

Nagell overflow file

Why didn't the Warren Commission or the House Select Committee on Assassinations call on ex-intelligence officer Richard Case Nagell to testify before them? Were they afraid of the devastating story he had to tell, a story that would not only have challenged their findings but most likely would have destroyed most of their conclusions?

Here, for the first time, is the story of

THE MAN WHO HAD A CONTRACT TO KILL LEE HARVEY OSWALD BEFORE THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

Investigative report by Richard Russell with Dave Navard

"Richard Nagell is a name which is totally unknown to the American public. Yet, a few years hence, it may be very familiar to any schoolchild as the person who 'broke' the JFK case.

"Despite the fact that he was ignored by both the Warren Commission and the House Assassination Committee, Nagell is probably the key witness who knew the details of the genesis of the assassination and who is still alive.

"To stay healthy, Richard Nagell must tread very softly."

— Bernard Fensterwald, Jr.
Washington attorney

Late on the afternoon of September 20, 1963, a man described in the next day's newspapers as a 33-year-old "battle-scarred Korean war hero" walked into the State National Bank of El Paso, Texas, and approached a teller for one hundred dollars in traveler's checks. Suddenly, he reached inside his sport jacket, drew a Colt .45 pistol from his belt, turned, and aimed two shots

into a plaster wall just below the bank's ceiling. Then, as casually as he had entered, he moved out the door toward his car in a nearby alleyway. By the time a young policeman closed in to arrest him, he had backed the car onto the sidewalk and was calmly motioning for a pedestrian to pass. "I guess you've got me now. I surrender," the man said, and raised his hands.

Because a firearm had been discharged on federal property, the El Paso FBI was alerted. It sent two agents to the scene. In the apprehended man's wallet, the agents found a U.S. military certificate. In one of his pants pockets was a mimeographed newsletter from a Los Angeles chapter of the Fair Play for Cuba Committee. "Why don't you check my car and get that machine gun out of my trunk?" he was reported to have remarked. There was no machine gun; what the FBI found were two briefcases.

On the way to the El Paso Federal Building for further questioning, the

man issued only one statement to the FBI: "I would rather be arrested than commit murder and treason."

I first heard the name Richard Case Nagell in the summer of 1975. I was researching a possible book on the assassination of President Kennedy, wading through the voluminous reports of the Warren Commission, following many torturous trails of conspiracy evidence, and running into as many dead ends. Early that summer a California philosophy professor and Warren Commission critic named Richard Popkin began announcing to anyone who would listen that he had "solved the Kennedy assassination." Like a number of other journalists, I flew to San Diego to see what, if anything, Popkin had discovered.

It quickly became difficult for me to separate fact from fantasy; most other journalists there had given up trying. Popkin had two complete scenarios on the assassination. The main one, supported by hundreds of pages of transcripts from a Filipino hypnotist, involved a young Puerto Rican who'd allegedly confessed to being a "robot gunman" or "zombie killer."

The professor's alternate scenario, concerning an American spy named Nagell who'd been connected with the President's accused assassin Lee Harvey Oswald and who came in from the cold by getting himself arrested, was dismissed at the time as the flip side of Popkin's mystifying "solution."

Doubtful about which master he was really serving, unable to kill a man and then face life abroad without his children, Nagell chose instead to get himself placed in federal custody. The letter to Hoover had been sent. He had done his duty. Or so he believed.

It was several months before I paid much notice to a pile of Xeroxed material I had carted home from San Diego. Included was a photocopy of the pages of a small brown spiral notebook, which according to Popkin had belonged to Richard Nagell. I turned the pages and scanned the names. The pages were filled with locker numbers, lists of theaters and restaurants alongside specific dates and times in a variety of locations in the U.S. and Mexico. I had read that such notations are often used to indicate intelligence rendezvous points, either for the drop and pick-up of information or for clandestine contacts.

The notebook contained names of congressmen, attorneys, American leftists, officials in Far East governments, a Soviet military attaché, six names under the heading "C.I.A.," and two listings for the "Fair Play for

Cuba Committee." I began becoming more interested in this aspect of Popkin's theories, as well as in the man who'd kept the notebook. As Professor Popkin had related the story, the notebook had been among the effects taken from Richard Nagell's trunk that September afternoon in El Paso, 1963, and held for 11 years by the FBI.

One entry in particular rang a bell:

C.E. MEXICO D.F.

PHONE:

11-28-47

I played with the initials "C.E." Were they a person's name? Perhaps "Cuban Embassy." The entry went on:

MEET

JUFER REST

CALLE VERSALLE

LAREDO, TEXAS

Two months and two days after this notebook was seized from Richard Nagell, remarkably similar listings had been found in the address book of Lee Oswald: names of American leftists, a Soviet Embassy official, and Cubans. Even the number of the Cuban Embassy in Mexico City, which Oswald listed atop one page:

Mexico City

Consulada de Cuba

Zamora Y F Marquez

11-28-47

Sylvia Duran

One week after Nagell was arrested, Oswald had, according to the Warren Commission, tried and failed to obtain a visa to Cuba at the Cuban

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The September 21, 1963 El Paso Times story of Richard Nagell's arrest. Nagell, at right, is captured, September 20. Unsure of where his orders to kill Oswald were coming from, Nagell mailed a letter to the FBI telling about the plot to kill the President, then fired two shots on federal property. In custody, he waited for federal authorities to discover his evidence of conspiracy, but that discovery did not come.



Fires Two Shots As Clerk Flees from Counter

By RAMON VILLALOBOS

old battle-scarred Korean war hero, armed with a daring but unsuccessful attempt to rob the State Bank at 4:30 p.m. Friday, firing two shots as he ran.

Identified through military papers found in his trunk, C. Nagell, was arrested by Policeman Jim

get away

he had

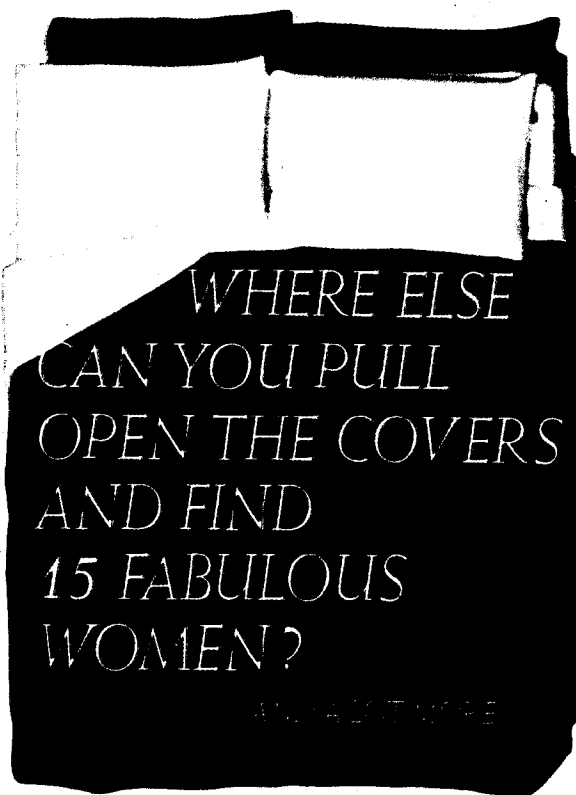
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CONTRACT TO KILL OSWALD

(continued from page 38)

Embassy in Mexico City. He had, said the Commission, traveled into Mexico by bus from Laredo, Texas.

Perhaps the similarities were coincidence. But I went through more of Popkin's material and found two sets of FBI reports, both filed in the National Archives under "Lee Harvey Oswald: Internal Security—Russia." The first series was dated December 20, 1963:

RICHARD 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 was "purely social" and that he had met him in Mexico City and in Texas. . . .

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.

An FBI report bearing a date of January 30, 1964 contained two statements. One came from an El Paso Secret Service agent named Oscar G. Weisheit, Jr., who advised that a Dallas Secret Serviceman had shown a mug shot of Nagell to Oswald's wife on January 18. Marina Oswald responded that she had never seen him, nor did she know anyone by his name or aliases.

The second segment of this FBI report read:

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

According to the *Times* article, "RICHARD 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 U.S. District Judge HOMER THORNBERRY 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."

The FBI had obviously shown some interest in Nagell and his alleged connections with Oswald, yet I found that there was no mention of Richard Nagell in the Warren Report or even in the 26 volumes of Warren Commission documents. Nor is there any indication that the Commission was ever made aware of the existence or contents of Nagell's notebook.

Nagell had tried, in a letter dated March 20, 1964, and written by him from the El Paso County Jail to the Warren Commission's Chief Counsel:

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?

On April 16, 1964, Nagell made another attempt. This time, he wrote to J. Edgar Hoover:

My responsibility concerning the then prospective action of Lee H. Oswald [alias] (Albert Hidell) terminated with the dispatch of the registered letter from Richard Nagell to the FBI in September 1963.

Since the information disclosed in that letter was judged to be mendacious by the FBI, as is quite evident, then with whom the responsibility lies for what subsequently happened in Dallas is rather obvious. . . .

I had seen enough. Nagell was making strong allega-

tions that seemed to have basis for investigation. And apparently no other journalist had delved much into this new angle on the assassination. I flew to El Paso in early October 1975, to sift his clues at their point of origin.

My first stop was the newspaper morgue of the El Paso Times, where the faded clip files on the mysterious stranger and his bizarre "attempted robbery" began with a banner headline in a morning edition of Saturday, September 21, 1963: "VETERAN TRIES DARING BANK HOLDUP." The article stated that detectives and FBI agents going through Nagell's suitcase had found records showing an 11-year career in the Army, highlighted by three Purple Hearts and a Bronze Star in Korea, and an honorable discharge in 1959 with the rank of captain. Nagell had told the agents he'd entered the Army as a buck private and was in line for promotion to major when he was discharged, and that he was fluent in Russian, Japanese, and Spanish. The article continued:

His army papers disclosed Nagell had graduated with honors from the Army Military Intelligence School, from a special leaders course, and had served in the counterintelligence corps (CIC). He has records showing he had been given top security clearance on September 22, 1950.

In one of his commendation certificates was a notation that Nagell was a "perennial calm and levelheaded officer of superior intelligence"....

I found more biographical material in Nagell's trial records. Raised in an orphanage and foster homes, he had joined the Army in 1948 at age 18. During the Korean War, he had been the youngest American to receive a battlefield promotion to captain. By 1958, according to his lawyer's summation, he had been "loaned" by Military Intelligence to "another intelligence agency" for assignments in Hong Kong, Formosa, Korea, and Japan. Then, at the American Embassy in Tokyo, he had married a Japanese woman. Late in 1959, at his wife's urging, he had resigned his commission and returned to the United States to work for the State of California. In 1962, amid marital troubles, he had suddenly left his job, wife, and two children behind and traveled to Mexico City. That was as far as the court chose to trace his history, until his appearance in September 1963 in the El Paso bank.

I interviewed Nagell's arresting officer, his jailer, his defense attorney, and the man who'd prosecuted him.

Officer Jim Bundren recalled going through the trunk of Nagell's car with an FBI agent and finding a tiny Minolta camera, "pictures of top security places in Korea," and a couple of small spiral notebooks. "The names in them were government officials that didn't mean anything to me," Bundren told me. "The FBI kept the notebooks, but they shut it up pretty quick. Washington or where, I don't know."

Nagell told Bundren that he'd wanted to get caught and be put in federal custody.

"Did he ever mention the name of Lee Harvey Oswald to you?" I asked.

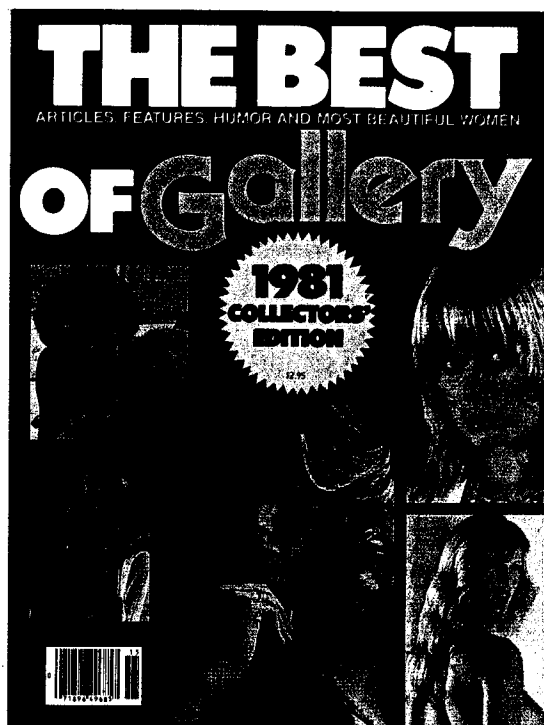
"It's hard to correlate everything now. Oswald's name came up. I honestly can't tell you whether he mentioned Oswald before or after the assassination, but it came up."

I next asked Fred Morton, the former Assistant U.S. Attorney who had called for recurring "sanity tests" for Richard Nagell, about the notebook.

"Yeah, he had a notebook with him, in his belongings. I don't know if it was offered in evidence. The only thing I remember about specifics is that it had the address of that Fair Play for Cuba Committee that Oswald was associated with. I don't know whether they wanted free rum or what."

"Did you ever see that notebook?" I asked.

"I think I did, but I don't remember for sure. I don't



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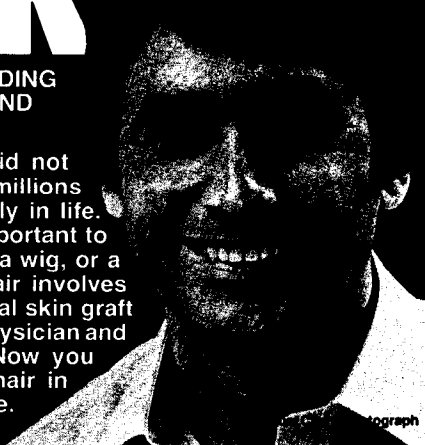
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know if anybody gave a damn."

Then Morton began to laugh. "When we got to trial, his own lawyer asked him if he was a Communist. [Nagell's court-appointed lawyer] Joe Calamia's tactic was to make a wreck out of the guy in the courtroom, try to show that he was crazy. That was his defense. Nagell didn't want to assert that defense, Joe did it in spite of him; Joe and I kidded about it since. The guy was really as calm as tea and crumpets. But when Joe got asking him this stuff, he objected at least twice to his own lawyer's questions. Finally he broke down, and Judge Thornberry had to call a recess.

"But Joe got him off. It took a long time, but he got him off."

"A long time" was an understatement. In January 1964, Nagell had been transferred to the United States Medical Center at Springfield, Missouri for psychiatric evaluation. In March he was reported competent to stand trial and sent back to El Paso. *U.S.A. vs Richard Nagell* began on May 4, 1964. Two days later, after brief deliberation, the jury returned a guilty verdict on two counts of entering a bank with intent to rob. Judge Homer Thornberry handed down a maximum term of 10 years.

A month after Nagell's conviction, attorney Calamia entered an appeal based on "crucial evidence newly discovered": alleged brain damage suffered by Nagell in the 1954 crash of a B-25 bomber near Baltimore's Friendship Airport, a crash which he alone had survived. In January 1966, Nagell's conviction was overturned and a new trial began the following September. Again Nagell was found guilty and given the same sentence. Finally, on April 4, 1968, the U.S. Court of Appeals reversed the conviction once again, "in view of strong evidence that defendant was insane at time of offense." After 4½ years behind bars, Nagell was set free.

It didn't add up. Despite considerable evidence to the contrary, there seemed to have been an effort to discredit Nagell as either a would-be bank robber or a madman. Somehow I would have to speak with him directly. All I had to go on was a Los Angeles address scrawled across a page of Popkin's notes. Assuming it was Nagell's, and that he still lived there, would he allow me to interview him?

It was an autumn Sunday morning when I eased a rented car onto the south freeway and toward the outskirts of Los Angeles, through the little towns that line the Pacific seacoast. In one such town, not far from the ocean, I hoped to have tracked him down.

As I rang the bell a third time at a

modest wood-frame house, the handle turned and the front door opened slightly. Half of a man's face formed a silhouette against the darkness within.

"Mr. Nagell?"

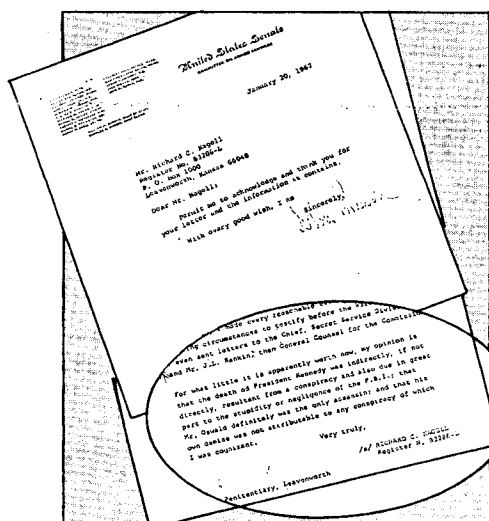
"Yes."

"I'm sorry to show up unannounced like this, but I didn't know how to reach you by phone. I'm a writer from New York, and I've come a long way to see you. I'm looking to set the record straight about a certain historical event and . . ." I felt foolish, and only silence answered me. "I know you've been screwed around by a lot of people over the years. All I can assure you is, I'm looking for the truth."

"I don't know. I'm very busy today. . . Well, all right, come in."

The door opened to reveal a lean man—perhaps six-foot-two—with light brown eyes and close-cropped, reddish brown hair. He would be 45, I calculated.

Nagell told me I'd come at an opportune time; his son was out bike riding, and we could talk until he got back. He preferred that I didn't tape-record the conversation ("I've had some bad experiences with that"), but he began adjusting some dials on an audio sound system beside the front window. "I hope you don't mind," he said, "but I've made a practice of recording all my conversations about this subject. A lot of things have been distorted over the years. And I've learned that this is one means of protecting myself." His bearing was sad, almost stoic.



Senator Richard B. Russell's reply to Nagell's letter from Leavenworth prison in 1967. Nagell had revealed that Lee Harvey Oswald was under his surveillance in 1962 and 1963, that Oswald was "the indispensable tool in the conspiracy" to kill the President, and that Nagell himself had been scheduled to "initiate certain action against Mr. Oswald" before his arrest.

"May I assume that your action in the bank on September 20, 1963 was somehow related to the assassination of President Kennedy?"

"Well, it had nothing to do with any alibi, as some people seem to believe. I didn't have to establish an alibi. I was on my way out of the country, and I did not plan to return. Instead, I walked into a bank and busted two caps."

Nagell said his life had been threatened periodically but that he had "life insurance"—certain documents and photographs being kept in a foreign country. "The material that would be released in the event of my death would prove quite embarrassing to certain people." He said he didn't fear the CIA or FBI so much as somebody on his own deciding to "pull a Jack Ruby."

Nagell disappeared into a bedroom and returned with two letters, which he handed to me without a word. The first was dated January 3, 1967, the day that Oswald's slayer Jack Ruby died in prison. It was addressed to Senator Richard Russell of Georgia, then Chairman of the Committee on Armed Services and a member of the Warren Commission:

. . . 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 ax to grind.

Mr. Oswald and his activities came under my scrutiny during 1962 and 1963.

The letter goes on to say that Oswald had no significant connection with the Fair Play for Cuba Committee, pro-Castro elements, any Marxist or racist group, or 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 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



Lee Harvey Oswald after his capture, on November 24, 1963.

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 FBI 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 FBI. . . .

Attached was Senator Russell's reply, dated 17 days later: "Permit me to acknowledge and thank you for your letter and the information it contains. With every good wish, I am—Sincerely, Dick Russell." (In 1970, shortly before his death, Senator Russell was quoted in the Washington press as believing that "someone else worked with him [Oswald] on the planning.")

The second letter that Nagell handed to me was dated January 8, 1967 and addressed to Senator Robert Kennedy. It contained a carbon copy of the letter to Senator Russell:

Whether the tragedy at Dallas was indirectly or directly resultant from a conspiracy, only time and an unbiased, thorough inquiry will tell. But in either event the matter is now academic. The deed was done; and it could have been prevented. . . .

We talked for a while longer before Nagell stood up to shake hands. "I don't really think I have anything

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more to say today. If you feel the need to contact me again, I'll give you the number of a friend here in Los Angeles. He will always know how to get in touch with me."

I did contact Richard Nagell again. We corresponded (via a post-office box) for six months after I went back to New York. In 1977 I got a job writing for *TV Guide* magazine in Los Angeles; we met several times. Through these conversations, the files maintained by two of his ex-lawyers to which he granted me access, and other research, I have pieced together what I could of Richard Nagell's story.

Perhaps the best place to begin is the mid-1950s, after Nagell's graduation from Military Intelligence School. He then returned to the Far East, scene of his military exploits, as part of a clandestine spy unit called Field Operations Intelligence (FOI). As Senior Intelligence Adviser in South Korea, Nagell admits having participated in political assassinations, kidnapping, blackmail, and counterfeiting operations. Early in 1957, after telling his superiors that he was "fed up" with committing crimes in the interest of national security, he was reassigned to counterintelligence duties in Japan. In Tokyo he first met a young Marine stationed at the Atsugi Naval Air Base, Lee Oswald.

"We had a casual but purposeful acquaintance in Japan," says Nagell. "My relationship with Oswald there, and later in the United States, was strictly with an objective."

From Tokyo, Nagell's path led to Los Angeles and, on August 20, 1962, into Mexico. Taking up residence at Mexico City's Hotel Luma, Nagell reestablished contact with a CIA official he'd known previously in Japan. He signed a contract with the CIA and received an assignment as a "double agent." He would seem to work for the Soviet KGB, but his actual duties would serve the CIA. The Soviets had attempted to recruit Nagell before through a Japanese professor, after Nagell had made no secret of his disenchantment with various U.S. intelligence tasks in the Far East. Now Nagell established liaison with a high-ranking KGB officer in Mexico. His initial CIA mission, he says, revolved around the gathering Cuban missile crisis. He was to feed "disinformation" to the Soviets.

At about the same time, Nagell was given an assignment by the Soviets. Part of the missile crisis agreement was a promise by Kennedy not to seek the overthrow of Fidel Castro. This infuriated the anti-Castro Cuban exiles in America, particularly a CIA-financed group called "Alpha 66." This group was rumored to be plotting the

assassination of Kennedy, a deed they would try to pin on Castro. The KGB wanted Nagell to return to the U.S., to begin surveillance of the Cuban exile community and find out more. On October 21, 1962, he left Mexico City for Dallas.

In his briefcase, Nagell was carrying a photograph given him by the KGB: a picture of Lee Harvey Oswald. While he was in Dallas, the Soviets wanted Nagell to keep tabs on Oswald, who had defected to Russia in 1959 and returned to the USA in 1962 with his Russian bride.

"When he was in the Soviet Union," says Nagell, "they had suspected him as a spy and considered him emotionally unstable, prone to commit some act that could bring embarrassment to them." Since Nagell had known Oswald before, it was felt he could establish contact and surveillance. Nagell is cryptic as to what he found out about Oswald that fall. "He was just being used—by a lot of people, for their own reasons."

Meanwhile, Nagell followed a Cuban exile plot to assassinate the President when he addressed the released Bay of Pigs prisoners in late December in Miami. This plot never got beyond the talking stage, but it was followed by another, to take the President's life when he went to Beverly Hills for the premiere of the movie *PT-109* in June 1963. Again, the plot fizzled, but Nagell continued his surveillance of two Cuban exiles involved, whose "war names" were "Angel" and "Leopoldo."

"Leopoldo" was an ex-CIA operative trained by the U.S. military at Fort Jackson, South Carolina. Though Nagell will not identify him further, he says that his alias was derived from "a now-defunct Mexican restaurant, a sometimes contact point, once located at 3675 Beverly Boulevard in Los Angeles." The other, Angel, "also used the pseudonym 'Rangel' as a surname on at least one occasion." Besides their connection with the Alpha 66 group, according to Nagell they had ties with the anti-Castro organizations MRP in Miami and JURE in Puerto Rico.

Their next attempt to kill Kennedy, originally scheduled for late September in the Washington, D.C. area, involved a third figure: Oswald. The exiles had met Oswald in New Orleans, where he was passing out leaflets for the Fair Play for Cuba Committee. According to Nagell, Angel and Leopoldo convinced Oswald they were "agents for Castro's G-2 intelligence service, operating undercover." They then solicited Oswald's help in assassinating President Kennedy, as supposed retaliation by Castro for

assassination attempts against his own life.

Nagell says he was close enough to this conspiracy to participate in a planning meeting on either August 23 or 27 in New Orleans. He maintains that he secretly recorded a conversation about the assassination among Oswald, Angel, Leopoldo, and himself, and that he gave the cassette to a friend in Los Angeles for safekeeping the following month.

Nagell's next instructions regarding Oswald came from his KGB contact. He was to "try to persuade Oswald that the deal was phony and if this didn't work, and if it looked like things were going to progress beyond the talking stage, to get rid of him."

The Soviets, according to Nagell, were "the last people that wanted Kennedy dead." The nuclear test-ban treaty had just been signed in August. *Rapprochement* between the U.S. and Castro seemed in the offing. An assassination plot seeking to pin the blame on Castro, and utilizing a young man who'd spent nearly three years in the Soviet Union, might conceivably bring the world again to the brink of war.

So, sometime in early September, Nagell met privately with Oswald at Jackson Square in New Orleans. Displaying photos of Angel and Leopoldo, Nagell informed him that they were not Castro agents as they claimed, but "counter-revolutionaries known to be connected with a violence-prone faction of a CIA-financed group."

"He was informed," Nagell wrote later, "that he was being 'used' by fascist elements in an attempt to disrupt the Cuban revolution, and probably to incite the U.S. government to severe retaliatory measures against Cuba (in the form of invasion) etc. He denied that there had been any serious discussion to kill President Kennedy. He seemed genuinely upset and visibly shaken. . . . He stated he was a friend of the Cuban revolution."

Nagell's next action was to dispatch a registered letter to J. Edgar Hoover, revealing the whereabouts and identity of Oswald and his role in a plan "to murder the Chief Executive of the United States . . . during the latter part of September." Nagell says he revealed enough details to warrant the arrests of Oswald, Angel, and Leopoldo.

After dispatching this letter, Nagell says he then met again with Oswald. Oswald was told that a Soviet agent code-named "Oaxaca" wanted to speak to him in Mexico City. He was asked to depart the U.S. before September 26 and register at a certain Mexican hotel. He would be contacted

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there by "Laredo" (Nagell) and introduced to "Oaxaca" the same day.

"He was instructed not to go near the Cuban or U.S.S.R. embassies," says Nagell. "Oswald agreed to do so when he was advised that he would be provided with more than sufficient funds to make the trip to and from Mexico City by plane. He was told where and how he was to pick up the money on 9/24/63, his expected date of departure from New Orleans."

On September 17, Oswald picked up a Mexican tourist card in New Orleans. Nagell had already left the city, carrying a .45-caliber Colt pistol—intended for use on Lee Harvey Oswald in Mexico.

But Nagell was having second thoughts about his orders to eliminate Oswald and then depart the U.S., apparently to take up permanent residence in the Soviet Union. He was no longer certain as to the boundaries of his "double agent" role, and whether his actions were truly for the CIA or the KGB. On September 20, he drove his 1957 Ford into the West Texas town of El Paso. There, at the post office, he mailed three letters. One contained five \$100 bills, the expense money for Oswald's Mexican journey. Then, while President Kennedy was addressing the United Nations about an "atmosphere of rising hope" engendered by the nuclear test-ban treaty, Nagell walked into the El Paso bank and brandished the pistol—which he says he used "consciously as a message to somebody awaiting me across the border in Juarez."

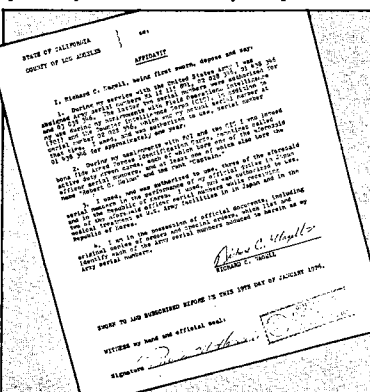
He had decided he could not go through with the KGB's assignment. Doubtful about which master he was really serving, unable to kill a man and then face life abroad without his children, he chose instead to get himself placed in federal custody. The letter to Hoover had been sent. He had done his duty. Or so he believed. Now the FBI would find the evidence in his trunk which would surely indicate he had another motive besides "attempted bank robbery."

While Nagell sat in federal custody, waiting for the FBI to discover the conspiracy, Oswald was on the move. He was last seen in New Orleans on the night of September 24. A Cuban refugee named Sylvia Odio told the Warren Commission that he came to her home in Dallas the next night, accompanied by two Latins. Their names: Angel and Leopoldo. (The FBI later "identified" these men to the Commission, and said there was no evidence that they had known Oswald. In fact, the men the FBI "identified"—Loran Hall and Lawrence Howard—had never used those par-

ticular "war names.")

On September 26, according to the Warren Report, Oswald crossed into Mexico alone by bus at Nuevo Laredo, Texas. He reportedly told a fellow passenger he was "en route to Cuba" by way of Mexico City "to see Castro, if I could." The next day Oswald (or someone using his identity) showed up at the Cuban and Soviet embassies in Mexico City, carrying evidence of pro-Castro activities and seeking visas. Cuban intelligence reports say he told Embassy personnel: "Someone ought to shoot that President Kennedy... Maybe I'll try to do it."

Oswald returned to Dallas, for the final time, after a week in Mexico, telling his wife that the trip had been unproductive. The Oswalds were questioned by the FBI about their Russian connections and Lee's activities with the Fair Play for Cuba Committee, but the investigation apparently didn't delve any deeper.



This sworn affidavit by Richard Nagell concerns his intelligence assignments and alias "Robert Nolan" and shows his four different Army serial numbers.

Back in El Paso, Nagell was asking in early November for a court hearing "to show cause why I [am] being held in jail without having been arraigned or indicted by the federal grand jury." Then, on November 19, while President Kennedy was preparing for his fateful visit to Texas, two FBI agents came to visit Nagell in the County Jail. Nagell's jailer, Juan Medina, recalls the FBI and later the Secret Service coming often to see his prisoner. According to a chronological account of his imprisonment drawn up by Nagell, one-half hour after JFK's assassination on November 22 Nagell handed a note to his jailer requesting to see the Secret Service as soon as possible. Instead, the FBI came again. Nagell says he then told Agent Thomas B. White, Jr. about the registered letter to J. Edgar Hoover. (FBI headquarters in Washington denies ever having received this letter.) That

night, Nagell says he wrote a letter concerning the conspiracy to Secret Service Chief James Rowley in Washington, but never received a reply.

By the time he was released from Leavenworth Penitentiary in April 1968, Richard Nagell had given up trying to tell his story to authorities.

On May 24, 1968, Nagell was issued an American passport (unusual for a convicted felon) and left the country six days later. It was some time before he surfaced again. On October 24, the following Associated Press dispatch came out of Berlin:

East Germany has released a former U.S. Army Captain it held for four months. Informed sources said Richard Nagell, 38, was delivered 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. . . .

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. . . . The U.S. Mission had not disclosed that Nagell was being held. He was not brought to trial and apparently no specific charges were brought against him, the sources added. . . .

What was Nagell doing in East Germany? According to his story, he had been taken to the Ministry of State Security prison, accused of "criminal intelligence activities." From there, he was taken to the Soviet Union, where he authored what he says is the only copy of his full story of the events surrounding the Kennedy assassination.

Nagell returned to the U.S. in November 1968. Three months later he again met with Garrison, and deemed it inadvisable to testify at Garrison's Clay Shaw trial. Nagell then flew to Mexico City, and again to Europe. He says several attempts were made on his life during this period.

Since that time Nagell had rarely surfaced in the public eye. In 1974, while living in Los Angeles, he hired attorney Bernard Fensterwald, Jr., to help him get a disability compensation from the Army. Fensterwald, whose client James McCord had broken the ice about the Watergate burglary, hoped through Nagell's case to bring the JFK story to light. But Nagell dismissed the attorney before this could happen.

Nagell says that to his knowledge, Oswald's slayer Jack Ruby was not involved in any conspiracy to assassinate Kennedy. As for Oswald, Nagell

believes that he probably did fire the shots attributed to him, but doubts Oswald's expertise as a marksman:

"I don't know how much he improved between September and then. Maybe, if he spent a lot of time on a rifle range.... But I do know that things did not change so drastically from the time of my arrest. There's no doubt in my mind that he pulled a trigger. Later on, everyone was trying to protect their own incompetence or inefficiency in not doing anything to stop him."

A man is sitting at a corner table in a bar called the Blarney Castle, his back to the other customers. It is a hot day in Los Angeles. The man is wearing a light tan suit with a necktie. His long hands move in quick, furtive gestures, reaching to shake a cigarette from a pack of Salems.

One beer passes in small talk. At the mention of his children, he shakes his head sadly. For almost a year, the children have been living with their mother. For a time before that, the man had tried raising them on his own, but the burden had proved too great. It was largely because of them he'd stayed silent all these years, carrying inside himself the terrible secret of what he knew about certain events of the autumn of 1963. At one time, this man might have changed the course of history.

"I don't think about it much, to tell the truth," he says unconvincingly. A second beer, a fourth cigarette is passing. "Sometimes, though, I get to thinking and I can't go to sleep. Thinking of what I could have done, the mistakes that could have been handled differently. I was young. So idealistic! How could I have been like that? But I was realistic, too. I didn't believe in Utopias. I had my own beliefs, my own feelings."

It is late on a Friday afternoon, a time referred to as "the happy hour" by those seeking to unwind from the working day, and the bar is growing crowded. Always my recent rendezvous with the man have been in places like this. Though I know he still lives in Los Angeles, I have no idea where. As for his current livelihood, all he will say is that he keeps very busy. He changes his unlisted phone number every few months.

Yet, in a strange way, I have become his confidant. Our meetings are few and far between, perhaps twice a year. But I believe he has said more to me than to anyone else in the country concerning what he's called "my own weird little secret." Perhaps it is not so much that he trusts me as simply his need to periodically talk to someone who already realizes the intricacies of

the subject matter. For three years of my life, I have probed the murky catacombs that still surround the assassination of John F. Kennedy. Dozens of theories, and almost as many tales of supposed firsthand knowledge, have been spun for me across many a long, dark night of the American landscape. Finally, it has all come down to one man—this man who now sits across from me, methodically savoring the last dregs of a third bottle of beer—one man whose story (as much as I know of it) I believe.

My association with Richard Nagell

ended in September of 1978. He had determined that he no longer wished to discuss the assassination subject, that there had been pressure put on him from "certain sources," and that it seemed in both our interests for our periodic meetings to cease. I have not seen him since.

Richard Russell, a free-lance writer presently living in Boston, was a staff writer for TV Guide. His articles have been published in the Village Voice and Harper's Weekly. Dave Navard is a writer and teacher whose articles have been published in Family Health and Sporting News.

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