

with the X in "Bringuer Exhibit No. 1" is the man who was in the bar and who he identifies as Lee Harvey Oswald more than he is about the man shown in "Garner Exhibit No. 1."

Do you have any question that that man was in your bar, referring to the man portrayed in "Garner Exhibit No. 1?"

Mr. RODRIGUEZ. As far as this "Exhibit No. 1," a man appears to be Oswald as I recognize him from newspaper pictures of Oswald.

Mr. LIEBELER. Referring to "Garner Exhibit No. 1." But the man in "Bringuer Exhibit No. 1" looks more like the man who was in the bar?

Mr. RODRIGUEZ. The man in "Bringuer Exhibit No. 1" I have identified as the man who I learned later was Oswald.

Mr. LIEBELER. [handing picture to witness]. I show you a picture which has been marked "Pizzo Exhibit No. 453-C," and ask you if that looks like the man who was in the bar.

Mr. RODRIGUEZ. This appears to me that this is the man. It looks somewhat like the man that was in the bar with Oswald, but—

Mr. LIEBELER. Like the man that was in the bar with Oswald?

Mr. RODRIGUEZ. Yes.

Mr. LIEBELER. That's what he said?

Mr. LOGAN. Now he says no. He says that this—how do you want to call it?

Mr. LIEBELER. "Pizzo Exhibit No. 453-C."

Mr. LOGAN. "Pizzo Exhibit No. 453-C" does not appear like the man in bar. The other man was more of a Latin-appearing man.

Mr. LIEBELER. Well, now, have you ever seen this man, set forth in "Pizzo Exhibit No. 453-C," in the bar at all; at any time?

Mr. LIEBELER. What is he saying?

Mr. LOGAN. He is saying that this reminds him of Oswald because of these—the eye part here [indicating], the sagging eyes, like, you know—I don't know how you want to say that—like he has puffy eyelids.

Mr. LIEBELER. He has an area around the eyes—

Mr. LOGAN. That reminds him of Oswald.

Mr. LIEBELER. Does he identify this man as Oswald?

Mr. LOGAN. He says that the man in this exhibit appears to him to be Oswald, but, of course, he says it has been a long time since he saw him and he is not ready to be positive on that. That's as close as you can come to it, I guess.

Mr. LIEBELER. You are not sure that this was the man that was in the bar?

Mr. LOGAN. Now he says it is him.

Mr. LIEBELER. It is or isn't?

Mr. LOGAN. In his mind, "Bringuer Exhibit No. 1" which has the man with the X on him is the man who was in the bar and who he later learned was Oswald. This picture stands out in his mind the best, reminds him of the man the best; this one—

Mr. LIEBELER. "Pizzo Exhibit No. 453-C."

Mr. LOGAN. Appears to him to be Oswald, but he still says that the other photograph is the one that he can best identify him as the man who was in the bar. What we have got going here is the fact that this looks like Oswald, but he is—probably since the other photograph reminds him distinctly of the fact that that was the man that was in the bar, he is a little reluctant to say that.

Mr. LIEBELER. All right. Thank you very much.

#### TESTIMONY OF OREST PENA

The testimony of Orest Pena was taken on July 21, 1964, at the Old Civil Courts Building, Royal and Conti Streets, New Orleans, La., by Mr. Wesley J. Liebler, assistant counsel of the President's Commission.

Orest Pena, having first been duly sworn, was examined and testified as follows:

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Mr. LIEBELER. Would you state your full name for the record.

Mr. PENA. Orest Penna.

Mr. LIEBELER. That's O-r-e-s-t P-e-n-a; is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. What is your address?

Mr. PENA. 117 Decatur.

Mr. LIEBELER. Is that your place of business or is that your residence?

Mr. PENA. No; that's my place of business. On the ground floor is my place of business. On the second floor, in the rear of the second floor I live.

Mr. LIEBELER. I am an attorney for the President's Commission. I understand that the Secret Service served a subpoena on you last week and you are here under that subpoena at this time. The rules of the Commission entitle you to have your lawyer present if you wish.

Mr. PENA. I don't think I need him.

Mr. LIEBELER. You have the right under our rules not to answer any question that you don't want to answer in the first instance, specifying the reasons if you do refuse to answer any questions.

I am here under the authority granted to the Commission by Executive Order No. 11130, dated November 29, 1963, and joint resolution of Congress No. 137. I understand that attached to the subpoena are copies of the Executive order that I have referred to and rules of the Commission; is that correct?

(The witness handed document to counsel.)

Mr. LIEBELER. Yes; they are attached.

Where were you born, Mr. Pena?

Mr. PENA. In Colon, Cuba.

Mr. LIEBELER. When?

Mr. PENA. August 15, 1923.

Mr. LIEBELER. Are you a citizen of the United States?

Mr. PENA. Yes, sir.

Mr. LIEBELER. When did you become a citizen?

Mr. PENA. I became a citizen May 5, 1956.

Mr. LIEBELER. And you became a citizen through naturalization; is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. The place of business that you have at 117 Decatur Street is a bar and lounge?

Mr. PENA. Yes, sir.

Mr. LIEBELER. What is the name of it?

Mr. PENA. Habana Bar and Lounge.

Mr. LIEBELER. Am I correct in understanding that you have a brother by the name of Ruperto Pena?

Mr. PENA. Yes.

Mr. LIEBELER. Does he work with you in the bar and lounge?

Mr. PENA. Yes, sir.

Mr. LIEBELER. Am I also correct in understanding that one of the bartenders is named Evaristo Rodriguez?

Mr. PENA. Yes.

Mr. LIEBELER. Do you know Carlos Bringuler?

Mr. PENA. Yes, sir.

Mr. LIEBELER. Is Mr. Bringuler connected with a clothing store located close to your bar and lounge?

Mr. PENA. Yes, sir.

Mr. LIEBELER. When did you first meet Mr. Bringuler?

Mr. PENA. When he came to the—if I am not wrong, I believe I met him when he started the store.

Mr. LIEBELER. Approximately how long ago was it that you met Mr. Bringuler?

Mr. PENA. I don't know exactly. Might be a year and a half or 2 years.

Mr. LIEBELER. Mr. Bringuler is active in anti-Castro Cuban affairs; is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. Have you ever had any connection with Cuban politics?

Mr. PENA. Not with him, but with something else here in New Orleans, an organization, about 4 years ago, more or less.

Mr. LIEBELER. What organization was that?

Mr. PENA. I don't know. The FBI know very well because a person from the FBI was there all the time. I don't remember exactly the name of the organization right now, but the organization was in the Balter Building, I think, in the second floor.

Mr. LIEBELER. Whatever the organization's name was, was it an anti-Castro Cuban organization?

Mr. PENA. It was in the Balter Building, the only one there.

Mr. LIEBELER. Is that the organization sometimes known as Jure, J-u-r-e?

Mr. PENA. I don't know.

Mr. LIEBELER. *Junta Revolucionaria Cubana*?

Mr. PENA. The chief or the boss of that organization, who was in Miami, Barrona. He was the boss of that organization.

Mr. LIEBELER. Barrona?

Mr. PENA. Yes. He was the boss of that organization.

Mr. LIEBELER. When did you leave Cuba?

Mr. PENA. I left Cuba in September 1946.

Mr. LIEBELER. Have you been back to Cuba since that time?

Mr. PENA. Yes.

Mr. LIEBELER. Would you tell us when?

Mr. PENA. Oh, many times I went to Cuba. My last time I went to Cuba was about 8 months, I believe, after Castro took over, but before, I used to go very often because all my family is in Cuba, my mother, my father—before my father died, I used to go to Cuba many times. I was a seaman, too. I used to ship out with the United Fruit Co. and the Lykes Brothers Co. That's before Castro took over.

Mr. LIEBELER. When did you stop working as a seaman?

Mr. PENA. Just before I went in business, in—I went in business 1958. I stop in 1957.

Mr. LIEBELER. You stopped working as a seaman in 1957?

Mr. PENA. Yes.

Mr. LIEBELER. Were you in Cuba in April or May of 1959?

Mr. PENA. I think that's the last time I was in Cuba.

Mr. LIEBELER. What was the purpose of your trip to Cuba at that time?

Mr. PENA. I went to Cuba—I don't know. I went to have an operation. Yes.

Mr. LIEBELER. While you were in Cuba, did you have any contact with any officials in the Castro government?

Mr. PENA. No; not any.

Mr. LIEBELER. Have you ever expressed a favorable attitude toward the Castro regime?

Mr. PENA. No; I never was for—I was against Batista, but I never was even—I didn't even know Castro.

Mr. LIEBELER. You had nothing to do with Castro?

Mr. PENA. No.

Mr. LIEBELER. Now after you came back to the United States from Cuba in 1959—

Mr. PENA. Yes.

Mr. LIEBELER. Did you go directly back to the United States?

Mr. PENA. Yes, sir.

Mr. LIEBELER. Did you go anywhere else—

Mr. PENA. No.

Mr. LIEBELER. Except to Cuba on that trip?

Mr. PENA. No; I came back to—I went from here to—directly from here to Havana and from Havana to New Orleans.

Mr. LIEBELER. After your trip to Cuba in 1959, when was the next time that you were out of the United States?

Mr. PENA. It was last summer. I went on vacation to Mexico.

Mr. LIEBELER. How long were you there?

Mr. PENA. Nine days. I plan 2 weeks, but I got sick to my stomach, so I came back.

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Mr. LIEBELER. Was that strictly a vacation trip?

Mr. PENA. Yes.

Mr. LIEBELER. It had nothing to do with politics or anything like that?

Mr. PENA. No.

Mr. LIEBELER. Do you have your passport here, Mr. Pena?

Mr. PENA. Yes [handing document to counsel].

Mr. LIEBELER. The witness has handed me his passport, which is numbered D-0092377, and issued on June 23, 1963. It carries the name of Orest Pena and indicates a birth date of August 15, 1923, that the birthplace is Cuba, that he is 5 feet 8 inches tall, has black hair and brown eyes.

After you went to Mexico in May of 1963, when did you next leave the United States?

Mr. PENA. About 1 or 2 months after that vacation I went to Puerto Rico for 1 week and to the Dominican Republic for 1 week.

Mr. LIEBELER. Can you tell us exactly when it was that you left New Orleans at that time to go to Puerto Rico?

Mr. PENA. I don't remember, but you have it there, the date I entered the Dominican Republic. I went 1 week before that by Delta Co., directly from New Orleans to San Juan, P.R., by Delta Airlines.

Mr. LIEBELER. Are you indicating a visa stamp on page 6 of the passport, which is difficult to read?

Mr. PENA. The 22d of August; yes.

Mr. LIEBELER. August 22?

Mr. PENA. But then I got to Puerto Rico about the 14th.

Mr. LIEBELER. Fourteenth or fifteenth of August?

Mr. PENA. Fourteenth or fifteenth, something like that, of August.

Mr. LIEBELER. When did you leave New Orleans?

Mr. PENA. You leave New Orleans around 12 o'clock. About 3 hours later you are in San Juan, P.R.

Mr. LIEBELER. That would have been August 13 or 14?

Mr. PENA. The 13th or 14th of August I left New Orleans. Then, after I got to Puerto Rico, 1 week after that I went to the Dominican Republic.

Mr. LIEBELER. Now, Mr. Pena, I would like to make arrangements with the Secret Service agent who is here to make photographic copies of this passport and to mark it in connection with our deposition. Would it be agreeable with you to deliver it to him now?

Mr. PENA. Yes. You can get the exact date by Delta Airlines I went to Puerto Rico.

Mr. LIEBELER. It seems from the visa that if you went to Puerto Rico a week before you went to the Dominican Republic, the stamp here shows it would have been around the 13th or 14th of August 1963, and that's close enough.

(Whereupon, a brief recess was taken.)

#### TESTIMONY OF OREST PENA RESUMED

Mr. LIEBELER. What was the purpose of your trip to Puerto Rico and the Dominican Republic in August?

Mr. PENA. Just a vacation.

Mr. LIEBELER. You did not go to Cuba at that time?

Mr. PENA. No.

Mr. LIEBELER. Did you have any contact with any representatives of the Cuban Government while you were in Puerto Rico or the Dominican Republic?

Mr. PENA. No.

Mr. LIEBELER. Have you had any contact with any such representatives at any time during 1963?

Mr. PENA. No.

Mr. LIEBELER. Now, in May of 1964, you took a trip to Europe; is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. You then went to London?

Mr. PENA. Yes.

Mr. LIEBELER. Paris?

Mr. PENA. Yes.

Mr. LIEBELER. Madrid?

Mr. PENA. Yes.

Mr. LIEBELER. Rome?

Mr. PENA. Yes.

Mr. LIEBELER. Munich?

Mr. PENA. Yes.

Mr. LIEBELER. Berlin?

Mr. PENA. No; I did not go to Munich.

Mr. LIEBELER. You did not go to Munich?

Mr. PENA. No.

Mr. LIEBELER. Did your plane land in Munich on the way to Berlin?

Mr. PENA. No. From Rome, I went to Frankfurt, Germany, and I stayed there about—I think about an hour and a half, something like that, to make connections on the next plane to Berlin, and then coming back from Berlin, fly from Berlin to Frankfurt again, from Frankfurt took Lufthansa, and directly to New York, and from New York, I wait about 3 hours and took the Eastern Airlines, a night trip, to New Orleans straight again.

Mr. LIEBELER. What was the purpose of that trip?

Mr. PENA. Just a vacation.

Mr. LIEBELER. You had no contact with any agents of any foreign government at any time other than the custom officials and that sort of thing?

Mr. PENA. Oh, when I went to Berlin; I went for—when I was in Berlin, I took a tour for 4 hours to East Berlin.

Mr. LIEBELER. On December 5, 1963, you were interviewed by two agents of the Federal Bureau of Investigation, Mr. Steinmeyer and Mr. Logan. Do you remember that?

Mr. PENA. I have been interviewed by the FBI so many times I don't remember. Something. But it might be true. You tell me about what to refresh my mind, and I can tell you about whether that is true or not.

Mr. LIEBELER. Well, let me come back to that in just a moment. Do you remember being interviewed by two FBI agents on June 9, 1964, when you and Mr. Tamberella went to the FBI office here in New Orleans?

Mr. PENA. That's about 2 weeks ago?

Mr. LIEBELER. Yes.

Mr. PENA. Yes.

Mr. LIEBELER. Do you remember generally what you told them at that time?

Mr. PENA. Yes.

Mr. LIEBELER. Would you tell us?

Mr. PENA. What, approximately, I can remember?

Mr. LIEBELER. Would you tell us now what you told them at that time?

Mr. PENA. Well, they asked me in connection with the—Mr. Kennedy, the late President Kennedy's assassination, and also if I know anything about it. I told them I didn't know anything about it. They asked me if I saw Oswald; so I said I saw him once. He went to my place of business with one or two friends. I don't know exactly. My bar is a very long bar, so to me it looked like he was with two friends. My bartender, Evaristo Rodriguez, said he was with only one man, so I don't know exactly. It was something that happened in my place of business; a customer asking for a lemonade; a man. They don't usually do that. That was the first time in 7 years I have been in business that a customer asked for a lemonade. So my bartender—he learned to be a bartender at my place of business; he was a seaman before—he came to me and said, "The customer wants a lemonade. Do we do that?" I said, "Sure." He didn't know how to make it, so I said, "Take a glass of water, couple of spoons of sugar, some lemon." He says, "How much should I charge?" I said, "Twenty-five cents." He went back and made a lemonade and put it to Oswald. Then Oswald got mad. Said 25 cents was too much for the lemonade, and then he asked for a tequila for his friend.

Mr. LIEBELER. Did Oswald ask for the tequila or did his friend?

Mr. PENA. I don't know exactly. I was away from there. I didn't pay any attention. They got mad about the 25 cents for the lemonade and 50 cents for the tequila, so they asked my bartender, Evaristo, why I charge so much

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for the drinks and I was a capitalist charging too much for the drinks. He went and came to me and told me about it. I said, "Don't worry about it. They pay you already?" "Yes." "Don't worry about it." If you are going to worry about all the customers, you are going to go crazy. Then I don't know whether he left or something, but he vomited after that; Oswald did. I don't know anything but they walked away; that's all. When the assassination happened, they put the pictures over on the television, so I saw Oswald and I said, "That's the man who came to my place one time, the man who ordered the lemonade." Evaristo came and said, "Look! That's the man that assassinated Mr. Kennedy is the one that was here one time."

Mr. LIEBELER. You told this to Rodriguez?

Mr. PENA. No; he told me. I identified to him by the television. I saw him that day.

Mr. LIEBELER. You recognized Oswald yourself even before Rodriguez came to you and told you about that; is that right?

Mr. PENA. Yes. When he told me about the lemonade, I took a look at the customer; took a look and forget about it. No sense in going about there and discuss with him, and then all of that was forgotten. After the assassination, we were speaking about that man was here one time. We used to go to Bringuler's place about the incident that we got with Oswald, and Bringuler is very much interested. He called—my brother called Bringuler. We didn't pay any attention until the FBI came one time and asked me.

Mr. LIEBELER. The FBI did come and ask you about this?

Mr. PENA. Yes; so when the...

Mr. LIEBELER. Was that shortly after the assassination?

Mr. PENA. Yes. So I told him just like I tell you. Then they start coming, and over and over and over, and then I told the same thing what I knew about, and that's all I know about.

Mr. LIEBELER. Now did you ever see Oswald at any other time?

Mr. PENA. No; I didn't.

Mr. LIEBELER. Did you ever see the man who was with him at any other time?

Mr. PENA. The man that was with him looked Spanish; more Cuban than anything else. You are American. You might know your people. I am Cuban. I can sight them. I don't think I am being mistaken about him, about Cuban people. I can spot them when I see them that they might be a Cuban.

Mr. LIEBELER. You thought this man might be a Cuban?

Mr. PENA. To me, I thought he was a Cuban. I can tell that is true. I wasn't even too close to him.

Mr. LIEBELER. You were never too close to this man?

Mr. PENA. No.

Mr. LIEBELER. Did you see Oswald clearly enough to be absolutely sure in your mind that it was Oswald in the bar?

Mr. PENA. Yes.

Mr. LIEBELER. Did you ever see this Cuban-looking man that was with him at any other time or any other place?

Mr. PENA. No. See, after—that was before the assassination of Mr. Kennedy—there was an incident in my place. Two guys came. They said they were Mexican. They didn't look like Mexicans. They looked more like Cubans. They came to my place. I got a bongo with a chain. I got two bongoes for the people to play that with the music. I got a chain because I lose one of them one time. Maybe some guy was drunk. That's why I put a chain on it so they can't take it away. I was fixing the bongo on that day and they came in. They came to see me. They said, "That's what you have to have here in this country, a chain?" I was mad because one of the customers broke the bongo. I said, "What you mean by that?" When I got mad, I got a little bit—I don't know—aggressive by the way I speak. So I told them, "What you mean by that?" They said, "Well, in this country you have to put a chain?" I said, "That's so they don't take the bongo away." They said, "This is a democratic country?" I said, "Where you come from?" He said, "I come from Mexico." I said, "Don't tell me about Mexico; you take a car to Mexico, they steal the four wheels away." So right away they saw me mad, so they left, so I called the— I think I called the FBI and told them about it. I told them where they

walk, which way they walked. They say, "If they come back to your place, call us again." I just forgot about it. I never saw them no more.

Mr. LIEBELER. Did you call the FBI yourself, do you remember that?

Mr. PENA. Yes, sir.

Mr. LIEBELER. Why did you call the FBI about these men?

Mr. PENA. I don't like it, the way they were, the way they spoke about the country here, so—I didn't like it, so I called the FBI.

Mr. LIEBELER. And the FBI told you if they came back—

Mr. PENA. If they came back, to please call them back.

Mr. LIEBELER. Do you remember who you talked to at the FBI?

Mr. PENA. I don't know exactly. See, I used to call De Brueys. You are from Washington, huh?

Mr. LIEBELER. Yes.

Mr. PENA. I am going to talk to you about De Brueys and the FBI agency in New Orleans, in Louisiana.

Mr. LIEBELER. Do you think you talked to De Brueys at this time?

Mr. PENA. I don't know exactly. Sometimes you call there and they tell you he is not in there and you talk to somebody else if you want to give the message in the FBI, see, because De Brueys isn't there.

Mr. LIEBELER. Now, these two Mexicans that came into your bar and with whom you had the discussion about the bongo drums, were they the same men or the same man that was with Oswald when he was in the bar?

Mr. PENA. No; I don't believe so.

Mr. LIEBELER. Did they appear to you to have been entirely different people?

Mr. PENA. Well, I know it was not Oswald.

Mr. LIEBELER. Was Oswald there at the time you had the argument with the men about the bongo drums?

Mr. PENA. No.

Mr. LIEBELER. Do you know whether or not either of the men who argued with you about the bongo drums had been with Oswald when he was in the bar?

Mr. PENA. See, the man was over—I can't identify him. I can't. Oswald I did because of the lemonade. I looked to him, that's all, but the other guy I can't identify. He looked like a Cuban, but I can't say that exactly. Maybe if I would see him again I would say, "Well, that's the man."

Mr. LIEBELER. But you aren't able to say whether the two men who argued with you about the bongo drums had any connection with Oswald or had been with Oswald when he was in the bar?

Mr. PENA. I can't say that.

Mr. LIEBELER. You didn't recognize either of these two men that argued with you about the bongo drums as the men that had been with Oswald before?

Mr. PENA. No.

Mr. LIEBELER. Had you ever seen these Mexicans before they argued with you about the bongo drums?

Mr. PENA. I don't think they were Mexicans. They speak very, very different, and they looked like Cubans. They spoke something like Cubans.

Mr. LIEBELER. Did you ever see them again after that time?

Mr. PENA. No.

Mr. LIEBELER. You never saw them before that time, to the best of your knowledge?

Mr. PENA. No.

Mr. LIEBELER. Is this the story that you told to the FBI after the assassination, that you had seen Oswald in the bar and Rodriguez had seen him in the bar?

Mr. PENA. More or less.

Mr. LIEBELER. When you talked to the FBI 2 weeks ago, did they ask you about this again?

Mr. PENA. Yes; they asked me about this more than a dozen times.

Mr. LIEBELER. They asked you more than a dozen times about this?

Mr. PENA. Yes.

Mr. LIEBELER. And did they come to your bar to ask you about this?

Mr. PENA. They come to my bar. They been calling me to come to the FBI office. That's why sometimes—one time I went down and got a lawyer. I don't

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Mr. LIEBELER. Bringulier does?

Mr. PENA. The day Mr. Kennedy put a blockade in Cuba—you remember, about a year and a half, more or less—Mr. Carlos Bringulier was telling me—excuse me—(obscenity) in Spanish more than a dozen times, and I couldn't stand that. I have never done anything against the United States. I said, "No." Anyway, anything you want to ask me—and you can ask Mr. Bringulier is that true or not, and let him and me take a lie detector test to see who is right on it.

Mr. LIEBELER. You say that you have never done anything against the interests of the United States?

Mr. PENA. No; I have not ever.

Mr. LIEBELER. Well, I have no reason whatsoever not to believe that statement, Mr. Pena.

Mr. PENA. Okay.

Mr. LIEBELER. Why do you say that Mr. Bringulier hates the United States more than he does Russia?

Mr. PENA. Because he does as much.

Mr. LIEBELER. As much?

Mr. PENA. Yes.

Mr. LIEBELER. Why does he dislike the United States? Has he ever told you?

Mr. PENA. No; but the way he talks, that the United States didn't help to overthrow Castro, and he can go over there and take over.

Mr. LIEBELER. Is that the basis for Mr. Bringulier's bad feeling towards the United States, that we haven't done anything to overcome the Castro regime?

Mr. PENA. Well, the way he talks to me, he hates the United States as much as he hates Russia. That's what I told you, what he said, more than a dozen times. And if that is not true, let him take a lie detector test and find out whether that is true or not true.

Mr. LIEBELER. Did you tell Mr. Bringulier about having seen Oswald in the bar?

Mr. PENA. Yes; we was talking about that day. You see, I did like very, very much Mr. Kennedy.

Mr. LIEBELER. You did or did not?

Mr. PENA. I did. Very, very much. So I was hurt when he got killed. So when I saw the man there—I saw the man—so I went around and told most of my customers that I saw Oswald came to my place.

Mr. LIEBELER. When you talked to the FBI on June 9, 1964, you told them, did you not, that you had never told anybody that Oswald had been in the bar?

Mr. PENA. That I never told anybody?

Mr. LIEBELER. Yes.

Mr. PENA. That's not true.

Mr. LIEBELER. Didn't you tell that to the FBI?

Mr. PENA. I don't think that's so. That I never told anybody?

Mr. LIEBELER. Yes.

Mr. PENA. I didn't told anybody before?

Mr. LIEBELER. I have a report before me, Mr. Pena, of an interview of you in the presence of your attorney, Mr. Tamberella, which was made by Mr. De Brueys and Mr. Wall. That was in the FBI office on June 9, and on page 2 of this particular report, which is page 14 of the larger report, it says, and I quote: "Orest Pena specifically stated he had never told anyone, including Carlos Bringulier, that Oswald had been in the Habana Bar with a Mexican prior to the assassination of President Kennedy. He also said he never heard his brother, Ruperto Pena, say that Oswald had been in the bar with a Mexican. He also stated that he had no information that the FBI was ever looking for a Mexican who had ever patronized his bar." Did you tell the FBI that?

Mr. PENA. I don't think so.

Mr. LIEBELER. In fact, you did tell Bringulier that you had seen Oswald in the bar?

Mr. PENA. When we were talking after the assassination, we were talking about it.



Mr. LIEBELER. Did you tell the FBI agents back in December that Oswald had been in the bar and that you had seen him?

Mr. PENA. Yes.

Mr. LIEBELER. And that Rodriguez had seen him there, too?

Mr. PENA. Yes; that's the first time they interviewed me about Oswald.

Mr. LIEBELER. On December 5, as far as I can tell. I have only two reports.

Mr. PENA. Last year, you mean?

Mr. LIEBELER. In 1963. I have a report dated December 5, 1963, of an interview with you in which you told the FBI that you had seen Oswald in the bar and then I have a report of the interview on June 9, 1964, a month ago, which says that you told them that you never told anybody that Oswald had been in the bar and, of course, that's one of the reasons why we called you in and wanted to talk to you because there is an apparent conflict between the two FBI reports that we have on that question. Now let me ask you this: You have a good deal of hostility toward the FBI, do you not?

Mr. PENA. We got to talk about something else before I tell about the FBI in New Orleans, so you let me know so I tell about the FBI, what I think about it, if I can express myself well enough to put my point of view about some of the agents of the FBI in New Orleans. Anyway, I will tell you. See if you can understand my view.

Mr. LIEBELER. Very well. Let's get to that later. Regardless of what it says in this FBI report, the fact is, you did see Oswald in the bar and you did tell Bringuier, didn't you?

Mr. PENA. We was talking about—I know we was talking about it with so many people around there, I can't tell you exactly. I know he knew because we was talking about it.

Mr. LIEBELER. Right. Did you actually see the man who ordered the lemonade in the bar?

Mr. PENA. Yes, sir.

Mr. LIEBELER. Can you tell me approximately when it was that you saw Oswald in the bar? Now in this connection, let me help your thinking about it by reminding you that you went to Puerto Rico on about August 13 or 14, 1963. Was it before that or after that that you saw Oswald?

Mr. PENA. I don't remember exactly.

Mr. LIEBELER. You can't remember?

Mr. PENA. No; it wasn't easy then. There was nothing in the incident. He had money to pay for it and we just forgot about it.

Mr. LIEBELER. You can't remember whether it was before you went to Puerto Rico and the Dominican Republic or afterward?

Mr. PENA. No; I can't.

Mr. LIEBELER. Did your brother, Ruperto, ever tell you that the two men who had given you a hard time about the bongo drums had come back to the bar?

Mr. PENA. He told me something about that he saw the men passing by in a car and he called Bringuier and so Bringuier called the FBI, so they said that they called the FBI.

Mr. LIEBELER. Was Ruperto in the bar when you had the argument with the fellow about the bongo drums?

Mr. PENA. I don't know exactly.

Mr. LIEBELER. But you say that Ruperto saw these two men later on driving past the bar; is that correct?

Mr. PENA. I wasn't there that date. I wasn't around there that date. He saw the two men and the FBI told me if I see them coming to my place, to call them. He saw the two men sitting in a car and—I don't know exactly. He went to Bringuier and told Bringuier, so Bringuier called the FBI. That's what they said. I don't know.

Mr. LIEBELER. You have no personal knowledge of any of that?

Mr. PENA. No. I believe my brother told me he saw the men or something, but I didn't pay no attention about it.

Mr. LIEBELER. There's no connection between these two men that your brother, Ruperto, saw and the man who was in the bar with Oswald as far as you know?

Mr. PENA. No.

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Mr. LIEBELER. Do you remember whether Ruperto was in the bar when Oswald was there?

Mr. PENA. I don't believe he was there. I don't believe so.

Mr. LIEBELER. Was Evaristo Rodriguez there?

Mr. PENA. When Oswald was there?

Mr. LIEBELER. Yes.

Mr. PENA. He was the one who was serving Oswald.

Mr. LIEBELER [handing picture to witness]. I show you a picture that has previously been marked as "Bringuier Exhibit No. 1," and I ask you if you recognize anybody in that picture.

Mr. PENA. Yes, Oswald; I recognize him.

Mr. LIEBELER. Which one is Oswald?

Mr. PENA. Oswald is marked in some way.

Mr. LIEBELER. He has an "X" on him, is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. Do you recognize the place where this picture was taken?

Mr. PENA. I know about it now because I seen in the FBI. They have a place. Put it on the television. That's the International Trade Mart, I believe so.

Mr. LIEBELER. The FBI put this picture on television?

Mr. PENA. I don't know exactly if that picture or another picture, but they got Oswald and a group—I don't know if this group—handing out propaganda to other people. I got in an argument with the FBI about that, too. I told them if they had that propaganda paper, why don't they find out the printing, where they printing that propaganda, and that would be easy to find the other people. See, I —

Mr. LIEBELER. Why, because if they found the place where the propaganda was printed, they would —

Mr. PENA. Yes. Those people might know Oswald and many other people in connection with Oswald.

Mr. LIEBELER. Would it surprise you if I told you we do know who printed the handbills?

Mr. PENA. Well—you say you do know?

Mr. LIEBELER. Yes.

Mr. PENA. Okay. I took two courses in investigation work, one from the International Detective School, and one from the Applied Sciences of Chicago. The big man there is an ex-FBI man, Mr. Dickerson Cook. So I took that course, too. After I finished, he sent me a letter. I like investigation very much.

Mr. LIEBELER. Let me point out to you a young man in this picture. He is the second man to Oswald's right and behind. He is standing there with some leaflets in his hand. He has a white, short-sleeved shirt on and a tie, and he appears to be handing out leaflets. Did you ever see that man before?

Mr. PENA. I don't believe so.

Mr. LIEBELER. Could he have been the man who was with Oswald in the bar?

Mr. PENA. I couldn't say.

Mr. LIEBELER. You don't recognize anybody else in that picture except Oswald, is that correct?

Mr. PENA. Yes.

Mr. LIEBELER [handing picture to witness]. I show you a picture which has been previously identified as "Pizzo Exhibit No. 453-A," and ask you if you recognize anybody in that picture.

Mr. PENA. I recognize Oswald there [indicating].

Mr. LIEBELER. He has a green "X" line over his head?

Mr. PENA. Yes.

Mr. LIEBELER. Do you recognize anyone else in the picture?

Mr. PENA. No.

Mr. LIEBELER [handing picture to witness]. I ask you the same question with respect to "Pizzo Exhibit No. 453-B."

Mr. PENA. I recognize him [indicating].

Mr. LIEBELER. With the green marking over his head?

Mr. PENA. Yes.

Mr. LIEBELER. And no one else?

Mr. PENA. No.

Mr. LIEBELER [handing picture to witness]. I show you a picture which has been previously identified as "Garner Exhibit No. 1," and ask you if you recognize that man.

Mr. PENA. Yes; that's Oswald.

Mr. LIEBELER. Do you recognize him as the same man who was in the bar?

Mr. PENA. Yes.

Mr. LIEBELER [handing picture to witness]. I show you a picture that has been marked "Pizzo Exhibit No. 453-C," and ask you if you can identify that man.

Mr. PENA. Yes; that's Oswald.

Mr. LIEBELER. That's the same man who was in your bar?

Mr. PENA. Yes.

Mr. LIEBELER. Do you have any doubt in your mind that it was Oswald who was in your bar?

Mr. PENA. He was there.

Mr. LIEBELER. He was there?

Mr. PENA. Yes.

Mr. LIEBELER. Am I correct in my understanding of your previous testimony that after you saw the picture of Oswald on television after the assassination, you, yourself, recognized that as the man that had been in the bar, even before Rodriguez mentioned it to you?

Mr. PENA. Well, I seen it and I came down. I was talking about it, and I recognized him right away.

Mr. LIEBELER. Even before Rodriguez spoke to you about it, or was it after Rodriguez spoke to you about it?

Mr. PENA. I was talking about it, and the man was in my place, you know. Then Rodriguez came over and said, "You remember that man who was drinking that lemonade?" Then my mind got clear. He just run from his house to my house to tell me about it.

Mr. LIEBELER. You had seen Oswald on television before Rodriguez told you about it and you thought you recognized him as having been in the place?

Mr. PENA. Yes.

Mr. LIEBELER. Then Rodriguez reminded you of the lemonade and then it became clear in your mind that Oswald was the man who had ordered the lemonade and had been in your place?

Mr. PENA. Yes.

Mr. LIEBELER. Rodriguez told the FBI that shortly after Oswald had been in the bar, after the lemonade incident, that he went to a doctor's office with you and this was just before you went to Puerto Rico and the Dominican Republic. Do you have any recollection of that?

Mr. PENA. We went to a doctor's office?

Mr. LIEBELER. Yes. To be more specific, Rodriguez said that while he was riding back in the car with you, he saw Bringuler in the street with some policemen. Do you know anything about that?

Mr. PENA. Oh, yes. They got some kind of trouble. I went out. Yes. And they got some group, or two or three people was giving propaganda away, and Bringuler and one or two more guys went and started an argument with the guy who was giving the propaganda away in Canal Street. Then the police came down and they arrested him, Bringuler, and one or two more Cubans, and one more guy. I don't know the guy. I have seen him, but I don't know the guy. And they put them in jail in the first district, and they was calling Bringuler's brother-in-law. His name is—it is—

Mr. LIEBELER. Hernandez? Is that Celso Hernandez?

Mr. PENA. No. They called me up there. I say, "Well—" so I went over there and put a bond, \$25, so they can come out.

Mr. LIEBELER. You actually went to the police station and put up bond for Bringuler?

Mr. PENA. Yes, sir.

Mr. LIEBELER. That was so that Bringuler could get out?

Mr. PENA. Yes. One or two more guys.

Mr. LIEBELER. Do you remember seeing the incident in the street as you drove by?

Mr. PENA. No.

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Mr. LIEBELER. Did Rodriguez tell you about it later on? He told you that he had seen it?

Mr. PENA. Yes.

Mr. LIEBELER. Did he tell you that when he was with you at that time? Did he mention it after the doctor's appointment where you had been together?

Mr. PENA. What you mean?

Mr. LIEBELER. Did Rodriguez tell you that he had seen Bringuler in the street on the way back from the doctor's appointment when he was with you?

Mr. PENA. I don't remember that.

Mr. LIEBELER. In any event, you, yourself, did not see Bringuler in the street with the policemen at that time, and later on, after Bringuler had been arrested, you went over to the police station and put the bond up for Bringuler?

Mr. PENA. His brother-in-law in the store told me about it. He says, "I can't leave the store by myself." I said, "How much would the bond be?" Then I said, "Okay, I put the bond. Then you give it back to me."

Mr. LIEBELER. Now that was shortly before you went to Puerto Rico; is that correct?

Mr. PENA. I don't know exactly.

Mr. LIEBELER. Do you remember whether the incident with regard to the bond was about the time that Oswald was in the bar and ordered the lemonade, or was it not about at that time? Do you remember?

Mr. PENA. I don't remember.

Mr. LIEBELER. Do you remember one time about in May or so of 1962 that you got into a fight in your bar with some man who was standing there listening to you talk to some of your friends?

Mr. PENA. I got so many fights in my place I don't know which one it is.

Mr. LIEBELER. Do you know a man by the name of Garcia?

Mr. PENA. I don't know.

Mr. LIEBELER. Hector José Garcia?

Mr. PENA. Hector José Garcia?

Mr. LIEBELER. We have a report that there was a man in your bar who heard you talking to two merchant seamen, and you are reported to have said: "Castro should have been notified about that as soon as possible." Do you remember saying anything about that?

Mr. PENA. That Castro should be notified about it?

Mr. LIEBELER. That Castro should have been notified about that as soon as possible.

Mr. PENA. No.

Mr. LIEBELER. Have you ever had anything to do with Castro?

Mr. PENA. No; not ever.

Mr. LIEBELER. You say that Rodriguez had worked as a merchant seaman prior to the time he went to work as a bartender, is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. About what time did he start working as a bartender?

Mr. PENA. When he came. His ship sunk and—somewhere in Costa Rica—and they was transferred to New Orleans, and the company—agency that he worked for bring him to New Orleans, bring a whole bunch to New Orleans. They know I got room up in the house on the third floor. They ask me if I got rooms, so I rent rooms to those guys, so—Evaristo, too—so in that time, I put Evaristo to work for me.

Mr. LIEBELER. About how long ago was that?

Mr. PENA. I don't know exactly. I know it's over a year.

Mr. LIEBELER. Over a year?

Mr. PENA. Yes.

Mr. LIEBELER. You do have a lot of fights and difficulties in your bar, is that correct?

Mr. PENA. Yes. Arguments. You know, a barroom.

Mr. LIEBELER. Was the anti-Castro organization that you worked with called the Cuban Revolutionary Council?

Mr. PENA. Yes.

Mr. LIEBELER. That was the name of it?

Mr. PENA. And the delegate here was Serrgio Arcacha. He was the boss of the organization.

Mr. LIEBELER. Do you remember having your picture in the paper at one time—

Mr. PENA. Yes.

Mr. LIEBELER. In connection with this, on the front page?

Mr. PENA. Yes.

Mr. LIEBELER. That would have been some time in late December of 1960 approximately?

Mr. PENA. I don't know exactly.

Mr. LIEBELER. Do you remember that when you talked to the FBI just last month, they asked you when you went to Puerto Rico and the Dominican Republic in August of 1963, and they asked you the days?

Mr. PENA. Yes.

Mr. LIEBELER. And did you subsequently discuss that with your attorney, Mr. Tamberella?

Mr. PENA. Yes. Well, see, why, the reason I took Tamberella with me was because from my point of view, the FBI of New Orleans ask me about the same things so many times that somehow I was mad, so I said—about 10, 15 times they ask me the same thing over and over and over, and Tamberella is my lawyer, so I went to Tamberella and said, "Look! They look silly to me." They say the same thing so much, so I want to see if I can't stop this. If they come around asking me something else, that's okay, but for the same thing, I can't tell no more about that. He said, "Okay, I go with you."

Mr. LIEBELER. Now my reports indicate that Mr. Tamberella called the FBI office back after your interview and told the FBI that you had left for Puerto Rico on August 8, 1963.

Mr. PENA. August 8?

Mr. LIEBELER. Yes. That you were not able to tell them the exact date at the time of the interview, but later, Mr. Tamberella told them that. That does not appear to be correct, does it?

Mr. PENA. I don't know exactly. It wasn't in the passport, the date?

Mr. LIEBELER. Well, the date was August 22 in the passport.

Mr. PENA. The date in the passport was the date I came out of the Dominican Republic, the 22d. I came back on my way back to New Orleans the 22d of August.

Mr. LIEBELER. Let me ask you this—

Mr. PENA. Yes; might be the day I came out of the Dominican Republic. I don't know exactly. Might be the 8th because I spent 1 week—if that date, August 22, is the date I left the Dominican Republic, might be the 8th because I spent 2 weeks between the two places. Delta Airlines can give you the date of the flight to Puerto Rico exactly.

Mr. LIEBELER. The only way that you and Mr. Tamberella were able to fix the date was by looking at the stamp on the passport; is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. If the visa stamp is the date that you left the Dominican Republic—

Mr. PENA. It would be 14 days before that. I went 1 week in Puerto Rico and 1 week in the Dominican Republic.

Mr. LIEBELER. If the date on the stamp was the day you went into the Dominican Republic—

Mr. PENA. It would be 7 days before.

Mr. LIEBELER. You are absolutely clear in your mind, however, that you were here in New Orleans on the day that Bringuler was arrested in connection with the propaganda demonstration on the street because you put up the bond to get him out. If I told you that that happened on August 9, 1963, that would indicate that you were here in New Orleans at that time and that you must have left some time subsequent to August 9, 1963?

Mr. PENA. I don't know. It might be another time, but the time I placed the bond for him, I was here because I was the one went up to the first precinct to give the money.

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Mr. LIEBELER. That was the time Bringuler had gotten into a fight with this man over distributing propaganda leaflets?

Mr. PENA. I didn't see the fight.

Mr. LIEBELER. But he told you about it?

Mr. PENA. Yes.

Mr. LIEBELER. Did he tell you how this fight came about?

Mr. PENA. Some other Cuban, a friend of Bringuler's, one of the Cubans I placed the bond for, came to Bringuler's store—that's what they told me about it, what I hear—and told Bringuler, "Look, Bringuler, there is a man there giving propaganda against the Cuban Society in favor of Castro." So Bringuler came out, but the two men got away, and how they—I don't know what happened, what was the argument, but they got arrested by the policemen.

Mr. LIEBELER. That was the time when you put up the bond to get him out?

Mr. PENA. Yes; if that's the same time. I don't know if he got in some other trouble like that a different time. I don't know. I put bond for him one time. I don't know if it was—I don't remember exactly.

Mr. LIEBELER. Well, the description of the incident that you have given us about the propaganda sounds very much like the one that occurred on August 9, and the man who was handing out the literature was Oswald, and Bringuler was arrested along with two other men along with Oswald. That would seem to place you here in the United States at that time. We can always check what the procedure is on that visa stamp so we can figure out when you left the United States.

Mr. PENA. You don't need a visa to go to Puerto Rico when you are an American citizen, but the Delta Airlines, if they keep records, can give you the exact date and the hour I left New Orleans to go to San Juan, P.R., last summer. I know it was in August because in August is my birthday.

Mr. LIEBELER. You went to Puerto Rico on your birthday?

Mr. PENA. Well, I stay there on my birthday.

Mr. LIEBELER. When is your birthday?

Mr. PENA. August 15.

Mr. LIEBELER. August 16?

Mr. PENA. Fifteen.

Mr. LIEBELER. I show you a photographic copy of a passport application dated June 24, 1963, and ask you if that is a copy of the passport application that you filled out on or about that day [handing document to witness].

Mr. PENA. Yes.

Mr. LIEBELER. That is a copy of your passport application, is it?

Mr. PENA. I believe so.

Mr. LIEBELER. I would like to mark that as "Orest Pena Exhibit No. 1," and I will just write it on here if I may.

(Whereupon, the document offered by counsel was duly marked for identification as "Orest Pena Exhibit No. 1.")

Mr. LIEBELER. I have marked this "Orest Pena Exhibit No. 1," New Orleans, July 21, 1964, and I have placed my initials on it. Would you initial it below my initials just so we know we are talking about the same document.

Mr. PENA. Over here [indicating]?

Mr. LIEBELER. Yes; just put your initials on it.

(Witness complying.)

Mr. LIEBELER. Now this application also has a part 2, which is required to be filled out by naturalized citizens. That is also a part of your application; is it not? [Handing document to witness.] Is that a part of your application, too, Mr. Pena?

Mr. PENA. I don't know. Might be. Something wrong here. How—went to Mexico? I don't know exactly.

Mr. LIEBELER. What's the problem?

Mr. PENA. I don't know. Says here I was in Mexico. I don't know when I went to Mexico. When I got my passport, I don't remember exactly. I believe I got my passport—when I went to Mexico? How come it says here I went to Mexico?

Mr. LIEBELER. You told us you went to Mexico in May of 1963, if I am not mistaken. Is that right?

Mr. PENA. I know I went to Mexico last year.

Mr. LIEBELER. Well, this passport application, the one that we have already marked, is dated June 24, and the part, the supplement to it, or what purports to be a supplement to it indicates that you went to Mexico for 8 days in May of 1963. Now this part that we are looking at is not signed by you at any point.

Mr. PENA. You mean that's when I applied for my passport?

Mr. LIEBELER. No; you applied for your passport on June 24, 1963. That was after you came back from Mexico. You didn't need your passport to go to Mexico. I don't think you did, anyway.

Mr. PENA. Yes; I believe so. I got my citizen papers; yes.

Mr. LIEBELER. But the information that is set forth on this second part of the application, to the extent that it indicates that you went to Cuba in 1959 in May and April, is correct, is it not?

Mr. PENA. Well, I don't know the exact date, but it was around there, somewhere around there.

Mr. LIEBELER. The information that you came to the United States in October of 1946 is correct, is it not? That's correct approximately?

Mr. PENA. Yes; around.

Mr. LIEBELER. And you lived at 223 West 105th Street in New York City, did you not, for a time?

Mr. PENA. Yes; I lived in that place.

Mr. LIEBELER. Now on the application, the original application that we have marked as "Exhibit No. 1," which you signed, it indicates, does it not, that you were going to go to Spain and that you planned to go to Spain for a vacation trip of approximately 2 weeks.

Mr. PENA. Yes.

Mr. LIEBELER. Now in fact, you didn't go to Spain at that time; is that right?

Mr. PENA. Yes.

Mr. LIEBELER. You went to Puerto Rico and the Dominican Republic?

Mr. PENA. Yes.

Mr. LIEBELER. What made you change your mind about that?

Mr. PENA. I don't know; I just changed my mind. I postponed the trip to Europe for this year.

Mr. LIEBELER. Do you recall that you did plan to go to Spain on vacation?

Mr. PENA. What?

Mr. LIEBELER. Do you recall that you did plan to go to Spain on vacation?

Mr. PENA. Yes, sir. That's where I did take my passport. You also use a passport.

Mr. LIEBELER. Where did you fill this application out?

Mr. PENA. Right here in New Orleans at 701 Loyola Street, if I am not wrong, the new Federal building.

Mr. LIEBELER. At 701 Loyola Street, the new Federal building?

Mr. PENA. Yes, sir.

Mr. LIEBELER. Did you see Lee Harvey Oswald at the passport office on the day you applied for this passport?

Mr. PENA. I don't believe he was there.

Mr. LIEBELER. He applied for a passport on the same day.

Mr. PENA. He applied for the passport on the same day?

Mr. LIEBELER. Yes.

Mr. PENA. I don't remember seeing him there. I remember the day I applied for my passport there were a lot of people from—I don't know from where, India or Africa. You know, colored people. There were some people there. They were seamen or something, and one American girl got all of those colored people. She was helping all of them that day. A bunch of people there, colored people.

Mr. LIEBELER. You have no recollection of seeing Oswald there at that time?

Mr. PENA. No.

Mr. LIEBELER. As far as you know, you never saw Oswald at any time other than that time you saw him in your bar?

Mr. PENA. No.

Mr. LIEBELER. He never had any conversation with you; is that correct?

Mr. PENA. Not that I recall.

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Mr. LIEBELER. Have any other Federal agencies besides the FBI interviewed you?

Mr. PENA. You see, before, they used to go there and say, "We are from the Federal Bureau," and would just talk to them. I didn't know what agency. I never took no one's name or anything until later my lawyer told me, "Every time you talk to one of these men, get their name, where they come from." That was very, very much later. Before, they would just come around and tell me that they are asking me many things about people that was for Castro. When you got a barroom, especially in Spanish like I got—most of my customers are Spanish seamen, foreign seamen—you hear the way they talk, and before, as I was against Batista—most of the people here for Castro, really for Castro—they was going to my place. So when I joined the organization against Castro in New Orleans, one of the agents of the FBI, De Brueys, started going to my place very, very often asking me about many different people, Spanish people, what I knew, what I thought. I told him what I knew; that some people was for Castro and some people was against. I told him what I saw. I never did ask him what he found out about those people.

Mr. LIEBELER. Sometimes you would call the FBI and give them information, too; is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. Information that you picked up from conversations that took place at your bar and listening to those seamen?

Mr. PENA. Yes.

Mr. LIEBELER. Now I have been provided with what are supposed to be all of the FBI reports about their conversations relating to the Oswald case, and as far as I can tell, the only time the FBI has spoken to you about that was back in December 1963, shortly after the assassination, and then again in June 1964, just a short time ago; when they came to question you again at my request after I had—

Mr. PENA. Just those two times?

Mr. LIEBELER. Yes; just twice.

Mr. PENA. I believe it's very many more times than that.

Mr. LIEBELER. You think it is more times than that?

Mr. PENA. Oh, yes.

Mr. LIEBELER. You are sure these were FBI men?

Mr. PENA. I don't know because, as I told you before, I didn't used to get the names until my lawyer told me, "Look! Every time you talk to one of those people, you better get the name and write it down so you know who you are talking about."

Mr. LIEBELER. You wanted to tell me something about the FBI in New Orleans. Why don't you do that now.

Mr. PENA. You see, I started—like I told you, when that organization moved in New Orleans—

Mr. LIEBELER. This is the anti-Castro organization?

Mr. PENA. Yes. So I went down there and joined the organization. In 1959 when I went to Cuba, my mother told me how everything was going; so she says, "He is even worse than Batista." So when I came back, I joined the organization a little bit after that, the organization here in New Orleans. So I went and joined them and started working for the organization collecting money at my place of business and giving my own money for many things to the organization, you know, a dollar, two dollars. Then De Brueys came to the organization. Maybe—I don't know if sent by the Government or how, but he went to the organization.

Mr. LIEBELER. He joined it?

Mr. PENA. No; he didn't join it, but he was sticking with the organization very, very close.

Mr. LIEBELER. They knew he was an FBI agent?

Mr. PENA. Yes; we knew he was an FBI agent. So from time to time he called me at my place. He went to my place and was asking me about this guy and that guy, different people here in New Orleans. So I told him what I thought about the men. I tell you that and then you find out if I am right or if I am wrong. I never did ask if I was right or wrong. I told him about



people that I am for sure they are for Castro here in New Orleans. So one way or the other, he was interfering with me somehow, Mr. De Brueys, so—

Mr. LIEBELER. De Brueys was interfering with you?

Mr. PENA. Yes. Somehow. So one day I went to the FBI. They called me to the FBI. I don't remember exactly for what they called me. So I told De Brueys—I told De Brueys' or somebody else that I talked to—De Brueys' boss—I didn't ask them who it was. They was FBI. They was in the FBI office—I told the agency there I don't talk to De Brueys. I don't trust him as an American.

Mr. LIEBELER. Did you tell them any reasons why you didn't?

Mr. PENA. Because he was interfering very close with the organization against Castro. So since that day—we got in a little bit of argument there. We was talking about somebody. The FBI asked me about a man that had been in the group before, about somebody—if I knew somebody—if I knew his way for signing. So I asked De Brueys, "Did I told you about this man?" He said, "No." I got mad. I said, "If you said I didn't told you about that man, I don't trust you as an American, to be for an American." So 2 days later he went to my place of business. He said to me at the table, "I want to talk to you." I said, "Okay, let's go." He said not to talk about him any more because what he could do is get me in big trouble. He said, "I am an FBI man. I can get you in big trouble." But he made a mistake. I had a girl that was with me that was here when he was discussing me.

Mr. LIEBELER. Somebody else was there and heard it?

Mr. PENA. Yes. He was discussing me not to talk about it. He was an FBI man and he could get me in big trouble. So I talked to my girl friend and said, "Look, I better pull out of this thing. What the FBI wants me is to pull away from that organization and just keep away from those things, politics," so I pull away, and I never did heard from the FBI any more until Mr. Kennedy got assassinated. They left me alone completely. They never asked me after I pulled out of the organization. After that, I never listened to anybody talking about politics in the place. I tried to keep out of it the most I could. They never did call me any more until Oswald got—and then they started coming here talking to me because we was talking about the incident.

Mr. LIEBELER. So your complaints about the FBI here in New Orleans relate basically to the anti-Castro proposition and not to the investigation of the assassination; is that correct?

Mr. PENA. No, no. That was way before.

Mr. LIEBELER. You don't have any criticism of the FBI as far as the investigation of the Kennedy assassination was concerned except that you just don't like to talk to the FBI any more; is that right?

Mr. PENA. You mean after the assassination?

Mr. LIEBELER. Yes.

Mr. PENA. After the assassination, they came and asked me so many times about the same thing, lemonade, it just looked silly to me. They came over so many times, I said, I better do something about it. I called my lawyer and said, "Look! I don't know anything else about this. I want you to go with me there and put it clear that that's what I know about it and I don't want no more part of that." The thing—I got in an argument with one of the men there, the same thing I told you about the printing and the propaganda. I told him how I feel about that. I don't know whether I was right or wrong. He told me that the United States is a big country and it was hard to find. I told him, "I don't agree with you." I told him that.

Mr. LIEBELER. Who?

Mr. PENA. I talked to the agency about if that propaganda, where they was printing that propaganda, and I said, "Why can't you find that place?" He said, "Because the United States is a big country." I said, "It doesn't matter. Each printing has their own type or letter that can be found somehow."

Mr. LIEBELER. So you told this FBI agent that they should find where the propoganda literature had been printed?

Mr. PENA. The propoganda that Oswald was giving away. They put that on television about 4 or 5 days after the assassination—Oswald giving that propoganda. They knew that Oswald was giving that propoganda away before Mr.

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Kennedy was killed. They got all of that propaganda and all of that film taken of Oswald.

Mr. LIEBELER. You think they should find where those leaflets were printed? This is what you told them?

Mr. PENA. The little bit I know about the investigation, they even—let me see how to say it. Let me see—they even keep Oswald from killing Mr. Kennedy. From my point of view as an investigator, if they went all the way from that propaganda, from where it was printed, maybe they can put Oswald in jail. Maybe the President not be killed. That was before Mr. Kennedy was killed.

Mr. LIEBELER. Let me ask you this: Do you have any evidence or do you know of any evidence that would link Oswald to anybody else in a conspiracy to assassinate the President?

Mr. PENA. No.

Mr. LIEBELER. Do you have any information or knowledge that Oswald was involved with pro-Castro people in connection with the assassination?

Mr. PENA. No; I can't tell you that.

Mr. LIEBELER. Do you have any information that this was a pro-Castro or a Castro plot to assassinate President Kennedy?

Mr. PENA. No; I can't say that.

Mr. LIEBELER. Do you know whether anybody else in New Orleans has any information like that?

Mr. PENA. No; I can't say that.

Mr. LIEBELER. What about Bringuler?

Mr. PENA. What I think about Bringuler? He is just trying to get big name, collecting big name to make himself big when he come back to Cuba. Be one of the bosses. That's my point of view. I told you he don't like the United States and what I told you about; you can bring him here and tell him that Orest Pena told you that. I will stand a lie-detector test and invite him to take one, and I invite De Brueys, too, to ask De Brueys if that's true or not true he went to my place and tried to intimidate me. If he say no, I take a lie-detector test and he take a lie-detector test and maybe you will find one Communist in the FBI.

Mr. LIEBELER. You think that Bringuler is using his association with Oswald to give himself a big name in connection with that?

Mr. PENA. That's what it is.

Mr. LIEBELER. As far as you know, Bringuler doesn't have any evidence that there was a pro-Castro plot to assassinate the President.

Mr. PENA. No; I don't know. See, Bringuler know Oswald very well. He told me, one time—I don't know if that is true or not—he said that Oswald brought him some kind of manual or a book. I believe he still have the book. And Bringuler has his own organization here. They call it—

Mr. LIEBELER. DRE?

Mr. PENA. Cuban something.

Mr. LIEBELER. Is that the DRE?

Mr. PENA. Yes; something.

Mr. LIEBELER. Cuban Students Directory?

Mr. PENA. He said Oswald came to infiltrate in his organization.

Mr. LIEBELER. And that Oswald came to his store?

Mr. PENA. Yes. That's what he told me. Before, I used to talk to him, go there or he came to my place.

Mr. LIEBELER. You and Mr. Bringuler are not too good friends any more; is that right?

Mr. PENA. We was quite close until—when they started the blockade in Cuba, the way he spoke about President Kennedy. And I pulled a little bit out. I even used to give him sometimes more than \$2. I don't know. He collected to send to Miami, if he don't send it somewhere else. That's what he said.

Mr. LIEBELER. Do you have anything else that you want to tell us at this time, Mr. Pena, that I haven't asked you about that you think we should know about?

Mr. PENA. No.

Mr. LIEBELER. You can't think of anything?

Mr. PENA. I tell you, Bringuler don't do many things that he will tell you. He don't like America. Time will tell. He is one of the guys that—do you



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Mr. LIEBELER. Where were you born, Mr. Pena?  
Mr. PENA. Mantanza—that's the province—Colón—that's the city—Cuba.  
Mr. LIEBELER. When?  
Mr. PENA. March 5, 1927.  
Mr. LIEBELER. You are still a citizen of Cuba?  
Mr. PENA. Yes.

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Mr. LIEBELER. Where do you work?  
Mr. PENA. With my brother at the—I help my brother run the bar, the Habana Bar, 117 Decatur Street. The Habana Bar it is called.

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Mr. LIEBELER. Do you know Carlos Bringuer?  
Mr. PENA (answering directly). Yes.  
Mr. LIEBELER. And you are the brother of Orest Pena; is that correct?  
Mr. PENA. Yes.

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Mr. LIEBELER. Do you know Evaristo Rodriguez?  
Mr. PENA (answering directly). Yes.  
Mr. LIEBELER. Have you discussed with your brother an incident in the bar where a man ordered a lemonade?  
Mr. PENA. I didn't talk with my brother about it. I have discussed it with the bartender.

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Mr. LIEBELER. Rodriguez?  
Mr. LOGAN. Because his brother, apparently—he wasn't there when the incident happened either. He didn't discuss it with his brother and the bartender. Apparently, he just heard it through talk in the bar about the thing.

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Mr. LIEBELER. You were not there at the time this happened?  
Mr. PENA. No; I wasn't there.  
Mr. LIEBELER (handing picture to witness). I show you a picture which has been marked "Garner Exhibit No. 1," and ask you if you recognize that man.  
Mr. PENA. I know him from the newspapers, but I have never seen him in person.

(Discussion between witness and interpreter.)  
Mr. LOGAN. He knows. Just can't get it out right now. He doesn't remember his name. He knows his face because he has seen it in a lot of photographs and pictures in the newspaper. Never saw him in person, but he knows the photograph of the man from pictures on TV and newspapers.

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Mr. LIEBELER. And you know him as the man who assassinated President Kennedy?  
Mr. PENA. Yes; I do. I don't right at this second remember his name.

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Mr. LIEBELER. Oswald?  
Mr. PENA. Oswald is the man.  
Mr. LIEBELER (handing picture to witness). I show you a picture that has been marked "Bringuer Exhibit No. 1," and ask you if you have ever seen any of the men in this picture, specifically that man who is handing out leaflets slightly to Oswald's right, the man I point to with my pencil, and, for the purposes of the record, it is the man who stands behind Oswald to his right, and he is the second man from Oswald. He wears a short-sleeved shirt with a tie.

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Mr. PENA. I don't know anybody in there. I don't recognize anybody in there.  
Mr. LIEBELER. Did you ever tell Carlos Bringuer that you had seen Oswald anywhere?

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Mr. PENA. No.  
Mr. LIEBELER. Were you in the bar, the Habana Bar, at the time when your brother got into an argument with two Mexicans or Cubans about the bongo drums?

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Mr. PENA. It was me that had the argument with them. I had an argument with a couple of them over there over the problem of Cuba, but I was not there when the incident that your question specifically asked about took place.

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Mr. LIEBELER. Now, you did have an argument with two Mexicans about Cuba; is that right?

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Mr. PENA. The problems of Cuba.  
Mr. LIEBELER. And did you call the FBI?  
Mr. PENA. Bringuer did.  
Mr. LIEBELER. Bringuer called the FBI?  
Mr. PENA. Yes.

rney?

Mr. LIEBELER. How many times did you see these men?

Mr. PENA. The first time I saw them was in the bar, the two of them. It was in the evening we were having this discussion over the problems of Cuba. The second time was 2 or 3 days later—I am not positive about that—when I saw them pass the bar in a little car.

Mr. LIEBELER. Did you ask Bringuler to call the FBI?

Mr. PENA. Yes. What I did was, when I saw them passing in the car—these two men that I mentioned, passing in a car—I went out and took the license number and I gave this to Bringuler, Carlos Bringuler, and I asked Bringuler to call the FBI because I wasn't able to speak English well enough, and that's it.

Mr. LIEBELER. Had you, yourself, ever called the FBI or any other Government agency about these two men before you told Bringuler to call them?

Mr. PENA. I didn't call anybody before I told Bringuler to call them, the FBI.

Mr. LIEBELER. Are you sure?

Mr. PENA. I am sure. I gave Bringuler the number and told him to call the FBI because I couldn't speak English well enough.

Mr. LIEBELER. Well, do you remember discussing this question with Mr. Logan back in May, and Mr. Logan asked you this question at that time, and don't you remember that you told Mr. Logan that you had called the FBI or the Immigration and Naturalization Service?

Mr. PENA. No; I didn't, but at that time, I just have said that I called one because it mentions there about the telephone. I just can't remember it now.

Mr. LIEBELER. Why did you ask Bringuler to call the FBI, when you saw these men in the car?

Mr. PENA. The night that I had the discussion with these two men, I got the impression that they were pro-Castro and probably Communists, so that's why, when I saw them go by in the car a couple of days later, I asked Bringuler to call the FBI to denounce them, to turn them in or denounce them, or to let them know that they were about.

Mr. LIEBELER. Why didn't you call the FBI when you talked to them the first time?

Mr. PENA. The first reason I did not call the FBI the first time was because this discussion took place at night and that, as soon as the discussion was terminated, these two men left, and so it just sort of ended right there. Then, when I saw them again, I got Bringuler to try to call them.

Mr. LIEBELER. Did Bringuler tell you that he did call the FBI?

Mr. PENA. He called the FBI right in front of me.

Mr. LIEBELER. Were you there when Bringuler called the FBI?

Mr. PENA. Yes. I was right there when he was supposed to have called them.

Mr. LIEBELER. Where did Bringuler call them from?

Mr. PENA. Called them from Bringuler's store. That's the Casa Rocca. That's right down the street from me. It's 107 Decatur. It's the Casa Rocca. It's a store. That's where the call was made from.

Mr. LIEBELER. Did Bringuler tell you who he talked to at the FBI?

Mr. PENA. No.

Mr. LIEBELER. Did these two men have anything to do with Oswald, as far as you know?

Mr. PENA. As far as I know, no.

Mr. LIEBELER. Have you ever seen them again after you saw them in the car?

Mr. PENA. No; never saw them since.

Mr. LIEBELER. Have you ever been in favor of Fidel Castro in the early times?

Mr. PENA. I have never been friendly toward Castro. I am more or less pro-Batista.

Mr. LIEBELER. Do you have any information as to where these two men could be found now?

Mr. PENA. No; I don't have any information. I am under the impression that one was a Cuban and one was a Mexican because of their method of speaking Spanish, which varies from each Spanish country, like a Cuban speaking can recognize a Mexican by his language rather than his appearance.

Mr. LIEBELER. What is the answer to the question?

Mr. PENA. The answer to the question is that I do not have any information as to where these two men can be found now.

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Mr. LIEBELER. Did you give Bringuler the license number of the automobile?

Mr. PENA. Yes; I gave it to Bringuler.

Mr. LIEBELER. Did Bringuler give it to the FBI?

Mr. PENA. Bringuler gave it to them, the FBI, over the telephone.

Mr. LIEBELER. You are sure that you were present when Bringuler talked to the FBI?

Mr. PENA. The thing is, I was there when Bringuler made a call supposedly to the FBI, but I can't say and won't say that I know Bringuler was talking to the FBI. Actually, as a matter of fact, he could have been talking to just anybody. That's what he just said.

Mr. LIEBELER. You had that problem because of your difficulty understanding the English language?

Mr. PENA. The idea is that I was there when the call was made, but I don't know. As far as I am concerned, Bringuler was talking to the FBI.

Mr. LIEBELER. It says here in this report that you weren't even there.

(Discussion between witness and interpreter.)

Mr. LOGAN. He is telling me now about all the people that are exiles that are in Cuba. They hollered, "Yankee, no." But that's not pertinent. You want me to ask him again about his being present and see if we can make him remember?

Mr. LIEBELER. Why does he mention this thing about Cuba? He is not one of them?

Mr. LOGAN. I dare say it is part of his nature. He is telling me that we have to be careful of all of these people, which we already know.

Mr. LIEBELER. Now, Mr. Pena, did you tell Mr. Logan and Agent De Brueys that you were not present when Carlos called the FBI?

Mr. PENA. I don't know that I remember telling you that, but I say now that I was present when that call was made.

Mr. LIEBELER. Now Mr. Bringuler said that you told him that one of the two Mexicans had been in the bar with Oswald. Is that correct?

Mr. PENA. I never told Bringuler that.

Mr. LIEBELER. And you couldn't have told Bringuler that because you weren't even in the bar when Oswald was there and you never saw the man who was with Oswald?

Mr. PENA. That's right. I wasn't in the bar when—

Mr. LIEBELER. Do you have any knowledge that Oswald was connected in any way with any conspiracy to assassinate the President?

Mr. PENA. I have no information that Oswald was ever connected with any organization or conspiracy to assassinate the President.

Mr. LIEBELER. Is there anything else that you would like to tell us about this whole affair?

Mr. PENA. I have no further information outside of what I have already said regarding the two Mexicans.

Mr. LIEBELER. All right. Thank you very much.

#### TESTIMONY OF SYLVIA ODIO

The testimony of Sylvia Odio was taken at 9 a.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you please rise and take the oath? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ODIO. Yes; I do.

Mr. LIEBELER. Please sit down. My name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission investigating the assassina-