 1966.)

Before TUTTLE, Chief Judge, and COLEMAN, Circuit Judge, and HUNTER, District Judge.

COLEMAN, Circuit Judge: This appellant was convicted by a jury of having entered a federally insured bank with intent to rob and of attempting to commit robbery in violation of 18 U.S.C.A., Section 2113(a). He was sentenced to the maximum penalty of ten years in the custody of the Attorney General. He elected to begin serving the sentence pending appeal.

The record shows that late in the afternoon of September 20, 1963, appellant went into the State National Bank of El Paso, Texas. He asked where travelers' checks could be obtained, and upon reaching the proper cage asked the lady teller for one hundred dollars worth of checks in ten dollar denominations. The teller moved to get them, whereupon Nagell said, "Lady, this is a real gun". She immediately ran, and appellant took several steps away from the cage, fired two shots into the wall at a height of about seven feet, not aiming at the teller, and ran out of the bank. He was followed by a police officer who happened to be in the bank at the time. He was, without difficulty, arrested at a time when he was about to leave in an automobile which he had left parked near the bank.

The appellate record consists of some eight hundred typewritten pages, and it has been carefully read in its entirety.

On this appeal, seven grounds are raised in support of reversal. We are ready to say, without extended discussion, that six of these may confidently be rejected; that (1) the evidence failed to show the requisite intent; (2) sanity was not shown beyond a reasonable doubt; (3) a continuance was erroneously denied; (4) reversible error was committed in the examination of witnesses and in argument to the jury; (5) court appointed attorneys were lulled by erroneous representations by the government that all available evidence bearing on defendant's mental condition would be made available to them; and (6) the court erred in its charge on the defense of insanity.

The seventh ground, contending that a new trial should have been granted on account of crucial evidence newly discovered, must be sustained.

I

At the time of the trial, Nagell was thirty-three years old. He was born in Greenwich, New York. His father died when he was two years old. Under circumstances not explained in the record, he was separated from his mother when he was four. He lived in various foster homes until he was eleven, and in an orphanage until he was eighteen. He then enlisted in the Army, 1948. He became a paratrooper, but in 1951 went to Korea with the 24th Infantry as a second lieutenant. He served a year in Korea, was rotated home, but immediately went back at his own request. On three separate occasions he was wounded in action. In 1954, he was a passenger in a military airplane enroute from Los Angeles to Washington. The plane crashed while attempting a landing at Friendship Airport, killing all occupants except Nagell. He sustained severe head injuries, including organic brain damage, although this damage, as will be seen, was unknown to the trial judge or defense attorneys until after the trial now under review. He was hospitalized in Walter Reed Hospital, was later returned to duty through some machinations of his own, and resigned from the service under honorable conditions. He drew 64% service connected disability compensation, but not for a mental condition. In 1958, at the American Embassy in Tokyo, he was married to a Japanese subject. They had two children, but the marriage had gone on the rocks before

September, 1963. He later worked for the State of California, but lost that job. In August, 1962, he shot himself through the left chest. He originally claimed this was done by an assailant whom he refused to name; it later came out that the shot was self-inflicted. He testified in his own behalf. He was asked by his own counsel if he adhered to the communist philosophy, to communist teachings, but he declined to answer on the ground that it might incriminate him, although he had told the court in an earlier hearing that he was a communist. He contended that he did what he did at the bank not for robbery but in order that he might be arrested by federal authorities. He refused to elaborate on why he wanted to be arrested other than to say he "thought it would provide a solution, however temporary or immediate, to a problem, that I considered at the time to be an unbearable problem with which I was confronted". He said that before he went to the bank he was in the process of leaving the United States permanently. He said, "I was planning on going to Mexico City, where I would have left Mexico for another destination and I would have gone permanently from this country". He insisted that if acquitted he planned to leave, because he had "had every basic Constitutional right violated". He made this latter charge in face of the fact that this record reveals a most meticulous effort and an almost superhuman patience on the part of two district judges to preserve his rights.

II

We now advert to certain occurrences which took place before, during, and after the trial.

From the outset, the defendant in many ways manifested the most unusual behavior. The possibility of insanity was quickly recognized. Four days after the arrest the government filed a motion for a judicial determination of the mental competency of the defendant, "there being reasonable cause to believe that said defendant may be presently insane or otherwise so mentally incompetent as to be unable to assist in his own defense". The motion stated that the records of the Veterans Administration Hospital, at Bay Pines, Florida, showed the defendant to have been released from that facility on January 20, 1963, with diagnosis of "chronic brain syndrome associated with brain trauma with behavioral reaction characterized by passive-aggressive and paranoid features". It was further shown that the records of the Veterans Administration Outpatient Clinic at Los Angeles, California, on June 4, 1963, about three months before the alleged crime, had shown a diagnosis of "depressed, tearful, nervous, and rigid". It was further shown that the regular jail physician at the El Paso jail recommended that the defendant should be examined by a psychiatrist "due to unusual behavior on the part of the defendant".

The district judge directed that Nagell be given a mental examination by Dr. R. J. Bennett, a qualified psychiatrist of El Paso, and report his findings. On October 11, 1963, Dr. Bennett reported that on two occasions he had attempted to examine Nagell, without success, because he was unwilling to give any information.

Thereafter, the district court ordered that Nagell be transported to the Medical Center for Federal Prisoners

at Springfield, Missouri, to be confined to such institution for a period of thirty days, after which the appropriate officials were to make their report of findings and conclusions as to his mental competency. On March 6, 1964, the chief medical officer at Springfield reported that Nagell was "opposed to psychiatric examination and will not cooperate in this area or any examination that may be performed on him". The diagnosis was that he was competent to stand trial, as he had a rational as well as factual understanding of the proceedings against him and is able to assist rationally in his defense.

The court first appointed Mr. James E. Hammond of the El Paso Bar, to represent Nagell. The hearing on November 4, 1963, held at the instance of the defendant, revealed that Nagell did not desire the services of Mr. Hammond because, as Nagell charged, he had disclosed some confidential information, which Mr. Hammond denied. During the course of this hearing, the defendant stated that he would "cooperate with no psychiatrist whatsoever or whomsoever unless they are Veterans Administration psychiatrists, because if anything is found to be wrong with me then it occurred as result of injuries during the Korean conflict, and they can send me to La Tuna, (a mental institution) but I will not do anything voluntarily and I will not take any examinations nor will I converse with the psychiatrist". When asked by the court if he would answer any questions by the psychiatrist, the defendant stated that he would not, and that he would not take any examinations. It was pointed out to him that he could not be sent to a Veterans Administration hospital because such institutions had no

facilities to insure his detention. Upon suggestion of some other hospital the defendant stated, "well, your Honor, I am not a liar so I would not want to say that I will cooperate with him fully. I will not tell him what my motive was for going into the bank".

Thereafter, the court appointed Mr. John Langford, of the El Paso Bar, to represent Nagell, but a hearing held on December 4, 1963, revealed that Nagell was not satisfied with Mr. Langford. So, Mr. Langford was excused as counsel. Defendant launched into a long discourse on contentions that he was being denied a speedy trial, during which he cited the case of *Marberry v. Madison* in support of his views. The defendant stated that he believed himself to be mentally competent.

At a third hearing, on January 24, 1964, the defendant denied that he had ever been treated by a psychiatrist. He alleged that he had been questioned by the Federal Bureau of Investigation regarding alleged subversive activities and activities of a nature inimical to the best interest of the United States, that he had been asked questions by the Secret Service regarding Lee Harvey Oswald, and stated that he did not desire any psychiatric examination. He contended that his military records and Veterans Administration records would prove that he had no psychosis whatever. Defendant told the court that he would not participate in any psychiatric examination or consultation.

At a fourth hearing, held on March 24, 1964, the defendant pointed out that he had been without counsel

since December 9, 1963, and requested that counsel be appointed.

As a result, the court appointed Messrs Gus Rallis and Richard B. Perrenot to represent the defendant. The case was called on March 30, 1964, and continued for the purpose of allowing counsel additional time in which to prepare for trial.

On April 10, 1964, at a hearing involving a subpoena for certain records desired by the defendant, the defendant stated "I think that I am being railroaded because I am a communist and because I have been accused of being an espionage agent".

On April 20, 1964, the case was again called at which time Mr. Perrenot was allowed to withdraw as counsel, because of basic disagreements with the defendant, and after prolonged efforts to reason with the defendant, Mr. Joseph A. Calamia was substituted for Mr. Perrenot. Defendant stated that he would not accept Mr. Perrenot to represent him. "I wouldn't accept Mr. Perrenot to represent me if it meant I would have to go to prison the rest of my life". That afternoon Mr. Calamia reported to the court that the defendant was refusing to cooperate in the matter of obtaining complete psychiatric reports on his condition, that he could not safely go to trial without such reports. Defendant again denied any mental disability, he said he knew his own physical and mental condition, that he had already been found to be mentally competent to stand trial (which was true, so far as the Springfield report was concerned) and "as I understand

the law, that is all that is necessary. I could be a blithering idiot but if I am mentally competent to stand trial that is all there is to it".

He said that before he would accept insanity as a defense he would stand mute and that under the Constitution of the United States he had that right, that he would not cooperate with his counsel in so far as any defense depended upon mental incompetency. A repetition of the emphasis the defendant placed on this point in even further and additional statements would only add to what must become an unusually lengthy opinion. The upshot was that the court allowed Mr. Calamia and Mr. Rallis to withdraw as counsel and stated that the defendant "will prepare his own defense".

The next day, Nagell had a change of heart and Mr. Calamia and Mr. Rallis came back into the case.

On April 23, a continuance was granted until May 4th, on which date the case went to trial.

It might be said, in a sense, that the trial had many unusual, unexpected, and bizarre aspects. Despite the best efforts of the trial judge to contain him and control him, Nagell would interrupt witnesses on the stand, calling them liars, and he would jump up and shout that he was not insane.

Four doctors were called to the stand. Dr. Manuel Hernandez, of El Paso, a psychiatrist, testified that on Sunday, April 26, at the instance of Mr. Calamia, he ex-

amined the defendant in jail. He saw him for an hour and forty-five minutes, followed by another interview on a later date that lasted for about an hour. He arranged for psychological tests to be conducted by Dr. Richard Walker, of El Paso. He also had the benefit of consulting certain Veterans Administration records which had been forwarded from Los Angeles. It was the opinion of Dr. Hernandez that the defendant had been "suffering a serious mental or emotional illness on September 20, 1963". He thought "the defendant was a schizoid personality with rather strong paranoid features". He thought the defendant's condition was such as to preclude him from controlling his conduct and refraining from doing what he did when he entered the bank. He stated further, however, that the mental disorder suffered by the defendant would not render him unable to distinguish between right and wrong. Nothing was said about serious organic brain damage in the airplane accident of 1954. The defendant interrupted the testimony of Dr. Hernandez to ask if there was any issue of his competency, "for which I have already been found competent?" At a later point, Dr. Hernandez testified that he did not believe the defendant was capable of formulating an intent to rob on September 20, 1963. On cross-examination, Dr. Hernandez repeated the opinion that the defendant did have the capacity to distinguish right from wrong on September 20, 1963.

Dr. R. J. Bennett, a psychiatrist, next took the stand. The defendant protested that it was his understanding that Dr. Bennett would not take the stand. After a talk with his counsel, he subsided and the examination pro-

ceeded. Dr. Bennett said that he was unable to conduct an examination of the defendant, because he refused to talk. Defense counsel then propounded a hypothetical question seven pages in length, to which the defendant personally objected. After a parley with the doctor on the witness stand, the defendant again objected and said, "I want a defense but I am not after a defense at any cost or any price". After conference with his counsel, he subsided and Dr. Bennett offered the opinion that Nagell was suffering from a paranoid condition. The defendant personally objected to this answer. Dr. Bennett then testified that Nagell could distinguish between right and wrong on September 20, 1963. The defendant then wanted to make a motion, after which the court sent him out of the courtroom, in the custody of the marshal, and in the company of his counsel. Apparently Nagell quietened down and the trial proceeded.

Dr. Martin L. Schwartz, Staff Psychiatrist for the Veterans Administration, Highland Park, Illinois, was called as a witness for the government. He had been acquainted with Nagell at the Bay Pines, Florida, Veterans Administration Hospital in January, 1963. He observed Nagell at Bay Pines for only one week, after which Nagell was staffed and allowed to leave. He there objected to questions and the interview was not completed. The doctor had later talked to him privately, from which he thought that Nagell had no delusions or hallucinations, that in January, 1963, Nagell was not psychotic, showed no bizarre behavior, was in good contact with reality, and would know right from wrong. Again, the organic brain

damage sustained in the airplane accident of 1954 was not mentioned.

Responding to a hypothetical question, Dr. Schwartz thought that Nagell could distinguish between right and wrong on September 20, 1963.

Dr. Gustave J. Weiland, Staff Psychiatrist at Springfield, next testified for the government. Responding to a hypothetical question by the government, which did not include the element of organic brain damage in 1954, Dr. Weiland gave it as his opinion that the defendant would have known the difference between right and wrong on September 20, 1963.

Between May 6th and June 8th, the defendant began to talk freely with his counsel. Some rather startling facts, hitherto unknown to anyone but the defendant, were unearthed. The result was a full evidentiary hearing on a motion for a new trial.

The second witness was an F.B.I. agent who had constantly been engaged in the case since the occurrence first took place on September 20, 1963. He testified that he first learned of Dr. Edwin A. Weinstein in an interview with the defendant. He then caused Dr. Weinstein to be interviewed by an Agent in Washington. This information, and the report received, had not been tendered to counsel for defendant prior to or during the trial on the merits, although the government, in good faith, had assured counsel that all documents material to Nagell's case would be made available to them.

Pursuant to subpoena, Dr. Weinstein took the stand. We do not here detail his extensive and impressive qualifications. Suffice it to say that for the past ten years he had been a consultant in neurology and psychiatry for the Walter Reed Army Institute of Research, for the National Naval Medical Center, and the Veterans Administration. For the past five years he had been working on a research contract with the Surgeon General's Office on the investigation of behavior changes following brain injuries. He was the author of many articles on the effect of brain injury. He wrote the chapter on changes of behavior after brain injury in the Handbook of Psychiatry. He had written a monograph concerning the denial of illness in the behavior of subjects following brain injury. He testified that in his research project with the Walter Reed Hospital he had been familiar with the case of Richard Nagell. He had given the Nagell case intensive study. He had attempted to keep in touch with Nagell, after his release from Walter Reed, but could obtain no reply to his inquiries. He said Nagell had apparently suffered a fracture through the base of his brain, which injured the underside of the brain, and not only damaged the brain but some of the cranial nerves coming off the brain. He described Nagell's "rather long, stormy, and tragic course" in the hospital. He had a fracture through the orbit and a broken jaw. There was extensive laceration and scarring of the face. He attacked the corpsmen who had charge of him at the hospital. There was behavior interpreted as a suicidal gesture, resulting in his being locked in a psychiatric ward as a precaution against suicide. He was hospitalized from November, 1954, until

May, 1955. The doctor did not see him from April 28, 1955 until he interviewed him on June 5, 1964. He got a letter from Nagell dated January 10, 1963, while he was at Bay Pines hospital. He received another letter about two weeks later. These were fully set forth in the evidence. Dr. Weinstein had examined the records from Bay Pines. He testified that unless a psychiatrist had an accurate history of what had happened to Nagell in the past, including the brain damage history, he would be very much at sea and confused by the manifestations in his case. He said that one aspect of Nagell's illness, particularly complicating it, had been his denial of illness, and his attempt to conceal information. It was Dr. Weinstein's opinion that Nagell could not completely and accurately differentiate between right and wrong. In response to a hypothetical question, detailing what took place at the alleged robbery, and considering the entire history of Nagell's case, he said, "I would say that this was a symptom or a manifestation of disturbed brain function and during the period his judgment and perception of reality was seriously disturbed so that he could not accurately differentiate right from wrong", that, in his opinion, Nagell was disassociated with reality at the time of the incident. He gave it as his opinion that the act at the bank on September 20, 1963, was directly related to Nagell's mental illness, that the act was an alternative to suicide. He said the brain damage sustained by Nagell did not affect the ordinary components of intelligence and that he did have sufficient intelligence to know the nature of the charges against him, but that he would hesitate to say that he was reasonably able to

factually confer with his attorneys or to raise a defense. The government sought to question, if not impeach, the testimony of Dr. Weinstein by showing that in an interview with F.B.I. Agent McDonald, he had made certain statements inconsistent with his testimony, to which Dr. Weinstein stated that not being a doctor, Mr. McDonald may have misunderstood him in writing the report which he sent to El Paso.

Dr. Hernandez, who had testified at the trial on the merits, took the stand. He said that Dr. Weinstein would be considered a foremost authority on brain injuries, that he did not know anyone better in this country. Dr. Hernandez stated that after consulting with Dr. Weinstein and further interviews with Nagell, he would change the testimony he gave on the original trial and would now be of the opinion that Nagell was not able to distinguish right from wrong on September 20, 1963.

Dr. Joseph J. Hornisher, a Board certified specialist in psychiatry, was the next witness. He was a retired Army doctor. He had been consulted about the case after the trial on the merits. He agreed with Dr. Weinstein that Nagell was suffering from Anton's disease, which would cause him to deny mental illness and to do anything he could to mislead others with reference to it. He agreed with Dr. Weinstein's diagnosis of organic brain disease. He did not believe that Nagell could distinguish between right and wrong on the day of September 20, 1963.

Dr. Martin L. Schwartz, who had testified for the government at the trial on the merits, was the next witness. He

said that when he testified at the trial he did not have the entire Veterans Administration file. He did not know of Nagell's brain injury. After hearing the testimony of Dr. Weinstein, and receiving additional facts, he was willing to concede that Nagell has a mental disorder, but declined to say how serious it was.

III

In *Newsom v. United States*, 311 F. 2d 74 (1962) this Court said, "Seldom indeed will this Court reverse a district court for refusing to grant a new trial". The circumstances, however, were such that the denial of a new trial was there reversed.

In *Ledet v. United States*, 298 F. 2d 737 (1962) this Court laid down the standards as follows:

"We must, of course, bear in mind the well known principle that ordinarily the granting or denial of a motion for a new trial on the basis of newly discovered evidence rests in the sound discretion of the trial court, and even where a clear case for the granting of a new trial might otherwise appear, the movant must ordinarily meet the following requirements:

"1. The evidence must be discovered following the trial.

2. Facts must be alleged from which the court may infer diligence on the part of the movant to discover the new evidence.

3. The evidence must not be merely cumulative or impeaching.

4. The evidence must be material.

5. The evidence must be such that a new trial would probably produce a new result."

In that case a new trial was awarded.

The opening sentence of Rule 33 of the Rules of Criminal Procedure provides, "the court may grant a new trial to a defendant if required in the interest of justice".

In *Bodie v. United States,* D. C. Cir., 1961, 295 F. 2d 157, it was held, "Under Rule 33 Fed. R. Crim. P., 18 U.S.C.A., a motion made within five days of the final judgment, as distinguished from one made later but within two years, empowers the trial court to 'grant a new trial to a defendant *if required in the interest of justice*'."

We agree with this, especially since the whole purpose of the courts is to do justice and prevent injustice.

We are of the further opinion, however, that under the five prerequisites concept of *Ledet, supra,* the appellant should have been granted a new trial. It is not necessary to hold, and we do not hold, that the denial of the new trial was manifestly unjust. We think the ordinary rules for granting new trials on newly discovered evidence decide the matter. In denying the motion for the new trial the district court made no findings of fact and announced no conclusions of law. We hold that from the undisputed

evidence offered in support of the motion all of the five requirements were met.

The one which evidently gave the trial court genuine difficulty was the contention of the government, strongly urged there and here, that since appellant all the time knew the crucial facts and concealed them from his counsel then the motion must be denied for lack of diligence. If the concealment had come from a sound mind this undoubtedly would be right. But the proof is really without substantial dispute that appellant was suffering from a mental disorder which caused, if not compelled, him to follow this course. He is thus no more to be bound by it in a serious matter of this kind than in any other situation involving mental derangement.

As to whether the newly discovered evidence will probably produce a different result, see *United States v. Westerhausen,* 7 Cir., 1960, 283 F. 2d 844.

Here we have a case in which the defendant exhibited no abnormal traits prior to 1954. On the contrary, by his own merit he became an officer in the Army after enlistment at eighteen. He was, to say the least, an outstanding soldier. After brain damage in 1954, a crucial fact which was unknown to the trial jury, he steadily declined to his present unhappy condition. The former valiant soldier who had sustained wounds on three occasions in defense of his Country had become so completely altered that he announced himself in open court to be a Communist. He had made one serious effort to kill himself by a shot in the left chest.

Every doctor who testified at the trial was of the opinion that Nagell could distinguish between right and wrong on September 20, 1963. As a result of the newly discovered evidence, which the defendant concealed as the result of a damaged brain and a diseased mind, three doctors, one of them an outstanding national authority on brain damage, are now prepared to testify that in their opinions he did not then know the difference between right and wrong. This puts an entirely different face on the matter. Of course, we do not decide the merits of the case, but we believe another jury should have an opportunity to decide the guilt or innocence of this man in the light of this new evidence.

New trials are to be granted only with the greatest caution. This is a sound rule. The reasons in support of it are obvious. In directing a new trial in this case we do so on its particular facts. We do not in any way diminish the general rule.

We do not here infer any criticism of the trial court for denying the new trial motion. He was following a well beaten path, after handling with commendable and unusual patience what must have been a most exasperating trial experience.

Reversed, with instructions that a new trial be granted.

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IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 24,152

RICHARD CASE NAGELL,

Appellant,

VERSUS

UNITED STATES OF AMERICA,

Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BRIEF OF APPELLEE

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SUBJECT: RICHARD CASE NAGELL, aka.

Enc. 2

No. 24152

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

RICHARD CASE NAGELL,

Appellant

vs.

UNITED STATES OF AMERICA,

Appellee

Appeal from the United States District Court for the Western District of Texas

El Paso Division

APPELLANT'S OPENING BRIEF

[redacted]

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IN THE UNITED STATES COURT OF APPEALS FOR THE

FIFTH CIRCUIT

RICHARD CASE NAGELL, Appellant	
vs.	No. 24152
UNITED STATES OF AMERICA, Appellee	APPELLANT'S OPENING BRIEF

STATEMENT AND NATURE OF THE CASE

Appellant was previously convicted on May 6, 1964 under a two count indictment; in the first count, for having on the 20th day of September, 1963 entered a Federal Insured Depository, with intent to commit therein a robbery; and, in the second count, with attempting to rob the same depository on the same occasion. He was sentenced to a maximum sentence of 10 years under 18 USCA Sec. 4208 a (2). This Court reversed appellant's first conviction and ordered a new trial. The opinion is reported at 354 Fed (2) 441.

At his subsequent trial, which commenced on September 19, 1966 and ended on September 27, 1966, the jury found him guilty under the first count of the indictment, the second count having been dismissed by the Court prior to submission of the case to the jury. Pursuant to such verdict, the court again sentenced appellant to a maximum sentence of ten years pursuant to 18 USCA Sec. 4208 a (2). Timely motions for (a) new trial; (b) re-urging appellant's motions for judgment of acquittal made during trial, and (c) for acquittal notwithstanding the verdict, were all denied. This appeal in forma pauperis followed. Appellant is still confined at the Federal Penitentiary at Leavenworth, Kansas.

SPECIFICATIONS OF ERROR

FIRST SPECIFICATION OF ERROR: The trial court erred in his instructions to the jury in the following particulars: (a) On the requisite (specific) intent and failure to charge affirmatively on the lack of such intent; (b) On instructing the jury that they could convict the defendant if he entered the bank with intent to commit " any felony " without limiting such to the felony charged in the indictment, and in overruling appellant's objection to such charge; and (c) In refusing, over defendant's objection, to instruct the jury on the defense of lack of mental capacity by defendant to formulate the necessary specific intent to commit the crime charged; and (d) On the defense of insanity.

SECOND SPECIFICATION OF ERROR: In the circumstances that it was given, the trial court erred in (1) its supplemental instructions urging the jury to arrive at a verdict by virtue of the so-called " Allen Charge " or a version of such charge, and (2) under the totality of the circumstances, the verdict was a product of judicial coercion.

THIRD SPECIFICATION OF ERROR: The evidence was insufficient as a matter of law to exclude beyond a reasonable doubt the hypothesis of insanity, and the trial court erred in denying appellant's timely motions for judgment of acquittal made during and after the trial.

FOURTH SPECIFICATION OF ERROR. The Court erred in refusing to admit into evidence, the government's motion for a psychiatric examination (defendant's Exhibit L) which was admissable to rebutt and impeach the government's contention at the trial, that the defendant was merely suffering from a

" jail psychosis " : shortly after his arrest, and therefore, that he was not suffering from any serious mental disease at the time of the offense.

FIFTH SPECIFICATION OF ERROR: The trial court erred in not charging the jury as requested by the defendant when the jury inquired (a) if under the court's charge mental illness was grounds for the defendant to be pronounced not guilty , and (2) requested an explanation in more detail and to give examples of " doubt " and " reasonable doubt " .

ARGUMENT AND AUTHORITIES UNDER THE FIRST SPECIFICATION OF ERROR.

(a) The trial court erred in his charge to the jury on the requisite (specific) intent, the overall effect of which placed a burden upon appellant to produce evidence to overcome a presumption of guilt, and the Court erred by failing to charge in an affirmative manner, the appellant's defense of lack of such particular intent. The first and only count of the indictment submitted to the jury " entering a federal depository with intent to rob, in violation of Title 18 USCA Sec. 2113 (a) " required a specific intent. MORISETTE v. U. S. 342 U. S. 246, 96 L. Ed 288, 72 S. Ct. 240; SCREWS v. U. S. 325 U. S. 91-96, 89 L. Ed 1495; PRINCE v. U. S. 352 U. S. 322, 1 L. Ed (2) 370 at 374, 77 S. Ct. 403; HEIDEMAN v. U. S. 259 Fed (2) 943 at 946 (D. C. Cir 1958) and WOMACK v. U. S. 336 Fed (2) 959 (D. C. Cir 1964). Although the trial court did recognize that " specific intent " was an essential element of the offense and a vital issue in the case, the Court improperly charged on such requisite intent. TCP 486-488, 493. At the outset, it will be noted that the Court failed to distinguish between a general intent and a specific intent; then he actually charged on both " general intent " and " specific intent " and in a contradictory manner. The trial court refused appellant's requested instruction on intent and to submit the case only on " specific intent " .

(see TCP 427,431) and overruled appellant's objections to the charge as given on intent (TCP 498,499). It is submitted that the charge in this case, if not more prejudicial is identical to the one condemned by this Court in MANN v. U. S. 319 Fed (2) 404. The case of ESTES v. TEXAS, 335 Fed (2) 609 by this circuit, is inapposite to this case because the language used in this case and in MANN was not used in ESTES. In U. S. v ROMANO 15 L. Ed (2) 210, 86 S. Ct. 279, 382 U.S. 136, where the offense charged was illegal possession of an unregistered still, the Supreme Court in striking down as unconstitutional the statutory inference of guilt by a defendant's unexplained presence at the side of the still, said at p. 212 of 15 L. Ed (2) :

> " If we were reviewing only the sufficiency of the evidence to support the verdict on count one, that conviction would be sustained. There was, as the Court of appeals recognized, ample evidence in addition to presence at the still, to support the charge of possession of an illegal still. But here, in addition to a standard instruction on reasonable doubt, the jury was told that the defendant's presence at the still, shall be deemed sufficient evidence to authorize conviction. This latter instruction may have been given considerable weight by the jury. The jury may have disbelieved or disregarded the other evidence of possession and convicted these defendants on the evidence of presence alone. "

So, in effect, even if apart from a statutory inference of guilt from accused's presence at the site of an unregistered still, there was sufficient evidence to support his conviction of illegal possession, custody and control of the still, yet the conviction was reversed, for the trial court, in instructing the jury, read the statutory inference and this statutory inference is unconstitutional. The error in this case, by the Court improperly shifting the burden on the requisite intent is therefore more palpable, inasmuch as the evidence and the totality of the circumstances made the requisite intent very much in issue and therefore the Court's charge was fundamental error. The instant case can equate with what the Supreme Court said in MORISETTE, supra, at 342 U.S. p. 275:" We think presumed intent had no place in this case " . In MANN v. U. S., supra, by this Court,

where the trial court charged both upon presumed intent and specific intent, the Court said:

> " Even though the trial judge did give an accurate charge on the necessity of intent and the burden of proof, we hold that to leave the jury with that part of the charge complained of in this case, was not cured by what was said elsewhere in the charge. Instructions to the jury must be consistent and not misleading. The fact that one instruction is correct does not cure the error in giving another inconsistent one. "

In PEREZ v. U. S. 297 Fed (2) 12 at p. 16, Judge Hutcheson said:

> " It is fundamental to our jurisprudence that instructions to the jury must be consistent with each other and not misleading to the jurors. Cf. Smith v. U. S. 230 Fed (2) 935 by the 6th Cir. 1956. ' The fact that one instruction is correct does not cure the error in giving another that is inconsistent with it.' Smith v. U.S. supra. Most important, in no condition of proof is it permissible to leave the jury with the idea that it has become the duty of the defendant to establish his innocence to obtain an acquittal. "

See also WARDLAW v. U. S. 203 Fed (2) 884 by the 5th Circuit. It is respectfully submitted that by virtue of the Court's instructions complained of herein, the burden of proof was shifted from the prosecution to the defendant to prove lack of intent, and left the jury with the idea that it had become the duty of the defendant to establish his innocence to obtain an acquittal. This impression was accentuated and the error of the court compounded by the Court's failure to give an affirmative defensive charge on lack of intent. TCP 499.

(b) The trial court committed error in instructing the jury the effect of which the jury could convict the defendant, if he entered the bank to " commit any felony" without limiting such to the felony charged in the indictment and overruling the appellant's objections to such charge. AT TCP 483, 484 the Court told the jury that one of the essential elements of the offense charged with reference to the first count, was " that on or about the date charged in the indictment, the defendant entered or attempted to enter any bank.... with intent to commit in such bank.... any felony affecting such bank... in violation of any statute of the United States, or any larceny..." . At TCP 496 — 498, appellant objected to such charge and pointed out the Court's error, specifically objecting to the Court's charge

that the same was misleading, and a pointing out that that was not the law governing the case, and that the government was bound by the felony specifically charged in the indictment and no other, and if the charge was left uncorrected, the jury would be left to speculate as to what felonies or what statutes were involved affecting such bank, and in violation of any statute of the United States, or any larceny. It is submitted that the Court's charge did not clearly and consistently and specifically apply the law to the facts; instead, the Court's instructions as submitted in this regard were not clear and were inconsistent with each other and were misleading to the jurors. The fact that one instruction is correct does not cure the error in giving another that is inconsistent with it. THOMAS v. U. S. 151 Fed (2) 183; SMITH v. U. S. 230 Fed (2) 935 (6th Cir. 1956) PEREZ v. U. S. 297 Fed (2) 12 (5th Cir. 1961) WILLIAMS v. U. S. 131 Fed (2) 21 at 23 (D.C.Cir 1942). A federal court has a duty to properly explain the law of the case to the jury. U. S. v THOMAS, supra. Further instructions may correct a possible error previously made. BLAND v. U. S. 299 Fed (2) 105 (5th Cir. 1962) . Besides violating these principles pertaining to instructions, the Court's charge on these particulars amounted to error of constitutional proportions because a defendant in a criminal case is entitled to know what he is charged with; and is entitled to be tried on the charge brought against him. Any material variance from indictment charged,by proof, or submission of criminal case for consideration by jury, if found prejudicial, is reversable error. A federal court cannot permit a defendant to be tried on charges that are not made in the indictment against him. A charge in an indictment cannot be broadened, whether by change in wording of the indictment, a bill of particulars, or an instruction to the jury. A defendant is entitled to be tried on the specific acts alleged in the indictment. STIRONE v. U. S. 361 U.S. 212, 4 L. Ed (2) 252, 80 S. Ct. 270 (1960) THOMAS v. U.S., supra WOOD v. U. S. 342 Fed (2) 708 (8th Cir. 1965) DE MAYO v. U. S. 232 Fed (2) 472

(8th Cir, 1929) BISHOP v. U. S. 16 Fed (2) 406 (8th Cir. 1926) EPSTEIN v. U. S. 174 Fed (2) 754 (6th Cir. 1949) . The United States Court of Appeals for the 8th Circuit has ruled that instructions given to a jury in a criminal case should not include or comment be made on that part of a statute defining an offense which is not charged in an indictment. See DE MAYO v U. S., supra; BISHOP v. U. S., supra , and WOOD v. U.S, supra. In the instant case, the trial court not only did that, but went outside the facts alleged in the indictment and quoted the statute verbatim as an essential element of the crime for which the appellant was then on trial, and although appellant timely requested a correction to correct the vice in such instruction, the Court denied same and overruled the appellant's objection to the charge as given. The claimed error in the instant case is somewhat similar to the claimed error in THOMAS v. U. S., supra, where the Court had erroneously catagorically instructed the jury that defendant was charged with a violation of the espionage act, where defendant was indicted for conspiracy alone to violate the espionage act. The Court at p. 187 of the THOMAS case, said:

> " The confusing nature of this exerpt did not serve to clarify the erroneous instructions theretofore given or in anywise to retract them; nor do we think that a subsequent statement of the Court, ' of course you all have in mind the charge here is conspiracy ' was a sufficient correction. The vice of the contradictory instructions was that they not only tended to confuse the jury as to the actual basis of the indictment, but to leave the wholly erroneous impression that Thomas was indicted for two offenses rather than for one. "

The vice in the Thomas case was not as great as in this case, for in the instant case the jury was left to speculate in a much broader field " of any felony affecting such bank and in violation of any statute of the United States, and any larceny " and please note in the instant case that the error was aggravated more so because the jury was told this as constituting one of the essential elements of the offense for which the defendant was then on trial. Intent being a vital issue in the case, appellant requested an affirmative defensive charge on the lack of the requisite intent (TCP 427, 431-432) and objected to the

Court's charge as given since it failed to charge as requested. (TCP 499) It is elementary that a defendant in a criminal case is entitled to have instructions relating to a theory of defense for which there is any foundation in the evidence and whether or not consistent with the defense trial theory. WOMACK v. U. S. 336 Fed (2) 959 (DC Cir 1964); TATUM v. U. S. 190 Fed (2) 612 (D.C.Cir. 1951). A charge is erroneous which ignores a claimed defense with such a foundation. HYDE v. U. S. 15 Fed (2) 816 (4th Cir. 1926) The charge to which he is entitled upon proper request in such circumstances is one which precisely and specifically, rather than merely, generally or abstractly, points to his theory of defense. U. S. v. INDIAN TRAILER CORP. 226 Fed (2) 595; APPELL v. U. S. 247 Fed (2) 277 (8th Cir. 1961) and one which does not unduly emphasize the theory of the prosecution, thereby de-emphasizing proportionately the defendant's theory. See PEREZ v. U. S., supra. The refusal of the trial judge to instruct the jury as requested was a violation of these principles. Any of these errors in the Court's instructions, (1) improperly shifting the burden to appellant by charging on presumptive intent; (2) failing to charge affirmatively on the defense of lack of the requisite intent; and (3) not limiting his charge to particular acts alleged in the indictment, were not of the type to be considered as harmless errors, but were errors of constitutional proportions which affected the substantial and fundamental rights of the appellant, afortiori, when considered collectively.

(c) The trial court erred in failing and refusing to charge the jury over the appellant's objections, on the defense of lack of mental capacity by the appellant to form the requisite (specific) intent required to commit the crime charged; notwithstanding that there was evidence in the record fairly raising such defense. See defendant's requested charge (TCP 432) and see the defendant's objections to the Court's charge in this respect (TCP 499). To the effect that appellant was entitled to such affirmative defense, see ALLEN v. U. S. 239 Fed (2) 172, at 173, by the 6th Circuit, where the

Court stated:

> " Where a specific intent is essential to the crime charged, as in this case, and evidence is introduced that might create a reasonable doubt, whether the appellant was sober enough or sufficiently in possession of his faculties to be capable of forming such intent, the jury must be instructed to acquit if they have such a doubt. Cf. Edwards v. U.S. 84 U.S. App.Dec.310, 172 Fed (2) 884. Accordingly the above mentioned instruction of the Court was erroneous. It is to be added that after the brief on behalf of the appellant was filed, the government confessed error. It seems plausible, on the record, that appellant was innocent of any criminal intent " .

In RHODES v. U. S. 282 Fed (2) 59 (4th Cir. 1960) at p. 60, the Court said:

> " While it is true that the defense of insanity was not advanced, it was still open to the defendant to introduce psychiatric testimony to show that by reason of his mental condition he was unable to form the requisite intent or mens rea which is an essential element of the crime charged. An intent beyond the mere doing of the act is not invariably required where, however, it is inherent in the offense or the statute creating it prescribes as part of the definition that a specific state of mind shall accompany the act, as this statute does , a full exposition of the pertinent evidence is permitted if properly tendered. "

Long ago this was treated as established doctrine in HOPT v. PEOPLE OF UTAH, 104 U. S. 873,where it was held appropriate to show the absence of a requisite mental state, whether due to drunkness or otherwise. Psychiatric testimony, if it has bearing upon this issue, has a rightful place in the record. The American Law Institute Model Penal Code formulates the rule as follows: " Evidence that the defendant suffered from a mental disease or defect shall be admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the offense " . Section 4.02 (1) Tentative Draft No. 4 (1955). See also WOMACK v. U.S., supra; WHEATLEY v. U. S. 159 Fed (2) 599 (4th Cir 1946) ; EDWARDS v. U. S. 172 Fed (2) 884 (D. C. Cir 1949). The Supreme Court of the United States in HOPT v. PEOPLE OF UTAH, supra, did not limit its holding to intoxication affecting the mental process to the extent of rendering a person incapable of formulating a specific intent, but to other

reasons which might affect the mental condition of a person. It is submitted that the evidence in this case clearly raises such issue. Therefore, even though the jury may have found him sane within the Court's charge pertaining to insanity, they could have nevertheless acquitted him properly under the evidence and under this theory and with a proper instruction in this regard.

> " ..... the defendant is entitled to have presented instructions relating to a theory of defense for which there is any foundation in the evidence, even though the evidence may be weak, insufficient, inconsistent or of doubtful credibility. " TATUM v. U. S. 190 Federal (2) 612 , 88 U.S. App. D. C. 386. See also MOORE v. U.S. 356 Fed (2) 39 at pp. 42,43.

(d) The trial court charged on the existing law on " tests or standards for insanity in this Circuit " , DAVIS v. U. S. 165 U.S. 373, CARTER v. U. S. 325 Fed (2) 697 (5th Cir. 1963) cert. den. 381 U.S. 927; HOWARD v. U. S. 232 Fed (2) 274 (5th Cir. 1956) also in 229 Fed (2) 602 by the 5th Cir., 1956. Appellant timely submitted a requested instruction embodying all of the federal circuits ' various present tests for insanity and requested the Court to charge the jury under such various " tests " for the determination of insanity and objected to the Court's failure to so charge. (TCP 427) 496 The government in this case, as well as in all other cases in which appellants have asked this Court to adopt a more modern test in conformance with the prevailing social standards and progress in the field of psychiatry, has opposed any change, mainly on the basis that each case was not a proper case to make such change " and that this court would do well to wait until a more appropriate case comes along " . See the government's reply brief in ROBERT EDWARD HAUSMANN v. UNITED STATES, No. 23522, not yet decided, pending in this court, at p. 6:

> " Appellant further urges that this Court should adopt a new test of legal insanity. Even if this Court is considering adopting such new test, it is urged that the present case is not an appropriate one for its application. Appellant's evidence of insanity

was weak and was contradicted by government evidence. Furthermore, appellant's evidence revealed basically a sociopathic personality. "

See also the government's opening brief in the case of HARRY EDISON HACKWORTH, No. 23598 not yet decided, at p. 18. This same contention was made by the government in the case of CARTER v. U. S., supra, and the solicitor general opposed the petition for writ of certiorari on more or less the same basis that the government opposes the adopting of new tests of insanity in this case; that is, that the time is not right, and that this is not an appropriate case and that the Courts should wait. Without belaboring this Court with a lengthy discussion, it is submitted that under the evidence and the totality of the circumstances, all of the reasons heretofore advanced by the government to stay and delay this Court from adopting a new test for insanity are not well taken, and if there was ever an appropriate case warranting this Court for adopting a new test of insanity, this is it. It is respectfully submitted that the test adopted by the 3rd Circuit in CURRENS v. U. S. 325 Fed (2) 20, or by the 10th Circuit in WION v. U. S. 325 Fed (2) 420 or the test adopted by the Modern Penal Code of the American Penal Institute and adopted by the 2nd Circuit in FREEMAN v. U. S. 357 Fed (2) 606 and U. S. v MALAFRONTE 357 Fed (2) 629 or even the test set out in DURHAM v. U. S. 237 Fed (2) 760 and McDONALD v. U. S. 312 Fed (2) 847 (D. C. Cir) would be proper and would conform to the evidence in this case and would conform to the present legal, social and medical standards adequately.

The trial court's instructions to the jury on insanity should have included the requested instructions wherein appellant requested the Court to charge the jury that the mere labeling by experts that appellant was merely suffering from a personality disorder and not a mental illness or defect, did not rule out or preclude a finding that appellant was suffering from a mental illness within the Court's main charge defining legal insanity. U. S. v. FREEMAN, supra, DURHAM v. U. S., supra; McDONALD v.

U. S., supra; CAMPBELL v. U. S. 307 Fed (2) 597 (D. C. Cir 1962) and BLOCKER v. U. S. 288 Fed (2) 853 at 859-862. The trial courts instructions should have also included the requested instructions asking that the jury be charged that " both acts resulting from sudden impulse as well as acts resulting from premeditation were applicable in determining whether the acts of the defendant on September 20, 1963 were the result of mental illness which had affected the governing power of his mind in refraining from doing wrong " . CARTER v. U. S., supra, and see TCP 376. See also defendant's objections to the Court's refusal to charge as requested on the various tests (TCP 496) and the Court's refusal to grant and charge the jury in reference to the matter of insanity; the two previous requests on the labeling by experts of personality disorder and also the failure to tell them that both acts resulting from sudden impulse as well as from premeditation were applicable in determining whether it affected the governing power of his mind.

ARGUMENT AND AUTHORITIES UNDER THE SECOND SPECIFICATION OF ERROR.

Under the circumstances of this case, the trial court should not have in any way urged the jury to arrive at a verdict under the so called " Allen Charge " or any version of such charge, since it coerced or improperly induced those members of the jury who were for acquittal and who no doubt were embattled and exhaused, to surrender or compromise their individual convictions. "The correctness of the Allen Charge must be determined by the consideration of the facts of each case and the exact words used by the trial judge " . POWELL v. U.S. 287 Fed (2) 754 (5th Cir. 1962)

The circumstances in connection with and which are related to this point are found in the record at TCP 500 to 527. In the first place this was a rather simple case as to the facts. There was no real issue as to what had actually transpired and the

case was submitted to the jury only under one count. The only real issues in this case, as submitted to the jury by the Court, were (1) whether or not the defendant had the requisite criminal intent in doing what he did, or (2) whether he was sane (within the court's charge) at the time of the act alleged in the indictment. The jury had deliberated approximately fifteen hours, during which period of time they had advised the Court twice, once at 9:00 o'clock P.M. on the 22nd day of September, 1966 that they were unable to reach a unanimous verdict, and the second time at 4:45 P.M. on the 23rd day of September, 1966, that they were deadlocked and could not come to a unanimous verdict. There transpired approximately five hours and forty-five minutes of actual deliberations in between the sending of the first note to the sending of the second note to the Court. Approximately ten to fifteen minutes before they recessed for the week-end (they recessed at 5:30 P.M. on Friday the 23rd) they received the Allen Charge. The jury resumed deliberations on Monday, September 26, 1966 at 9:00 o'clock A.M. and except for one hour for lunch, the jury deliberated until 3:05 P.M. at which time they returned to the Court with their verdict.

Counsel for appellant felt that the harm done by the Court's version of the Allen Charge in the insant case could not be rectified and accordingly objected and excepted and moved for a mistrial not once but twice. See TCP 522,523,525, 526 See BURRUP v. U. S. 371 Fed (2) 556 at 558 (10th Cir. 1967) where the Court said, citing from BERGER v. U. S. 62 Fed (2) 438

> " No objection was made to the Allen instruction, but since it affects the judge-jury relationship, and..... 'cannot be effectively remedied by modification of the judge's charge after the harm has been done' we will take note of it here " .

See BRADFIELD v. U. S. 272 U.S. 448, 47 S. Ct. 135, 71 L. Ed 345 and BURROUGHS v. U. S. 365 Fed (2) 431 (10th Cir). It is true that the Allen Charge, or versions thereof, have been approved as long as the jury is given to understand that they should

not compromise or surrender their convictions on the facts; however, these admonitions in the insant case were totally nullified and dissapated in the light of what actually happened and was done in this case, before and after the charge was given. See BURRUP v. U. S., supra, where the Court stated that the Allen charge is less likely to be coercive if given prior to the time the jury indicates difficulty in agreement. The giving of the charge in the insant case resulted in undue coercion because/under the entire circumstances it completely obliterated the admonitions against the surrender of individual convictions. Furthermore, the charge as given by the Court in this case was error in that (a) it told the jury that the case should be disposed of, and (b) in addressing itself to the minority in such a manner as to imply judicial criticism of their position merely because they were in the minority, and (c) in telling the jury in no uncertain terms that it was their duty to arrive at a verdict, instead of telling them directly that it was their duty to retain their conscientious beliefs, despite the desirability of having a verdict. The Allen type charge given by the Court in this case, considering all the circumstances and all the remarks of the Court to the jury, entreated the jury to arrive at a verdict and left them with the impression that they were going to be held until they did arrive at a verdict. When considered as a whole, the Court's version of the Allen charge in this case failed to provide for adequate admonition against either coercion, compromise or surrender of individual convictions. See the case of POWELL v. U. S. 297 Fed (2) 318 (5th Cir) 1961 ; GREEN v. U. S. 309 Fed (2) 852; and ANDREWS v. U. S. 309 Fed (2) 127. Appellant's further position is that the Allen Charge, or any near version of it, should be abolished because in logic and reason it actually and truthfully causes a juror to surrender unwillingly his sincere and deliberately arrived at conviction of what the verdict should be and thus defeats the purpose of the constitutional requirement of a unanimous verdict in federal courts. See BURROUGHS v. U. S., supra. The Allen

charge should have no place in our criminal jurisprudence. " It has also been roundly criticized as an unwarranted invasion of the fact finding province of the jury " . See Judge Brown's dissent in HUFFMAN v. U. S. 297 Fed (2) 754 (5th Cir); Judge Wisdom's dissent in ANDREWS v. U. S. 309 Fed (2) 127 (5th Cir) and speaking for the court in GREENE v. U. S. 309 Fed (2) 852 and BURROUGHS v. U. S., supra.

Under the totality of the circumstances and the remarks of the Court, the verdict in this case was a product of judicial coercion since those jurors who were for acquittal no doubt were left with the impression and belief that unless they surrendered their conscientious views they would be held until they would arrive at a verdict. JENKINS v. U. S. 380 U.S. 445, 13 L. Ed (2) 957, 85 S. Ct. 1059; BOYETT v. U. S. 48 Fed (2) 482 (5th Cir 1931) KESLEY v. U. S. 47 Fed (2) 453 (5th Cir. 1931) U. S. v. DAVIS 115 Fed Supp 392at 401, reversed on other grounds 212 Fed (2) 681.

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ARGUMENT AND AUTHORITIES UNDER THE THIRD SPECIFICATION OF ERROR.

This brief will not be extended by a detailed discussion of the evidence since of course, where the sufficiency of the evidence is raised, each case must be decided on its own particular facts.

It is appellant's contention that reasonable jurors could not conclude beyond a reasonable doubt that Richard Case Nagell, the appellant, was sane at the time of the alleged bank robbery, and that therefore, reasonable men on the basis of the evidence, must have necessarily possessed a reasonable doubt as to the defendant's sanity, and that reasonable men must have necessarily concluded that the government had failed to sustain its burden of proving beyond a reasonable doubt that the accused had the mental capacity to commit the crime charged. The nature and quantum of evidence which the prosecution must produce to sustain its burden to takethe issue of

sanity to the jury will vary in different cases, depending, of course, on the nature and quantum of evidence introduced by the defendant to show insanity. BROWN v. U. S. 351 Fed (2) 473 at 474 (5th Cir 1965). Therefore, in a given case, the government's evidence may be adequate when the defendant has introduced merely some evidence of insanity, but as in this case, may be altogether inadequate when the appellant introduced substantial evidence of legal insanity. WRIGHT v. U. S. 250 Fed (2) 4,7 (D.C. Cir) HARTFORD v. U. S. 362 Fed (2) 63 (9th Cir 1966) and U. S. v WESTERHAUSEN, 283 Fed (2) 844 (7th Cir).

It is appellant's contention that the entire record, bearing on the issue of insanity at the time the offense was committed in the insant case, raised no more than a reasonable doubt of sanity, and under the authority of the following cases, the trial court should have granted appellant's motion for judgment of acquittal or his motion for judgment of acquittal notwithstanding the verdict of the jury. U. S. v WESTERHAUSEN, supra DOUGLASS v U. S. 239 Fed (2) 52 (D. C. Cir) WOODRING v. U. S. 311 Fed (2) 417 (8th Cir) WRIGHT v. U. S., supra; McKENZIE v. U. S. 266 Fed (2) 524 (10th Cir) FITTS v. U. S. 284 Fed (2) 108 (10th Cir) ISAAC v. U. S. 284 Fed (2) 168 (D.C.Cir) U. S. v ROE 213 Fed Supp 444 (U.S.Ct. for West. Dist . of Mo.) FIELDING v. U. S. 251 Fed (2) 878 (D. C. Cir) ARGENT v. U. S. 325 Fed (2) 162 (5th Cir); the dissent in BRADLEY v. U. S. 249 Fed (2) 922 (D. C. Cir) LYNCH v. OVERHAUSLER 8 L. Ed (2) 211, 369 U. S. 705 and HOPKINS v. U. S. 275 Fed (2) 155 (D.C. Cir).

One of the essential elements in this case that the government was bound to prove beyond a reasonable doubt was that the defendant was legally sane at the time of the acts alleged in the indictment. The Supreme Court in WOODBY v. I N S, 17 L. Ed (2) 362 (1966), said:

" The elementary but crucial difference between burden of proof and scope of review is, of course, a commonplace in the law. The difference is most graphically illustrated in a criminal case. There the prosecution is generally required to prove the elements of the offense beyond a reasonable doubt. But if the correct burden of proof was imposed at the trial, judicial review is generally limited to ascertaining whether the evidence relied upon by the trier of facts was of sufficient quality and substantiality to support the rationality of the judgment. In other words, an appellate court in a criminal case ordinarily does not ask itself whether it believes that the evidence at the trial established guilt beyond a reasonable doubt, but whether the judgment is supported by substantial evidence. "

This court can determine for itself the adequacy of an expert's opinion on the question of sanity,/ This court can see from the Transcript of Court Proceedings in this case to either support or reverse a conviction. See MIMS, infra.

that [redacted] testimony (TCP 332-356) and [redacted] testimony (TCP 292-321) who were the witnesses relied upon by the government to show sanity, was not b6 b7C

adequate and it was not supported by " underlying facts" and their opinions were merely conclusory, since they did not have " the whole picture and background " (TCP 361-365 and 371-372) of the defendant's mental illness,/ See ROLLERSON v. U. S. 343 Fed and their examination of the defendant was perfunctory.

(2) 271 (D.C. Cir 1964) where Judge Bazelon, writing for the ., stated:

" Conclusions of psychiatrists that a man is not ' mentally diseased' may not be enough in any particular case, to meet the government's burden of proving sanity beyond a reasonable doubt. "

See also the opinion of Judge Sarah T. Huges in BUSH v. McCOLLUM 231 Fed Sup 560 at 563, affirmed by this Court in 344 Fed (2) 672. Another case supporting appellant's contention is U. S. v. WESTERHAUSEN, supra, where at p. 853, the Court said:

" Based upon our extended review of the record in this case, we must conclude that the evidence introduced by the government is not sufficient to sustain the conviction. It is our considered judgment, in the light of appellant's long and consistent history of insanity, that reasonable men must necessarily have possessed a reasonable doubt as to his sanity on the date of the robbery in 1952. The government has failed to sustain its burden of proving this essential element beyond a reasonable doubt. We hold that the district court erred in denying appellant's motion for

acquittal. No good purpose could be served in ordering a new trial. 28 USCA Sec. 2106. Indeed, neither party has requested a new trial. "

The recent case of GEORGE LEE MIMS SR. v. U. S., No. 20626 decided by this Court on February 16, 1967 can clearly be distinguished from the insant case and supports appellant's contention that the verdict in this case is an " unreasonable verdict " , and appellant's motions for judgment of acquittal should have been granted. In MIMS the expert opinion evidence was weak as opposed to the history of mental illness in the instant case. The weaknesses noted in the expert opinion testimony in the MIMS case are not found in this instant case. It is respectfully submitted that what this Court said in MIMS when considering the cases cited by appellant for a judgment of acquittal, is applicable on the facts to this case:

" The cases relied upon by appellant are distinguishable on several grounds. Insofar as the question here presented is concerned, each one of those cases holds no more than that upon particular facts in that case, the court concluded that the government has failed to discharge its burden of proving the sanity of the defendant beyond a reasonable doubt. None of them had the weaknesses in the expert opinion testimony this one has. Most of the defendants had undergone long periods of treatment in mental institutions , and the psychiatrists who had treated them during those times testified to their insanity. The opinions of the psychiatrists were substantially supported by objective symptoms. They presented an entirely different situation from the one in this case where there were jury questions both as to whether there was a doubt about the appellant's sanity, and, if so, whether the doubt was a reasonable one, and where reasonable inferences could be drawn that appellant was legally responsible for his acts. "

It is respectfully submitted that the evidence relied upon by the trier of facts was not of sufficient quality and substantiality to support the rationality of the judgment. In fact, the verdict of guilty under the evidence and the subsequent sentence in this case, is shocking.

ARGUMENT AND AUTHORITIES UNDER THE FOURTH SPECIFICATION OF ERROR.

The government sought to weaken and minimize the defendant's mental illness and claim of insanity on the very date of the alleged offense by showing and stressing to the jury that the experts upon which appellant so heavily relied to establish such defense, had not had an opportunity to see and examine him on such date or shortly thereafter, but had examined him much later from the crucial date and that his irrational behavior, shortly after his arrest and encarceration in the county jail was not the product of a mental disease or major illness, but merely a " jail psychosis " brought about by his arrest and confinement. See TCP 158-159, 329-330 and 390. In order to meet such contention of the government, the appellant sought to introduce as evidence, the motion filed by the government pursuant to 18 USCA Sec. 4244, requesting that the appellant be examined to determine his competency to stand trial which was filed just four days after his arrest (the pertinent parts of the motion are set out in the footnote below) *. The appellant offered such motion in evidence (Exhibit L, TCP 402, 402) but the Court refused to admit it, saying that it was not admissable for any purpose, and that

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* Filed September 24, 1963, Commissioner's No. 25889.... There being reasonable cause to believe that said defendant may be presently insane or otherwise so mentally incompetent as to be unable to assist in his own defense and as grounds for such belief would respectfully show unto the Court the following:

1. Records of the Veterans Administration Hospital, Bay Pines, Florida, show defendant admitted to said hospital on December 20, 1962 and released January 20, 1963 with diagnosis of " chronic brain syndrome associated with brain trauma with behavorial reaction characterized by passive-agressive and paranoid features " . b7D

2. [redacted]

3. Since his arrest on September 20, 1963 defendant has stated the belief that he has been and is now in need of psychiatric services.

4. The regular jail physicians employed by the United States Marshal for the case and treatment of federal prisoners has stated that defendant should be examined by a psychiatrist due to unusual behavior on the part of defendant seen by and related to him.

* Wherefore,... United States prays the Court to appoint a qualified psychiatrist of this city to examine defendant as to his mental condition, who should report to this court and to commit the defendant to the Correctional Institution at La Tuna, Texas if determined by the psychiatrist to be necessary to conduct such examination for such period of time as the Court deems proper.

Ernest Morgan b6
by [redacted] Asst. U.S.Atty. b7C

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if the finding was not admissable, neither was the government's motion. Appellant explained to the Court that he did not seek to introduce any order or finding but that it was admissable to rebut the government's contention. Defendant duly excepted to the Court's action. TC p403. Certainly by the very contents of the motion, it would have shown to the jury a totally different and inconsistent contention of the government on September 24, 1963 from the one it was taking on the day of the trial and certainly would not only have had the effect of impeaching and rebutting the government, but would have sustained and corroborated and bolstered appellant's contention that he was suffering from a major mental illness on that day.

Title 18 USCA Sec. 4244 prohibits two things at the trial of an accused: (1) statements made by him during the course of an examination, and (2) a finding by the Court that the accused was competent to stand trial. Contrary to the trial court's reasoning for the exclusion of Exhibit L, appellant contends that both of these prohibitions are not absolute prohibitions and are for the benefit of the defendant, and he may, if he chooses, waive these prohibitions if it is necessary and proper for his defense strategy. See BAILEY v. U. S. 248 Fed (2) 558 (D. C. Cir 1957), cert. den. 78 S.Ct. 351, 355 U.S. 919 , 2 L. Ed (2) 79. By the Court's action in limiting his evidence, the appellant was not adequately permitted to meet the government's contention.

The appellant should have been allowed to at least introduce the motion, when appellant's counsel advised the Court that he did not intend to introduce any finding or order, since under the circumstances, it was relevant to sustain appellant's contention and relevant for purposes of impeachment and rebuttal of the government's contention. LYLES v. U. S. 254 Fed (2) 725 at 732 (D. C. Cir 1957) cert. den. 356 U.S. 961, 78 S. Ct. 997, 2 L. Ed (2) 1067; NAPLES v. U. S. 344 Fed (2) 508 at 516 (D. C. Cir 1964). If a finding of competency may be admissable either because a defendant waived the prohibition by " opening the door for it " or by expressly waiving such prohibition by offering it in evidence, and as a part of his strategy defense, then surely the government's pretrial motion , inconsistent with its trial theory, should have been admitted. The trial court could have then, on its own or by request of the government, given the jury a cautionary instruction and told them that the

motion of the government was introduced for the sole purpose of impeachment or rebuttal of the government's position and for no other purpose. TARIN v. U. S. 353 Fed (2) 71 (5th Cir. 1965) The permissable limits of the evidentiary rules of impeachment are very broad and under the doctrine in WALDER v. U. S. 347 U.S. 62, 74 S. Ct. 354, 98 L. Ed 503, and U. S. v CURRY 358 Fed (2) 904 at 910 (2nd Cir 1965), the Court erred in refusing to admit in evidence, appellant Exhibit L and certainly under the totality of the circumstances, with the matter of insanity being so highly opposed by the government, the Court's action was not harmless error.

ARGUMENT AND AUTHORITIES UNDER THE FIFTH SPECIFICATION OF ERROR.

On the second day of deliberations, the jury submitted to the Court the following request: " Your Honor, in order to clarify your charge to the jury, is it possible for you to tell us if under your charge, is mental illness grounds for the defendant to be pronounced not guilty ? Also, please explain in more detail and give examples of doubt and reasonable doubt " . See TCP 505. It should be noted that the first question related specifically to the charge and not to the evidence. No inquiry was made as to whether under the evidence the appellant could be pronounced not guilty. The jury was merely seeking a supplementary clarification or explanation of the original charge as given. The Court did not give a specific answer to a specific question as suggested and requested by counsel (TCP 506, 507, 508) , " Yes, mental illness is a ground for this defendant to be pronounced not guilty and a definition of mental illness is in this charge " or, he could have charged, " You can, and a definition of mental illness which would justify your acquitting him is in this charge " , or words to that effect. No such requested instruction or a charge substantially as was requested, was given by the Court. Instead the Court abstractly answered such questions by re-reading

the charge on insanity and stressed the definition of the term " insanity " and asked the jury to re-examine the evidence and their conclusions based on the evidence and to determine for themselves whether appellant fit within such definitions. TCP 511 . The jury wanted a " Yes " or " No " answer in order to be properly guided, and the Court never gave them such an answer. By the trial court's hedging in answering such inquiries and by failing to properly and specifically instruct the jury, the appellant probably suffered prejudice since the jury was left with the impression that they could or should not " pronounce him not guilty " under the Court's charge. This theory is not too speculative because they never received the answer to their question. In WRIGHT v. U. S. 250 Fed (2) 4 (D.C.Cir 1957) at pp. 11 and 12, it was held error for the court to refuse to give the requested instructions and to amplify and clarify his instructions, and to answer specifically the jury's questions regarding whether in determining sanity, " any other kinds...might be included...than dementia or schizophrenia " . The Court in the instant case further erred in refusing to give the requested instruction of appellant's counsel in connection with a further clarification of the terms " doubt " and " reasonable doubt " . The appellant mistakenly cited Duskey v. U. S. instead of Lynch v. Overhausler, but appellant's counsel did properly phrase his requested instruction as in OVERHAUSLER and therefore the Court failed to directly and accurately apply the principle of reasonable doubt to the defense of insanity as requested by the appellant's counsel at TCP 515. Therefore, both inquiries of the jury were not properly answered by the Court. Where a jury, desiring additional instructions, makes explicit its difficulties, a trial judge should clear them away with concrete accuracy, and a failure to do so is error affecting the substantial rights of a defendant. BOLLENBACH v. U. S. 66 S. Ct. 402, 326 U.S. 607, 90 L. Ed 358.

CONCLUSION

For a guilty person to escape punishment is not justice; but to convict a person such as appellant and to label him a criminal, even though he is so mentally ill because of organic brain abnormality that he is in reality incapable of commiting a crime is in this day and in this country, a miscarriage of justice. The appellant has been continously confined since the date of his arrest on September 20, 1963 to the date of the filing of this his opening brief. He has undergone two trials and one reversal, seeking to establish his innocence. It is respectfully submitted that a person such as appellant is in reality an innocent person, not merely a person who has not been proven guilty . Under the totality of the circumstances, and should this Court reverse this conviction, it would be cruel and inhuman punishment and a denial of due process of law, and no good purpose could be served to remand and to order a new trial. A proper and just disposition of this case, in the event of reversal based on any of the several errors claimed by appellant's counsel (and upon any other possible or fundamental erros which this Court may discover are contained in this record, and which counsel for appellant may have overlooked) considered either separately or collectively and in the light of the background and the record in this case, would be to reverse, vacate and set aside the conviction of appellant, and to enter an order granting appellant's motion for acquittal, or to enter appropriate instructions ordering the prosecution dismissed, pursuant to 28 USCA Sec. 2106.

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RESPECTFULLY SUBMITTED,

[redacted] and [redacted]

Attorneys for Appellant

[redacted]

CERTIFICATE OF SERVICE

I certify that on this 13th day of April, 1967 I mailed a true copy of the foregoing appellant's opening brief, to [redacted] Assistant United States Attorney for the Western District of Texas, El Paso Division, at his office in the Federal Courthouse Building, El Paso, Texas 79901.

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