

FBI

REC 45

Date: 11/21/68

Transmit the following in _____
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Via AIRTEL _____
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TO: DIRECTOR, FBI (62-109060)

FROM: SAC, NEW YORK (89-75)

SUBJECT: ASSASSINATION OF PRESIDENT JOHN FITZGERALD
KENNEDY, NOVEMBER 22, 1968.
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: *en copy*

1. Two typewritten pages captioned "Richard Von Kleist" 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.

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.

Data re Nagell previously sent AG (105-17522) re GONZALES. 1/20/68

EX-102

REC 45

62-109060-663

- 3-Bureau (Encls. 4)
 - 1-Dallas (89-43) (Encls. 4) (INFO)
 - 1-El Paso (Encls. 4) (INFO)
 - 1-New York
- JJA:mg
(6)

10 NOV 22 1968

*File cc in main
64-489338*

C.G. Bishop

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

59 DEC 3 - 1968

NY 89-75

4. A newspaper clipping from the Washington Post, dated 10/25/68, concerning NAGELL's release from East Germany.

RICHARD CASE NAGELL personally appeared at the NYO of 11/19/68, and stated that he had given the information contained in number one above to SAS EDWARD J. MURPHY and LAWRENCE GORMAN 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.

NAGELL said he obtained copies of these typewritten pages from his friend ARTHUR G. GREENSTEIN, Wilmington, Delaware, (telephone number 302-654-8831) on 11/10/68. GREENSTEIN informed him that he received the information from DONALD FENSTERWALD (assistant of JAMES GARRISON). FENSTERWALD reportedly received the information from either GLADYS T. ROUTH, Los Angeles attorney or RICHARD VON KLEIST, a resident of California. They allegedly received the information from ROBERT CLAYTON BUICK 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 DAVID J. REID 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 58 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.

November 14, 1968

Mr. Milton Greenstein
Business Office
New Yorker Magazine
25 West 47th Street
New York, N. Y. 10036

Dear Mr. Greenstein:

Subsequent to my return to the United States from Switzerland on November 2, I was apprised of a number of patently distorted and untrue references to me printed in the July 13 issue of the New Yorker. Such references are contained in an article titled "A REPORTER AT LARGE," by Edward Jay Epstein, which purports to be a critique of the New Orleans investigation into the death of President Kennedy. They may be found on pages 58 and 59.

Thus far I have been unable to ascertain Mr. Epstein's sources of information, though it appears that one of them may very well be a conglomeration of fact and fancy which was printed about me in the January 1968 issue of Ramparts magazine. An inquiry has determined that Mr. Jim Garrison, the Orleans Parish district attorney, did not furnish Mr. Epstein with the falsities he has written about me. And if Mr. Epstein obtained the ingredients for his fable from Mr. William R. Martin, whom the Agency assigned to Latin American operations, then I think he should be informed that Mr. Martin has every reason to grind a personal axe in this affair. This, however, if it is the case, does not relieve Mr. Epstein from his responsibilities as a reporter anymore than it relieves the New Yorker from liability in publishing his tales.

Following are some facts which might best be considered by the New Yorker, particularly if I must seek remedy in this matter through litigation:

On September 20, 1963, I was arrested at El Paso, Texas, and charged with having entered a federally insured bank with intent to rob and with having attempted to commit robbery in violation of Section 2113 (a), Title 18, U.S.C.A. (the charge of "attempt" was eventually dropped by the government). Specifically, I was accused of being "intended" to take by force and violence one hundred dollars worth of travelers checks. After two trials, held in May 1964 and September 1966, respectively, I was twice convicted and twice sentenced to a maximum term of ten years in custody of the Attorney General. Most of my ensuing confinement was spent in the El Paso County Jail and at the U.S. Penitentiary, Leavenworth, Kansas. Prior to each trial I was sent to the U.S. Medical Center for Federal Prisoners, Springfield, Missouri, for a psychiatric examination to determine my mental competency to stand trial. At the time Mr. Martin interviewed me in 1967, I was at the aforesaid institution for a similar examination as a result of my having been referred for parole. I was not sent to the S.M.C.F.P. for psychiatric treatment, nor did I receive any. On each occasion a medical determination found me quite mentally competent. Also, before each trial on the merits a judicial determination found me mentally competent to stand trial. And, it is hardly accurate reporting to classify the U.S. Medical Center for Federal Prisoners as an "institution for the criminally insane," as Mr. Epstein has done. I might add that I have never in my life been certified insane by any medical authority or have I ever been adjudicated mentally incompetent in a court of law, notwithstanding the conflicting legal and medical opinions as to my mental status on the date of the alleged offense over five years ago.

62-123600-112

On April 29, 1966, the U.S. Court of Appeals for the Fifth Circuit directed a judgment of acquittal in my case due to the insufficiency of the evidence presented by the prosecution and following a routine delay I was released from custody on April 29. Shortly thereafter I departed the United States for Switzerland, and, as the enclosed copy of an AP dispatch indicates, I ended up in an East German prison after having been arrested during a train trip to West Berlin. I mention the latter simply to show why I was not apprised of the New Yorker article before now.

Continuing with Mr. Epstein's references to me: I have never claimed that I had purposely got myself arrested in order to provide myself with "an alibi" for my "involvement in the assassination conspiracy." The only times that I have ever given even a partial explanation for my conduct on the date of the alleged offense was in a signed statement given to the Federal Bureau of Investigation on January 6, 1964; at my first trial in May 1964; and in a handwritten testimony dated September 19, 1966, which I had proposed to read at my second trial, but which, instead, was given to a relative for safekeeping when I was told that I would not be permitted to testify. Regarding the first instance, I shall leave it up to the FBI to disclose the contents of my statement, if it so desires. The second instance is adduced to in the appellate court opinion reversing my first conviction, namely, that "I thought it (my arrest) 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." In the third instance I wrote, "The reason I did what I did in the bank three years ago was for the sole purpose of having myself arrested and detained temporarily by federal authorities."

I have never stated that I was involved in what Mr. Epstein so loosely refers to as "the assassination conspiracy," obviously alluding to Mr. Garrison's findings. The closest that I ever came to Mr. Epstein's fancy was in the aforementioned handwritten testimony (written before Mr. Garrison initiated his investigation) in which I stated: ". . . I feel it pertinent to advise the Court that such testimony will necessarily link me, however obliquely, with a domestic-inspired, domestic-formulated and domestic-sponsored conspiracy to assassinate a Chief Executive of the United States and other highly-placed government officials. But I want it to be clearly understood that this link stemmed from my cognizance of the conspiracy rather than my participation in it."

Regarding Mr. Epstein's next reference, ". . . that his part in it, he said, had been to kill Oswald, who was the 'patsy.'" On June 6, 1967, I informed Mr. Martin, precisely as I had informed proper authority on September 13 or 17, 1963, that I had received instructions to "take care of" Lee Oswald, that is, to kill him, in September 1963. I refused to elaborate on this matter to Mr. Martin. I gave substantially the same information to Mr. Garrison at New York on May 14, 1968, without elaboration. I have never stated to anybody that I was instructed to "shoot" Mr. Oswald or that I was instructed to kill him "after the assassination," as Ramparts, the New Yorker and time magazines have either claimed or indicated at one time or another.

Regarding Mr. Epstein's next reference, to brain damage that I allegedly sustained in an airplane crash "in 1957": On November 28, 1954, I survived the crash of a 5-25 bomber near Friendship International Airport, Baltimore, Maryland. I was hospitalized for a concussion and other injuries at Bolling Air Force Base and at Walter Reed Army Hospital. Subsequent to my recovery several months later I appeared before a Medical Board and was returned to full military duty, which, at the time, was a counter-intelligence assignment. Further, in September 1955 I was granted a final-type security clearance of Top Secret after a thorough investigation which included both a physical and psychiatric examination and a perusal of my medical records. I shall stand by the following excerpt taken from a Report of Psychiatric Examination dated June 17, 1956, signed by Joseph F. Alderete, M.D., Chief, Neuropsychiatric Service, U.S. Medical

Center for Federal Prisoners (which is supported by five psychiatrists and neuro-psychiatrists then in residence at the U.S.M.C.F.P., Drs. Pinsky, Buschman, Hildrith, Moreau and Parlato. "I can point out that on the basis of my examination and my laboratory findings including an EEG and psychological testing, that I did not find any evidence or finding suggestible of brain damage."

To continue: I have never stated or "insisted" that I "had proof of the conspiracy in the form of tape recordings stashed away in a steamer trunk in California. When Mr. Garrison's investigation was made public I informed him in writing and through a relative that a friend of mine had in his possession an item of physical evidence which would substantiate the existence of a conspiracy to murder the President during the latter part of September 1963. To Mr. Martin I stated verbally that the item was my property, that it consisted of a small, composite recording tape being kept for me by a friend, which, when played, would reveal four voices, one of them belonging to Mr. Oswald. I further stated to Mr. Martin that the beginning of the conversation recorded on the tape would be in the Spanish language, that it had been recorded at Houston, Texas, between August 23 and August 27, 1963, and that the balance of the conversation was in English. It was Mr. Martin who advised me, in writing, that my friend had told him that the aforementioned "item of physical evidence" was the subject of a burglary sometime in 1964. And, I have never made the statement attributed to me by Mr. Epstein, that "They've stolen the tapes."

Lastly, I have never made any statement to the effect that "the plan was to have him (Oswald) shot as a cop killer in the Texas theatre while resisting arrest." In this regard Mr. Epstein has taken the liberty to claim "the whole thing was one of Nagell's tales."

Needless to say, I am asking for a retraction of Mr. Epstein's allegations and innuendoes concerning me and I request that it be set forth in the same publication that printed Mr. Epstein's tall tale.

Very truly yours,

Richard C. Nagell

Richard C. Nagell

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had been a C.I.A. courier, and that he had delivered fifty thousand dollars to a man who was "a dead ring" for "Oswald" in Mexico in 1962 and had received a hundred-and-fifty-thousand-dollar "pickup" from David Ferric in 1958. He said, further, that he would like to work as an investigator for Garrison. Norton was immediately brought to New Orleans from Vancouver, where he was living at the time, and was interrogated by Garrison's pseudonymous intelligence expert Bill Boxley. Though Norton was more than willing to identify Oswald, Ferric, and even Shaw as C.I.A. agents, his story contained so many contradictions and implausibilities that Boxley and other staff members concluded that he would be totally ineffective as a witness. (It was later revealed that he was a convicted bank embezzler with a prison record.) But even though Norton was turned down in July as a possible court witness, Garrison referred to him as a "secret witness" in the interview that appeared in the October issue of *Playboy*. "We have evidence that Oswald maintained his C.I.A. contacts... and that Ferric was also employed by the C.I.A.," he announced. "In this regard, we will present in court a witness—formerly a C.I.A. courier—who met both Ferric and Oswald officially in their C.I.A. connection." This "courier" was subsequently identified by a member of Garrison's staff as Norton.

Another witness who was found in the mail—the one with Professor Popkin's assistance—was Richard Cape Nagell, an inmate of a federal institution for the criminally insane in Springfield, Missouri. Nagell had been arrested while he was attempting to rob a

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bank in El Paso in September, 1963, and had been in prison. After the assassination, he claimed that he had purposely got himself arrested in order to provide himself with an alibi for his involvement in the assassination conspiracy; his part in it, he said, had been to kill Oswald, who was the "patsy." Although the court records indicated that Nagell had suffered brain damage in an airplane crash in 1957, Garrison thought his story worth pursuing, and sent a former assistant district attorney, William R. Martin, to Missouri to question him. Nagell insisted that he had proof of the conspiracy in the form of tape recordings stashed away in a steamer trunk in California. When no recordings could be found, however, Nagell told Martin, "They've stolen the tapes," and refused to discuss the matter any further. Though Nagell, like Norton, was rejected as a court witness, Garrison continued to use Nagell's story to bolster his case in public. Explaining Oswald's role as a patsy in the conspiracy, Garrison stated in his *Playboy* interview, "We have evidence that the plan was to have him [Oswald] shot as a cop killer in the Texas Theatre while resisting arrest." Garrison said he was unable to judge the evidence at the time, but the whole thing was one of Nagell's tales.

Another confidential witness with whom Garrison has spent a good deal of time is a Dallas ex-convict who was recently under suspicion in Texas for attempted murder. According to Thomas Bethell, this witness "drops into the office at fairly frequent intervals and readily identifies almost anyone you show him a photograph of." He has proved more cooperative than accurate. Of thirteen new witnesses found through the mail or with the help of the Irregulars assisting Garrison, nearly all have turned out to have criminal records or to have been under psychiatric care.

The "mailbag," as all of the unsolicited tips and offers to testify are called around the District Attorney's office, has led to one arrest. William Turner, the *Ramparts* staff writer (and a former employee of the F.B.I.), ran across an anonymous letter alleging that a Californian named Eugene Bradley had once made inflammatory comments on President Kennedy. Checking through a file he keeps on right-wing extremists, Turner found an Edgar Eugene Bradley, who raised funds for a radio program called "20th Century Reformation Hour," and who happened to have

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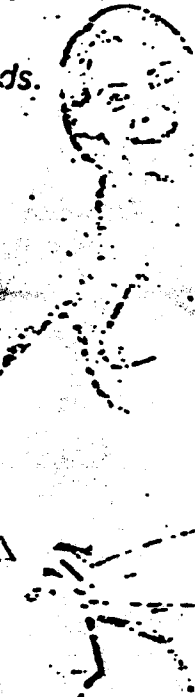
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Richard Case Nagell

(Copied verbatim as dictated)

Hotel Luna, Mexico City, July 1963

Parties included in plot were Alex Hydell, otherwise known as Lee Harvey Oswald; a female attorney who is well known Communist in Los Angeles (blond, about 35 years age at that time); hotel headwaiter, Frity, first name unknown, who owned a launch believed to be shuttling between Mexico and Cuba. Also believed to be involved - Warren Brogie, hotel chain manager; and Richard Case Nagell, former Captain, U.S. Army, associated with Counter Intelligence in Japan in 1959. Barbara Warren was involved with Alex Hydell and Brogie at the time scheme was planned.

Nagell sent letter to J. Edgar Hoover warning him of plot against Kennedy and naming Alex Hydell as one of the assassins. Hydell was not known to Nagell as Lee Harvey Oswald.

The copy of the letter Richard Case Nagell wrote to J. Edgar Hoover on August 13, 1963, informing him of Oswald's plan to kill Kennedy is being held by Nagell's sister, Eleanor Gambert, 7225 82nd Ave., Long Island, N. Y. * The letter contains information about Oswald, who was named and referred to as Alex Hydell, and advises Hoover that Kennedy would definitely be killed.

The history of Richard Case Nagell is important. While a member of Counter Intelligence in Tokyo, he was dealing with a Soviet attache officer stationed with Russian Embassy in Tokyo at that time. He was approached several times and was

Spelling?

See page 72

Rice

7-68

7225 82nd Ave

Ricard von Kleist

12

said to have dealt with said Russian officer as to vital information (classified).

A year or so later Nagell, while working for California Alcohol Beverage Control, was shot through the right chest when involved with a Los Angeles police officer because of Communistic implications. He survived gunshot wound and took off to Mexico or Cuba in launch owned by Frity of the Hotel Luna. All of this is and was known by J. Edgar Hoover and FBI.

Nagell was later arrested in El Paso for bank robbery after discharging a firearm in an El Paso bank. He was in Leavenworth Federal Prison for 2½ years and was later brought to El Paso for an appeal. Appeal was denied. From there he was sent to Springfield, Missouri (Federal Prison) and is believed to still be there-(How listed as mental patient?)

Further information coming on Barbara Warren and a Dr. Fujiyama.

E. Germany Frees U.S. Ex-Officer

BERLIN, Oct. 24 (AP)—East Germany has released a former U.S. Army captain it held for four months.

Informed sources said Richard Case Nagell, 38, was detained at a border-crossing point between East and West Berlin yesterday in the presence of East Berlin attorney Wolfgang Vogel; attorney Ricey S. New of Washington and an official from the U.S. Mission in West Berlin.

A U.S. spokesman said Nagell left by plane today for the United States. Nagell was described as a Californian and a former U.S. Army captain who left the service in 1959. In 1954, he was the sole survivor of an airplane crash near Friendship Airport that killed five servicemen.

Informed sources said Nagell was taken off a train by the East Germans four months ago while he was on his way from West Germany to West Berlin through East Germany. Apparently he made some remarks which the East Germans considered derogatory, the sources said.

Arrangements for Nagell's release were handled by Vogel, New, West Berlin attorney Juergen Stange and various government officials, the sources reported.

The U.S. Mission had not disclosed that Nagell was being held. He was not brought to trial and appar-

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Rumania Vows To Defend Its Independence

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BUCHAREST, Oct. 24—Deputy Defense Minister Col. Gen. Ion Gheorghe today reaffirmed Rumania's loyalty to the Soviet Union but warned that the Rumanian army is ready to defend the country's independence and sovereignty. Rumania has a strong and well-trained army "profoundly devoted to the homeland and the people," the minister declared in a speech marking Armed Forces Day here.

Gheorghe said foreign policy centered on friendship and cooperation with the Soviet Union and its other Warsaw Pact allies. Rumania is firmly determined to strengthen its political and military alliance with the socialist countries and fulfill its duties as a member of the Warsaw Pact, he added in a speech reported by the Rumanian news agency Agerpres.



United Press International
 o the Soviet Union after leaving Czechoslovakia.

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trains carrying Soviet troops with flags and angry and tanks toward the chants.