

Deposition - OREST PENA, July 21, 1964, 11 H 346-364

Questioner: Liebler

Pena, born in Cuba, became an American citizen in 1956. He operates the Habana Bar and Lounge at 117 Decatur Street, New Orleans, where Rodriguez is employed. His brother, Ruperto, is an employee. He knows Carlos Bringuer, who is connected with a nearby clothing store.

Pena is not connected with JURE but says he was with another organization in the Balter Building whose "chief or the boss of that organization, who was in Miami, Barrona. He was the boss of that organization." Of this group Pena said, "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 ..." When asked (p.350) if he had been interviewed by two FBI agents December 5, 1963, Pena replied, "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."

He does recall an interview two weeks before the deposition. On this occasion he was asked "if I saw Oswald; so I said I saw him once. He went to my place of business with one or two friends." Pena acknowledges his recollection of two friends, which is in contradiction with Rodriguez's of one. Pena also explains how it sticks in his mind: "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." The customer was Oswald, who complained about the price and ordered a tequila for his friend.

Pena also recalls Oswald's illness (p.351). He then declares,

"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.'" Questioned, Pena makes it clear that he recognized Oswald on television before Rodriguez came to him.

Pena and his brother went to Bringuier who "is very much interested. He called - my brother called Bringuier. We didn't pay any attention until the FBI came one time and asked me." This was shortly after the assassination.

Pena thinks the man was Cuban and claims he can identify his own people. He also says he was never close to the man.

During the testimony of the lawyer Andrews, he made reference to the name "Debruy<sup>ey</sup>s" (p.339) as "stools". Here on p.352 Pena also makes reference to calling the "De Brueys". He then says, "You are from Washington, huh?" to which Liebeler replies in the affirmative. Pena then says "I am going to talk to you about De Brueys and the FBI agency in New Orleans,<sup>in</sup> Louisiana." What follows is somewhat confusing. Mr. Liebeler seems satisfied to leave it.

Returning to the identification of Oswald, Pena (p.352) reiterates, "Oswald I did (identify) 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.'"

Liebeler continues to press about Pena's talking to the FBI and lists several startling pieces of information. First, that the FBI spoke to Pena so much that Pena got a lawyer, something he didn't do for his appearance before the Commission. And second, a rather

startling comment on Bringuier' attitude toward the United States.

~~Thank you~~ "Mr. Liebeler. Is this the story that you told to the FBI after the assassination, that you had seen Owsald 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. Pens. 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 need a lawyer about for this. I just tell you the truth. When I finish with him - you are from Washington. I tell you, Bringuier hates the United States as much as he hates Russia.

"Mr. Liebeler. ~~How~~ Bringuier does?

"Mr. ~~th~~ Pena. The day Mr. Kennedy put a blockade in Cuba - you remember, about a year and a half, more or less - Mr. Carlos Bringuier 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. Bringuier 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~~ 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. Bringuier 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 <sup>Mr.</sup> ~~Mr.~~ Bringuier'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.

"Mr. Liebeler. Did you tell Mr. Bringuier 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 <sup>told</sup> ~~said~~ most of my customers that I saw Oswald came to my place."

Liebeler has statements from the FBI of the interview on June 6, 1964, saying diametrically the opposite, that Pena and his brother had never spoken to anybody about Oswald being in his bar, with which Pena takes issue. On p.354 it turns out that on December 5, 1963, Pena did give the FBI a statement which presumably was in conformity with his deposition. Liebeler says the purpose of his appearance before Liebeler is to attempt to reconcile the conflicts. He concludes his explanation of his purpose with this sentence, "Now let me ask you this: You have a good deal of hostility toward the FBI, do you not?"

Pena's answer is a bit picturesque: "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."

~~xxx~~ Liebeler puts him off.

In the course of pushing Pena again about his identification of Oswald, it turns out that Pena would call Bringuier when he wanted to get in touch with the FBI!

When shown the Bringuier exhibit No. 1, the photograph, on p.355 Pena immediately identified Oswald. He says that he complained to the FBI, that the FBI should have pursued the source of the propaganda Oswald was distributing, because "those people might know Oswald and many more people in connection with Oswald." On the Pizzo exhibits 453-A and 453-B, Pena also picked out Oswald (p.355). Likewise, in the Garner No. 1 picture, and the Pizzo 453-C picture (p.356).

Pena also states that at the time Oswald was arrested because of his altercation with Bringuier, he thought he identified Oswald on television and when Rodriguez "run from his house to my house to tell

me about it", he was certain or, as he put it, "Then my mind got clear".

Pena confirms Rodriguez' story about the trip to the doctor during which he, Pena, drove past the point at which Bringuier was being arrested and says that afterwards, he, Pena, posted bond for Bringuier and "one or two more guys" (p.356). <sup>Pena</sup> ~~Bringuier~~ says he did not actually see the arrest himself, but had been told about it by Bringuier's brother-in-law, who said he couldn't leave the store to post the bond.

The name of the anti-Castro organization with which Pena had worked is identified at the bottom of p.357 as the Cuban Revolutionary Council. On the top of the next page he identifies "the delegate here" as Serrgio Arcachaa. Pena's connection with this group was sufficiently prominent for his picture to be on the front page of the New Orleans paper.

The dispute with the FBI that led to Pena's having his lawyer represent him was, according to Pena, because the FBI asked him the same thing over and over again.

Again asked whether he was a witness to the time Bringuier was arrested because of the altercation with Oswald, Pena said he did not see it and "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." (Pp.358-9).

The balance of p.359 and most of p.360 are devoted to Pena's travels and toward the bottom of p.360 Liebeler says that Pena applied for his passport in 1963 on the same day on which Oswald applied for his. Pena says, "I don't remember seeing him there..."

It turns out (p.361) that many pro-Castro people came to Pena's bar and at the request of the FBI he provided the FBI with information

about them. He also contributed and collected money against Castro. At the bottom of p.361 De Brueys is identified again as an FBI agent who was "sticking with the organization very, very close," meaning the Cuban Revolutionary Council. On the next page he accuses De Brueys of interfering with the organization, leading to an argument. He also claimed De Brueys threatened him, in the presence of his girl friend.

Apparently the thing that the FBI kept asking him over and over again appears on the bottom of p.362 in this sentence, "After the assassination, they came and asked me so many times about the same thing, lemonade, it just looked silly to me."

On p.363, Pena quotes Bringuier as having said Oswald gave Bringuier "some kind of manual or a book". Asked if he and Bringuier are "not too good friends any more", Pena says, "We was quite close until - when they started the blockade in Cuba, the way he spoke about President Kennedy." Earlier Pena had expressed an admiration for President Kennedy and a feeling of pain at his loss.

In the last part of his deposition, at least 4 times Pena accuses Bringuier of very strong anti-American feelings and concludes with a very strong statement of his, Pena's, love for the United States.