

Levi Pennington

People

---

4-24-1948

## Pennington to Kenneth Eichenberger, April 24, 1948

Levi T. Pennington

Follow this and additional works at: [https://digitalcommons.georgefox.edu/levi\\_pennington](https://digitalcommons.georgefox.edu/levi_pennington)

---

### Recommended Citation

Pennington, Levi T., "Pennington to Kenneth Eichenberger, April 24, 1948" (1948). *Levi Pennington*. 283.  
[https://digitalcommons.georgefox.edu/levi\\_pennington/283](https://digitalcommons.georgefox.edu/levi_pennington/283)

This Book is brought to you for free and open access by the People at Digital Commons @ George Fox University. It has been accepted for inclusion in Levi Pennington by an authorized administrator of Digital Commons @ George Fox University. For more information, please contact [arolfe@georgefox.edu](mailto:arolfe@georgefox.edu).

April 24, 1948.

Kenneth L. Eichenberger,  
Better Book & Bible House,  
420 S. W. Washington St.,  
Portland 4, Oregon.

Dear Friend:--

Let me thank you for the privilege of reading the brief for the appeal of the Hagel case to the Supreme Court. I am returning the book under separate cover.

The brief clears up some matters on which I had had a somewhat hazy idea, but it raises as many questions as it answers, it seems to me. Of course nobody is under any obligation to answer any of them to me, even if I asked for an answer, which I do not. But such questions as these are in my mind, unanswered:

Why was the prosecution so strenuously opposed to a change of venue? And did not the presiding judge, no matter how fair himself, realize the many exceptions that could be taken and the danger of reversal if the trial were held in that county, with the regular judge as the chief prosecuting witness? Was it not clear that a fairer trial could be had in some other county? Why was it decided to make no real defence, and then appeal to the supreme court for a reversal? Could not the appeal have been made as well on those grounds if the case had been fought to a finish? It has seemed to me all the time that a better case could have been made, with more chance for reversal, if a fight had been made against every juror who had ever served under the judge who was the complaining witness, a thorough cross examination of every witness, and all that sort of thing. Of course I am not a lawyer, and it is evident that the case was handled in the way that the attorneys deemed best. Why was the judge permitted to "beat up" Mr. Nagel, to threaten him and abuse him and intimidate him, with officers sworn to enforce the law present and able to prevent it? Why was the little girl frightened if there was nothing more than a matter of clothing in disarray? Why was there no effort of the part of the state to prove all that the indictment charged? (Manipulation.) Why was testimony admitted in regard to Mr. Nagel's confession, when it was so evident that it was not willingly and voluntarily given? Who was it a week (I think that was the statement) before Mr. Nagel had a physician make an examination as to the bruises he had received at the hands of the judge? And so on and on and on.

I suppose nobody knows what he would do under torture, abuse, and threat to his life. It is extremely unfortunate when any man confesses to a crime, under any circumstances. Whatever the conditions, there are plenty of folks who will say, "Why did he confess to a crime he did not commit? I'd be drawn and quartered before I'd admit a thing of that sort if I had not been guilty?" Maybe they would -- there are folks who have been tortured to death when a confession to far less

than the crime with which Mr. Nagel was charged would have saved them. But whether guilty or innocent, I do not see how the testimony concerning his confession should have been admitted by the court.

Since the case did come to trial, all of Mr. Nagel's friends will wish that he had had a fair trial and an acquittal. As it is, I suppose that the best that can be hoped is a decision to have the case retried, in some other county, when the whole thing will have to be done over. And the record of a conviction, no matter how unjust, will be a serious handicap to Mr. Nagel as long as he lives.

Again thanking you for the privilege of reading this brief, and with best wishes, I am

Sincerely your friend,

Levi T. Pennington.