



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D.C.

July 8, 1964

By Courier Service

Honorable J. Lee Rankin
General Counsel
The President's Commission
200 Maryland Avenue, Northeast
Washington, D. C.

Dear Mr. Rankin:

As previously reported to the Commission, certain small lead metal fragments uncovered in connection with this matter were analyzed spectrographically to determine whether they could be associated with one or more of the lead bullet fragments and no significant differences were found within the sensitivity of the spectrographic method.

Because of the higher sensitivity of the neutron activation analysis, certain of the small lead fragments were then subjected to neutron activation analyses and comparisons with the larger bullet fragments. The items analyzed included the following: C1 - bullet from stretcher; C2 - fragment from front seat cushion; C4 and C5 - metal fragments from President Kennedy's head; C9 - metal fragment from the arm of Governor Connally; C16 - metal fragments from rear floor board carpet of the car.

While minor variations in composition were found by this method, these were not considered sufficient to permit positively differentiating among the larger bullet fragments and thus positively determining from which of the larger bullet fragments any given small lead fragment may have come.

Sincerely yours,

J. Edgar Hoover

Richard C. Nagell

POB
Richard Nagell
March 28, 1964

Mr. James F. Rankin
• Chief Counsel, Warren Commission ✓
V. F. W. Building
Washington, D. C.

Dear Mr. Rankin:

Has the commission been advised that I informed the Federal Bureau of Investigation in September, 1963 that an attempt might be made to assassinate President Kennedy?

Was the Commission advised that the day before Mr. Kennedy visited Dallas I initiated a request thru jail authority to the F.B.I., asking them to contact the Secret Service Division in order to inform such agency of the same information, when it became apparent to me that the F.B.I. believed my revelation to be mendacious?

Richard C. Nagell
El Paso County Jail - El Paso, Texas

FEDERAL BUREAU OF INVESTIGATION

Other Individuals and Organizations Involved of Interest 30, 1964

1

Assistant United States Attorney FREDERICK J. MORTON, El Paso, advised as follows:

RICHARD CASE NAGELL appeared in the United States District Court at El Paso on January 24, 1964 in connection with the Bank Robbery charge which had been filed against him. Upon being removed from the United States District Court House enroute to the El Paso County Jail for incarceration, and while in custody of the Deputy United States Marshals, NAGELL made wild accusations to newspaper reporters, accusing the FBI of not attempting to prevent the assassination of President KENNEDY and stating that the FBI had questioned him concerning LEE HARVEY OSWALD. These statements were made by NAGELL in a shouting manner while he was on the elevator in the United States Courthouse and while he was within earshot of newspaper reporters. In addition, NAGELL accused the Assistant United States Attorney of violating his constitutional rights.

CR 404

On 1/24/64 at El Paso, Texas File # EP 105-1264
by SA THOMAS B. WHITE, JR./st Date dictated 1/29/64

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EP 103-1264

On January 27, 1964, the El Paso Times contained an article on Page 7A entitled "SUSPECT SAYS AGENTS ASKED HIM ABOUT OSWALD, ACTIVITIES LINK."

According to the article, "RICHARD CASE NAGELL, charged with attempted bank robbery, said he had been questioned by the FBI and the U.S. Secret Service regarding alleged subversive activities and also LEE HARVEY OSWALD, the alleged assassin of President Kennedy."

The article contained information regarding the appearance of NAGELL before United States District Judge MORRIS THORNBERY in El Paso in connection with the bank robbery charge filed against him and stated, "Instead of asking for a plea, FRED MORTON, assistant U.S. district attorney, made a motion to put NAGELL in a federal institution in Springfield, Mo., for psychiatric observation. The motion was granted over NAGELL's vigorous objections."

"Later MORTON, HERBERT HOXIE, special FBI agent, and GEORGE WEISHEIT, Secret Service agent, would not comment on NAGELL's specific allegations."

"WEISHEIT did say he questioned NAGELL on a matter at NAGELL's request, but WEISHEIT would not note what the matter concerned."

The article further states, "After being ordered to Springfield for 30 days, NAGELL said he would not participate in any psychiatric examination there."

January 30, 1964

Date _____

OSCAR G. WEISHEIT, JR., United States Secret Service, El Paso, advised that an Agent of the United States Secret Service in Dallas, Texas, had displayed a photograph of RICHARD CASE NAGELL to Mrs. MARINA OSWALD, wife of LEE HARVEY OSWALD, on January 18, 1964. He said this photograph of NAGELL had been taken on September 21, 1963 at the El Paso County Sheriff's Office in El Paso, Texas. Mr. WEISHEIT indicated that, according to the information he received from the Dallas Office of the United States Secret Service, Mrs. MARINA OSWALD carefully examined the photograph and said she did not know the individual appearing in the photograph and had never seen him. Mrs. OSWALD was informed of the name and aliases of RICHARD CASE NAGELL and she then stated that she did not know anyone by any of those names.

CR 197

EP 105-264

On 1/23/64 at El Paso, Texas File # _____
 by SA DAVID J. REID/SL Date dictated 1/24/64

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FEDERAL BUREAU OF INVESTIGATION

O- Post 3-1

①

Date December 20, 1963
Name of Individuals and Organizations
Involved or Interviewed

1

RICHARD CASE NAGELL incarcerated in the El Paso County Jail on a complaint charging him with Bank Robbery advised that "For the record he would like to say that his association with OSWALD (meaning LEE HARVEY OSWALD) was purely social and that he had met him in Mexico City and in Texas."

NAGELL stated he decided to "clear the record up" since his fingerprints were taken on December 12, 1963 by Special Agents WHITE and BOYCE.

Although questioned as to where and when his contacts with OSWALD were made, he refused to comment further and said he had nothing more to say.

CR 197

On 12/19/63 at El Paso, Texas File # EP 105-1264
by SA HAROLD H. BOYCE & SA THOMAS B. WHITE, JR./st -3- Date dictated 12/19/63

FEDERAL BUREAU OF INVESTIGATION

O-Post 1

December 20, 1963

Date _____
Other Individuals and Organizations
Involved or Interviewed _____

1

1

RICHARD CASE NAGELL, who is presently incarcerated at the El Paso County Jail in El Paso, was reinterviewed, at which time he stated "My contact with OSWALD was strictly social and that is all I can say." When NAGELL was questioned regarding the nature of his contact with OSWALD, he refused to make any additional statement.

On 12/19/63 at El Paso, Texas File # EP 105-1264
by SA DAVID J. REID & SA RICHARD K. GRAHAM/st -4*- Date dictated 12/20/63

QR 197

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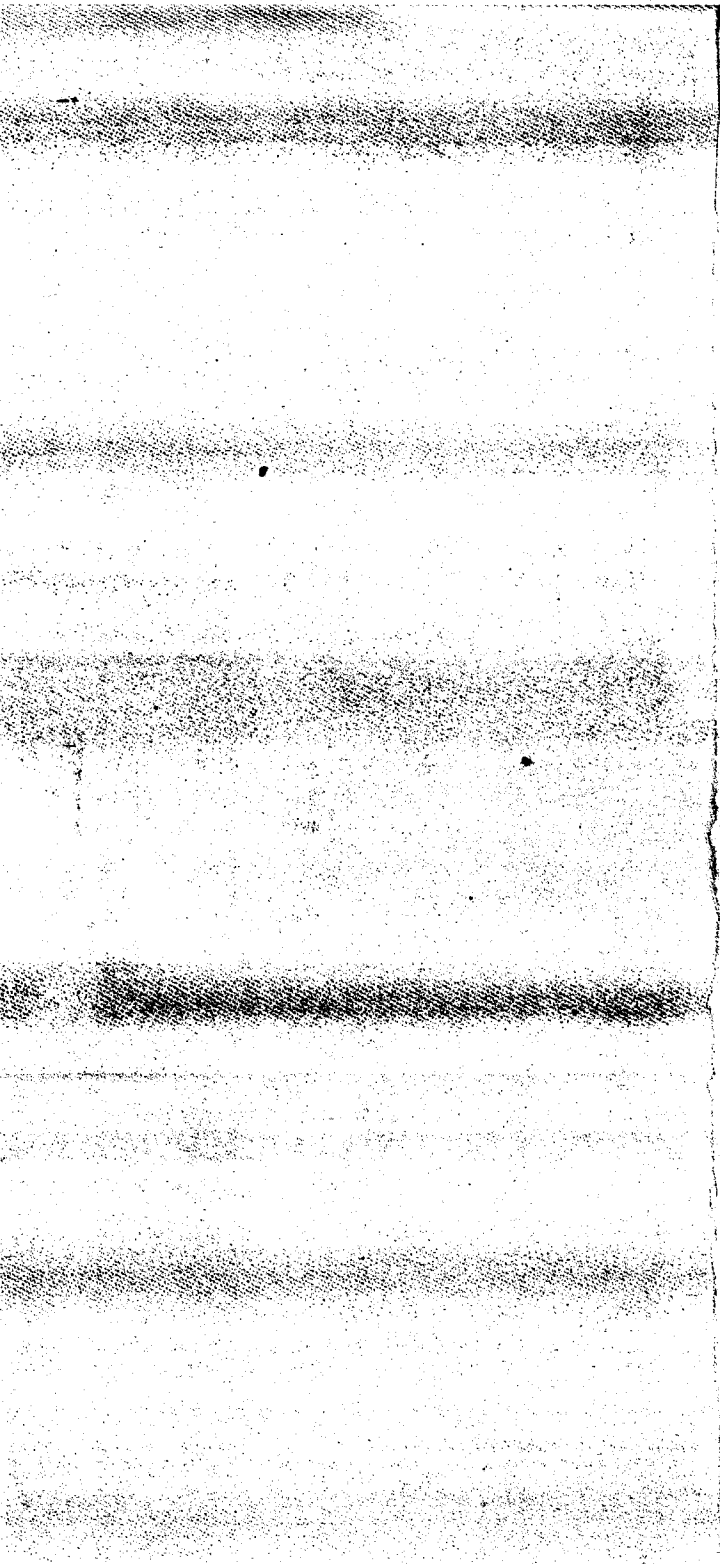
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Mr. Harold Weisberg
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Frederick, MD 21701



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With regard to your paragraph (1) you say ~~you~~ "We do not have a list of ~~the~~ documents identified by the Department of Justice. The FBI, However, verified by telephone that we have the FBI Laboratory Report to Chief of Police Curry of November 23..." You also say, "If you will identify the documents to which you refer..."

The first of these may present a problem to the Archives, as it does to me, but the second does not and cannot. With regard to the documents you have not supplied I remind you that the National Archives, not I, set up the Warren Commission's files to begin with and has had custody of them. I do not have access to these files. If "There is no comprehensive index to the records of the Commission, " it is a sad commentary ~~of~~ on official care and concern about the priceless records of one of the greatest tragedies in our history, ~~and~~ but it neither diminishes your responsibilities under the law nor your capability of providing what I have asked for.

The law requires that I ask for the identifiable. I have gone farther and have actually identified for you . As you knew well the Commission xeroxed and replicated its files. Those in which there records were kept to my knowledge include:

GAI-FBI;GAI-AEC, Analytical Techniques, Inv. Inv 7, Inv (also given as Inv and Evid) 3-2, Inv ~~32-~~ 3-2-2, and Inv 3-3.

In addition to ~~this~~ there was a record of everything coming in and going out. There were ~~separate files~~ of correspondence with the various federal agencies.

As an example of this duplication, the one document you have just supplied ~~from~~ ~~this~~ stamped as coming from the "Investigation and Evidence 3-2-2" files bears handwritten notations that are illegible in this copy of other files. In addition, that particular document is also in the GAI-FBI file.

The documents you have supplied refer to others you have not supplied.

~~In all this is what you have supplied.~~

These tests results for which I sued were quite detailed and the subject of considerable communications between the Commission and other agencies and the agencies themselves. There was extensive communication relating to these tests. I have asked for everything of any nature you have on these tests, having been referred to you

by the FBI.

In all this is what you have supplied me:

Correspondence between the agencies conducting these many tests only a single letter, from the AEC to the Department of Justice. You ~~do~~^{did} not supply any response.

No single communication between the agencies, none between the various offices, as between the AEC in the Washington area and Oak Ridge. The single communication was dated nine months before the work was completed.

When the Commission directed its requests to ^{Me.} Hoover personally, you have provided but one such letter to him and only ~~four~~ four from him.

With all the staff discussions on these tests and all the memos written on or about them you have provided a total of two.

Quite obviously this is but a minor fraction of what those 300 cubic feet of Commission files contain on this most basic scientific evidence, the most basic of the scientific evidence on which some many hundreds of pages of raw material were generated and conducted over so long a period of time.

Whatever the FBI many have meant by "verified" the document you refer to, the November 23, 1963 mem to Mr. Curry, does not contain any results of either of the two tests in question. The closest thing to this is a comment from visual observation, an identification is anything but not a test result. It merely describes Exhibit 30 399 or Specimen Q1 as "of a copper alloy bucket with a lead core."

~~It relates only to the evidence received on 11/22/63~~

Moreover, being dated November 23, 1963, it cannot refer to any evidence collected later or any tests done later, which means it cannot refer to the 100% of the results in question, those I have sought for more than a decade, to the knowledge of your staff.

I am aware of the stonewall position of the FBI on this going back to the morning after the promulgation of Executive Order of October 31, 1966. In it the Attorney General declared "I have determined that the National interest requires the entire body of evidence considered by the President's Commission...and now in the possession of the United States to be preserved intact" under your custody.

The test results for which I sue and all the documents I have requested if you

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clearly are encompassed by this Order. All were "considered by the Commission" and all were "in the possession of the United States."

On publication of this Order I appeared at the Archives and asked for access only to these test results. Your staff phoned the FBI in my presence and was referred to this single document, the November 23, 1966 letter which was written before any of the tests were completed. In all these years, including this most recent response to my most recent of countless requests, you have provided me nothing that can be described as the final results or reports on either spectrographic or neutron-activation analysis.

Yet under date of May 13, 1975 the FBI swore to an affidavit attesting that "all final reports with regard to the requested data had been furnished to the Warren Commission and are available to the public," through you.

While I believe this to have been false swearing and that in this case nothing could be more material, I nonetheless made a new request of the National Archives. In response to this new request I have been given no single paper that remotely meets this description and, in fact, not even all your files hold.

Therefore, with enough of an explanation to make clear what I seek and that you have not supplied it, I appeal the failure to provide me with the ~~identified~~ identifiable and identified public information I requested.

It is, of course, obvious that if the FBI had supplied these "final reports" it would not have referred me to the National Archives for them while simultaneously refusing to provide me with copies from its own files at my cost.

Your (3) reads "records relating to the interception of Lee Harvey Oswald's mail by the CIA. We do not ~~know~~ know of any documents in our custody that relate to this subject."

Here again I do not have personal access to the files and have no way of knowing what files you checked. All the the files directly related to Oswald are oriented not around the assassination but around ~~his period in~~ Russia, "pre-" and "Post-" Russian periods and when he was in Russia. There are a number of "investigation" ^{those} files and ~~that~~ that deal with Government Agencies Involved" or GAI. What any one of these can contain I have no way of knowing. Nor can I know how any may have been subdivided. This is true also of the communications between the Commission and its staff and the investigative agencies.

However, it was known that Oswald was an alleged defector. It has been public and published knowledge, to my knowledge going back to the late 1930s, that there were these mail covers. This was know to the federal agencies, which were the Commission's investigators - all its investigators. Moreover, these are the very agencies that asked for the mail covers. ~~In February 1964 the Commission knew~~ The Commission's counsel and other staff were all aware of this, in some cases certainly from personal participation. Commissioner Dulles at the very least among Commissioners knew of it from his having been Director, Central Intelligence. Under him as Director ^{a)} Oswald went to Russia and returned and ^{b)} the CIA was intercepting mail to and from Russia in particularly but not exclusively. In addition to all of this the FBI, CIA and the Commission, at the very least, knew in February 1964 that Oswald's mail was being intercepted inside of Russia.

Back as far as World War II there were interceptions and copying of foreign mail by the United States government and in an official role I then filled some of this passed through my hands.

The Post Office knew of this, obvious. The Post Office knew of covers it permitted to the other agencies. The Post Office, through its inspectors, also served the Commission as part of its investigative staff.

My purpose here is not to treat the subject exhaustively but to indicate what I hope you will ~~agree~~ agree is more than enough to lead to the belief that the Commission members and staff and all the federal investigative agencies involved knew of the common practise of covering all the mail of which Oswald's was part, some knew of the interception, all knew of the need to investigate this, and you now tell me that in the enormity of the Commission's files there is no single mention of this? I remind you again that the National Archives set up the files and if I remember correctly also supplied the file clerks to the Commission.

I am interpreting your words to mean this because if I did not, your having written "We know of no documents in our custody that relate to the subject" would then mean you intend ambiguous language, deception.

If it is possible to believe that the CIA deliberately withheld from the Warren Commission the fact that it personally was intercepting this very mail; and if it is possible to believe that the FBI neither had knowledge of this or suspicion of it; it is not possible to believe that no member of the Commission, no member of its staff and the Post Office did not have knowledge and did not have the obligation to report and pursue that knowledge. Given the political beliefs and practises officially attributed to Oswald it is less possible to believe any of this.

I therefore believe that it was possible for my request to have been responded to more unequivocally and that if the proper ~~men~~ members of the Archives staff had been consulted and if the proper files had been searched some record of cover and interception of Oswald's mail, whether in Commission papers or those of the executive agencies, have to exist "in documents in our [your] custody that relate to this subject."

of
My request dealing with the names "Martin Bray, friends/of the families of those
~~lost~~ lost in the submarine Thrasher or Thresher and the "endix company was not
limited to a search under each of these proper names. Your letter is explicit in
saying that "No documents are filed under this name."

How they are filed I have no way of knowing. But I do know that there are other
and rather obvious files in which, had there been no entry under the names, items
of this nature could and should appear.

The relates to a reported threat to kill the President. (I do not believe I told
you it was addressed to the Secret Service. You say you checked its name index~~/~~ only.)
The Commission did maintain a log of incoming mail and it did have two-way communication
with the executive agencies and it did inquire into threats to kill the President.

I do not believe that the simple checking of a name file is an adequate search,
I do know that your staff knows of other files that should have been check, and this
appeal is intended to cause the kind of search that could and should have been made
to begin with in the other files that it was known should have been searched.
and it did communicate on this subject with executive agencies.

Your invitation that I "use our research facilities, as you have in the past,"
while it follows the foregoing, need not relate to it alone and I do not take it to.
However, when the researcher is not permitted to examine the stored files, when as in
the past documents I have seen and requested copies of have been withdrawn, when I have
been told that those of which I have asked copies do not exist after I've seen them,
and when the cost of travel is prohibitive (if less so that for an American living
in Hawaii or Alaska), I do not believe the invitation, no matter how well it may
be motivated, in any way reduces your obligation^{under the} to provide me with copies of documents
I have identified. Nor do I believe that "There is no comprehensive index to the
records of the Commission" is responsive or meets your obligation because you set those
files up and have been working them over regularly in the decade that they have been
in your physical possession.

You do not even refer to checking the card index the Commission began to make
and that you have, as I recall it consisting of some 6,000 names before the investigation
of the assassination of a President went on an economy binge.

Your (2) reads, " Information concerning declassifications and 'whether any documents are still withheld' you requested in your letter of May 14, 1975. We responded to your requests in our letter of June 17, 1975."