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AIRTEL

Date 6/15/78

TO: DIRECTOR, FBI  
 Attention: Supervisor DREW J. CLARK,  
 Congressional Inquiry Unit  
 Room 8988

FROM: SAC, NEW ORLEANS (66-2878)  
 HOUSE SELECT COMMITTEE  
 ON ASSASSINATIONS (HSCA)

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 5/2/83 BY [signature]

Re New Orleans tel 6/8/78.

Enclosed for the Bureau is one copy each of a letter to the Director from former SAC (retired) WARREN C. DeBRUEYS dated 6/12/78 which encloses a 20 page document entitled "Testimony Before the Sub-Committee on the Assassination of President John F. Kennedy, U. S. House of Representatives, May 2 and 3, 1978"; one copy of a letter from DeBRUEYS to SAC, New Orleans dated 6/13/78; and one copy of a memorandum dated 6/7/78 which sets forth results of New Orleans indices search relative to OREST PENA.

The enclosed material was made available to ASAC THEODORE M. GARDNER, New Orleans by DeBRUEYS on 6/14/78.

Inasmuch as former SAC DeBRUEYS furnished his recollections of his testimony before the HSCA as an enclosure to a personal letter to the Director, this material is not being furnished to FBIHQ in letterhead memorandum format. It should be noted that in the last

- 3 - Bureau (Enc. ENCLOSURE)
- 2 - New Orleans (66-2878)

REC-50

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TMG-jss  
 (5)  
 1cc of airtel to Drew J. Clark, 6/16/78  
 CHD to Mr. Warren C. de Brueys  
 6/23/78 OSC/mal

DOC. BY [signature]  
 LEGAL COUNSEL

Approved: [signature]

Transmitted

(Number)

(Time)

Per

62 DEC 8 1978

NO 66-2878

paragraph of page 4 of his letter to the Director, DeBRUEYS makes a request of the Bureau to permit him to review those reports he wrote under the Fair Play for Cuba Committee (FPCC) caption as well as those written under the caption "Lee Harvey Oswald" in 1963 by former SA MILTON R. KAACK and possibly others. He advises this review would enable him to supplement his testimony before the Sub-committee by informing the Sub-committee in writing of the full nature and extent of the Bureau's and his pre-assassination inquiry involving OSWALD. He stated he considers this to be essential to a complete and fair understanding of the Bureau's pre-assassination investigation.

Former SAC DeBRUEYS repeatedly expressed concern that the HSCA was attempting to establish the proposition that the Bureau's pre-assassination inquiries of LEE HARVEY OSWALD were not as probative as they should have been, and that appropriate FBIHQ personnel and the Director should be made aware of the HSCA's predilections in this regard.

Pursuant to former SAC DeBRUEYS' request, a copy of the enclosed material is being maintained in the New Orleans file.

June 13, 1978

Mr. Francis M. Mullen, Jr.  
Special Agent in Charge  
Federal Bureau of Investigation  
U. S. Department of Justice  
7013 Federal Building  
701 Loyola Avenue  
New Orleans, Louisiana 70113

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 5/2/83 BY Sp3cl/92  
#211,326

Dear Bud:

I am enclosing a letter directed by me to FBI Director William H. Webster together with its enclosure, a summary of my testimony before the House Sub-Committee on the Assassination of President John F. Kennedy on May 3, 1978. I have included for your office files a machine copy of the letter and its enclosure.

Would you be so kind as to forward the original letter and its enclosure in your office's Registered Mail to Bureau Headquarters for personal attention of the Director?

If you have any questions pertaining to this letter or its enclosures, I will be happy to try to furnish the desired information.

Cordially,

*Warren C. de Brueys*

Warren C. de Brueys  
4827 Michoud Blvd.  
New Orleans, Louisiana 70129

WCdeB:bec

Enclosures:

June 12, 1978

Mr. William H. Webster  
Director  
Federal Bureau of Investigation  
Washington, D. C. 20535

ALL INFORMATION CONTAINED

FEDERAL BUREAU OF INVESTIGATION

DATE 5/2/83

BI 43 cl/gh

#211,326

Dear Mr. Webster:

Enclosed is a summary of my testimony before the House Subcommittee on the Assassination of President John F. Kennedy held on the morning of May 3, 1978. The contents of the enclosure is a summary of information I was able to recall some four or five hours after the hearing.

When viewed in retrospect, some questions posed by Congressman Christopher J. Dodd left me with the distinct impression that he may have been attempting to establish the proposition that the Bureau's pre-assassination inquiries of Lee Harvey Oswald were not as probative as they should have been. His specific inquiries of me as to the details of my investigation of the Fair Play for Cuba Committee (FPCC) as they related to Oswald could not be fully answered in view of the passage of some fifteen years since I performed that investigation. This was explained to him along with the fact that I believe I had some 40 to 60 other cases assigned to me at the same time. Again, in retrospect, I gather that he misconstrued that response as an excuse for some possible omissions in my handling of that case rather than my attempt to present a factual picture. I did emphasize that while I did not recall every facet of my inquiry, I nonetheless could state that as in all investigative matters handled by me, my inquiry of Oswald in the FPCC case was both thorough and more extensive than circumstances required.

If my premise or supposition as cited above is accurate, it may be well to mention that shortly after my assignment to FBI Headquarters as a supervisor in 1967, several Bureau supervisors expressed their gratitude to me for the extensive nature of my

inquiry in the FPCC case involving Oswald. They explained that in the main, full-field investigation of Oswald of the New Orleans Division in 1963 which had been assigned to Special Agent Milton R. Kaack, there had been some alleged deficiencies for which they were to be censured. However, these supervisors had been able to show that the so-called deficiencies in Kaack's investigation under the individual caption of Lee Harvey Oswald (possibly with the Character of "Is-R" or "Foreign Agents Registration Act") had been more than adequately covered in my FPCC investigation in the New Orleans Office during the same period.

I cite the foregoing as it is entirely possible that the Sub-Committee may ask for Bureau reports and if they merely review the main case investigation on Oswald in the New Orleans Office in 1963, their review of Kaack's reports will not give the complete picture. It is essential for them to review both the security case on Oswald by Kaack and my collateral inquiry of Oswald under the FPCC caption. It would have been an inefficient duplication of effort for S.A. Kaack to have duplicated what I may have done regarding Oswald. Additionally, the Sub-Committee should review the Dallas Office reports as Oswald did not remain in New Orleans long after his arrest by New Orleans Police in August brought him to the attention of the New Orleans Division. He departed for Dallas the next month in September, 1963.

Another point of interest of the Sub-Committee was Orestes Pena, who in recent years has commented publicly he had seen Oswald in my presence prior to the assassination. This is an unmitigated fabrication, which, based on an article in the San Antonio Light, a San Antonio, Texas newspaper, under date 4/29/78, has grown to the point where Pena now is quoted as stating to French film director, Jean-Michel Charlier, that he and Oswald frequently made reports together to the FBI, adding that the agent who handled both of them was I. Pena, to my knowledge, made no statement to the Warren Commission indicating he ever saw Oswald in my company. Also Pena apparently was embarrassed in having to admit in a Bureau interview in 1964 that he never made a statement to Carlos Bringuier that Oswald had been in his bar, the La Habana Bar in New Orleans during the summer of 1963. I believe that my persistence in interviewing him about that alleged statement which resulted in his denial has been a source of irritation to Pena -- hence, the possible basis for his wild utterances in the last two or three years. As stated in the enclosure, I never personally met or saw Oswald except for photos of him after his arrest in New Orleans in August, 1963.

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During the hearing I was asked if Pena had been an informant of the FBI, and I responded with a categorical "no". Further questions were asked such as could he have been a "source of information?" I explained a source could be anybody, such as a shopkeeper, accountant, business employee, who may have given information in the past in response to inquiry. I answered that possibly Pena may have been a "source for information," but quickly added that it was my recollection that he was not the type of person I would have been inclined to develop as an informant simply because he was not disposed to furnish any data of significance at any time and it seemed that what he did furnish was quite limited in response to specific inquiry.

It should also be mentioned that prior to the Executive Session hearing on 5/3/78, I had been interviewed on 5/2/78 by staff counsellor, Robert Genzman. After about 2½ hours of interrogation on the morning of 5/2/78, Genzman got to the Pena subject at which time I informed him Pena was never to my knowledge an informant of the FBI. After asking that question he told me I didn't have to appear before the Sub-Committee on 5/3/78 adding that I could merely furnish him with a sworn signed statement incorporating all the answers I had given that morning. I declined to do so, indicating that I had taken the trouble to travel to Washington to appear before the Sub-Committee and I intended to do so. I explained that there are a lot of misconceptions about the Bureau's investigative effort and I thought I may be able to clarify a lot of misunderstandings by answering the Sub-Committee's questions and volunteering data where necessary to disabuse them of any ill-conceived ideas or conclusions that might surface during the hearing.

Also at the staff interrogation on 5/2/78 I was asked by Sub-Committee counsel, Robert Genzman, wasn't the job of Special Agent in Charge of the San Juan Division of the FBI a plush job highly sought after by qualified Bureau agent personnel. I responded that such was not the case and that the job of SAC for that Division to my knowledge had been offered to several qualified Bureau agents who turned it down before I was assigned to that position having learned thereof for the first time by medium of a routine letter of transfer. The implication in this question that could be inferred is that I was being "paid off" by the Bureau possibly because Oswald had been my informant which the Bureau did not want revealed and for that reason I had become an "untouchable".

This latter reasoning, of course, is pure speculation on my part, but the questions posed by the Sub-Committee's Staff Counselor and by the Sub-Committee has given some credence to the ridiculous allegation that Oswald had been an informant of the FBI and mine in particular.

Perhaps another set of circumstances that has been seized to support the wild allegation that Oswald had been an FBI informant was the fact that some years after the assassination a number of FBI agents were asked to submit an affidavit that Oswald was not an informant of the FBI. For some strange reason, perhaps because I was assigned overseas and inadvertently passed over, I did not receive such a request. This possibly gave credence to the speculation that I was purposely not asked to sign such an affidavit. If I remember correctly, that was corrected two or three years ago when I believe I was asked to sign an affidavit and did so readily.

Given the foregoing indications as evidence of the Sub-Committee's apparent predisposition to pursue suppositions that the Bureau knows to be completely erroneous, the possibility that the Sub-Committee could err grossly in evaluating the Bureau's pre-assassination investigation can no longer be considered remote. If such a travesty of reasoning were to evolve it would be damaging to the Bureau's reputation and conceivably to mine as well. Accordingly, as a party of interest, I request the Bureau to permit me to review those reports that I wrote under the FPCC caption as well as those written under the caption of "Lee Harvey Oswald" in 1963 by Special Agent Milton R. Kaack and possibly others. With the Bureau's permission I would then be able to supplement my testimony before the Sub-Committee by informing the Sub-Committee in writing of the full nature and extent of the Bureau's and my pre-assassination inquiries involving Oswald. Such information would be accompanied by those comments and explanations which I, as a party familiar with relevant circumstances and conditions at the time the reports were written, consider to be essential to a complete and fair understanding of the Bureau's pre-assassination investigation. Any sterile report review by the Sub-Committee without such additional relevant data would be inadequate and susceptible to faulty analysis.

Cordially yours,

*Warren C. de Brueys*  
Warren C. de Brueys  
4827 Michoud Boulevard  
New Orleans, Louisiana 70129

TESTIMONY BEFORE THE SUB-COMMITTEE ON THE ASSASSINATION OF  
OF PRESIDENT JOHN F. KENNEDY

U. S. HOUSE OF REPRESENTATIVES

May 2 and 3, 1978

Set forth below is a summary of data furnished during an Executive Session of the House Sub-committee on Assassinations on 5/3/78. Present were Congressmen Richardson Preyer (North Carolina), Chairman; Harold S. Sawyer (Michigan); and Christopher J. Dodd (Connecticut). The staff Counselor, who posed a majority of the questions, was Robert Genzman, a graduate of Cornell Law School.

It should be pointed out that on the previous date, May 2, 1978, I was queried by Counselor Genzman between the hours of 9:00 A.M. and Noon and between 2:00 P.M. and 4:00 P.M. It is possible, hence, that some of my answers given on that date may be recorded from memory as given during the Executive Session. However, I am certain that for the most part, what follows was given before the House Sub-committee on May 3, 1978.

At the outset, I was asked to furnish background of my FBI career, and I provided the following information:

I entered the Bureau in August of 1950 as a Special Agent and retired on May 6, 1977. Sometime during the questioning, if not entirely at the outset, I traced my career in the Bureau, including my assignments in the Newark and New Orleans Divisions and overseas, as well as my assignment at FBI Headquarters, and temporary duty assignments in Santo Domingo during the revolutionary crisis in The Dominican Republic and in Dallas, Texas during the Kennedy Assassination investigation.

In response to the type of work I was doing in New Orleans in 1963, I mentioned my work primarily involved security-type investigations. Either on 5/3/78 or during the Staff Counselor's inquiry on 5/2/78, I had estimated that I probably was assigned to security matters commencing possibly in 1958.

Asked about my Fair Play for Cuba Committee (FPCC) investigations, I explained that I had apparently worked on the FPCC case intermittently for sometime before Oswald came to the attention of the New Orleans FBI



office. I explained that as FPCC headquarters were in New York, the FBI's New York office was considered the Office of Origin of the FPCC investigation. I added that based on information received from sources of the New York office who had knowledge of certain FPCC activities, leads involving the territory covered by the New Orleans Division were received from time to time from the New York office. My recollection is that such leads were limited to the identification of the person(s) or group(s) residing in the New Orleans office territory who probably had been in contact with FPCC headquarters. Additionally, address and employment data were developed concerning individuals. It is my recollection that such leads were submitted to field offices from the New York office in a form letter which would simply identify such persons or groups in touch with FPCC and would instruct the particular office involved to conduct a limited inquiry in accordance with a specific section of the Manual of Instructions. Once that limited data (described above) was obtained, a communication would be sent to the New York office setting forth the results of such limited inquiry. If there were no additional leads outstanding, the communication would be marked "RUC." "RUC" is the abbreviation for "Referred Upon Completion to the Office of Origin." Actually, that was tantamount to closing a case in an auxiliary office.

I then commented that while I had the FPCC case assigned to me, it may be that I had 5, 6, or more leads submitted to me by the New York office over an extended period of time. Accordingly, I assume that the FPCC case in the New Orleans office had been opened and "RUC'd" (closed) in as many times.

I am presuming that when word was received at the New Orleans Division of the FBI that Lee Harvey Oswald was endeavoring to open a FPCC Chapter in the New Orleans area, it was at that time it became necessary for me to establish the identity and employment of Oswald and furnish pertinent data regarding his identity and activities as a FPCC member in New Orleans to the New York office and possibly to FBI headquarters. I informed the Sub-committee that I was not able to recall whether the individual case on Lee Harvey Oswald, probably under the character of "Internal Security-R" or "Foreign Agents Registration Act" and assigned to another agent, had been opened before I conducted leads relative to Oswald's activities involving the FPCC. At any rate, with the opening of the subject case on Oswald, the latter matter took precedence over the FPCC case in so far as the investigation of Oswald was concerned. The individual case under the caption of Lee Harvey Oswald was assigned to another agent and was, in effect, a full-field type of investigation whereas my inquiry of Oswald was limited to his alleged

activities in connection with the Fair Play for Cuba Committee. I reiterated to the Sub-committee members that all of the foregoing and what follows must, of necessity, be characterized as "recollection." I explained that I do not have access to FBI files and particularly to the reports that I had written pertaining to matters in which the Sub-committee has exhibited an interest.

In response to specific inquiry, I narrated the extent of my investigation involving Oswald under the FPCC caption. I explained that I could not at this late date (some 15 years subsequent to my investigation) recall the identities of specific sources contacted by me. I did say that obviously I would have contacted a large number of Cuban sources and had acquired information concerning Oswald's employment, residence, and general activities. I mentioned that it would have been equally logical for me to have utilized any information pertinent to the FPCC investigation involving Oswald that may have been in the individual case under the "IS-R" or "FARA" caption assigned to SA Milton R. Kaack. I am certain that there was included a copy of the Interview Report Form setting forth the interview of Lee Harvey Oswald by SA Jack Quigley. When pressed for the identities of sources, as stated above, I could not say with any certainty at this time who they were by name, but that I probably contacted quite a number of people including numerous anti-Castro Cubans who conceivably would be aware of Oswald's pro-Castro activities and when pressed for names, I suggested I may have talked to Carlos Bringuier, Frank Bartes, Arnesto Rodriguez and others and may have checked at the Post Office concerning his Post Office Box, but at this late date I could not be certain about the details. I reminded the Committee members that there was no point in my conducting investigation already conducted by SA Kaack in handling his investigation of Oswald. Congressman Dodd, at that point, made some comments that could be interpreted that my investigation may have been limited considering the importance of the investigation. He then said that Oswald had been a known defector to the Soviets and had been pandering the FPCC. I then stated I had no way of detailing the amount of investigation I conducted simply because too many years have passed since I conducted that inquiry. I mentioned that if I had access to pertinent FBI files, I could give a specific answer. Without such material, I could only state that as was my custom all my investigations were thorough and my investigation had been more than adequate and covered the matter in every detail. I mentioned that having a large number of cases assigned to me which numbered perhaps, between 40 and 60 cases at the time I was handling the FPCC matter, it was my custom to handle each matter thoroughly and completely.

I also mentioned that having been reminded through Committee Counselor Genzman's questioning that Oswald was arrested by New Orleans Police on

August 9, 1963, that I would assume that my investigation probably commenced on that date or shortly thereafter, or if it had already been active, it would probably not have been in effect for too long a period prior to August 9, 1963. I reminded the Committee that Lee Harvey Oswald moved from the New Orleans area in September of 1963 and established a new address in the Dallas, Texas area. Hence, any information developed pertinent to our investigative interests was recorded in the communication to the New York office, and the Dallas Division would have been advised of Oswald's travel to Dallas. I mentioned that it would have been incumbent upon the case agent handling the "IS-R" or the "FARA" case to have taken the steps to change the Office of Origin to Dallas whereas the FPCC case would have remained with the New York office as the Office of Origin. Hence, the FPCC case, in so far as the Oswald investigation was concerned, was a secondary matter, the other described case assigned to SA Kaack being the primary investigation of Oswald.

In response to specific inquiry by the Staff Counselor, I mentioned that Oswald was reported to have passed out hand bills in front of the International Trade Mart Building in New Orleans. That information, to the best of my memory, had been furnished to the FBI by Jesse Core. The Staff Counselor had indicated that that event took place on the 16th of August, 1963. At that time, Oswald was allegedly accompanied by a young man who helped him distribute such hand bills. I mentioned that it was my recollection that the latter individual was determined to have been nothing more than a helper who had no interest in the FPCC. I added that such information, to the best of my recollection, had been developed by some other agent(s) and was not the result of my specific inquiry.

Congressman Dodd wanted to know if pro-Castro informants were contacted as well as anti-Castro informants. To the best of my memory, I could not recall whether there were any active pro-Castro groups positively identified at that time in the area, and it is my recollection that there were none. I believe I did explain that among anti-Castro Cubans, there were quite a number who specialized in trying to identify pro-Castro Cubans.

I believe that I reiterated the difficulty of responding with specificity to such questions without an opportunity to refresh my memory through file reviews.

I was asked if I saw the report of Jack Quigley. I qualified the term "report" to mention that if they were referring to Quigley's Interview Report Form, which I believe is also referred to as a "309 Form", I was certain that I did read that report as I seemed to recall

that I had probably included it in my report along with a copy of a transcript of Oswald's TV/Radio debate with an anti-Castro Cuban which took place in New Orleans, I believe, after his arrest for an altercation with anti-Castro Cubans on August 9, 1963.

In response to a specific question, I replied it was not unusual for someone in a district jail to ask to see an FBI agent. The Staff Counselor inquired if someone were arrested on a misdemeanor, would they logically ask to see an FBI agent? As he was referring to Lee Harvey Oswald's arrest on a misdemeanor, I pointed out that the major point was not the misdemeanor charge, but the fact that there was information that he had been engaged in distributing the leaflets on behalf of a foreign nation or a foreign group which made him of interest to the FBI. I also mentioned that if Oswald had been in the 1st District Police Station simply because he were a missing person, it is possible if he were aware that the officers involved in bringing him there had information about his distributing "Communist" literature, it was not unreasonable to surmise that he may have felt uncomfortable in perhaps believing the police were "red necks" and could be hostile to someone handling such subversive literature. If such were the case, it would appear logical to ask to speak to an FBI agent. Here again, I emphasized that the "misdemeanor charge" seemed to have no bearing on whether or not he had asked to see an FBI agent.

As I recall the sequence of questioning, I am aware now that the questions had been posed previously by the Staff Counselor as to why would Lee Harvey Oswald have asked to talk to an FBI agent. Initially, my response was that I could not personally know what was on the mind of Oswald, but as a matter of speculation, I mentioned that he may have been concerned about being in custody of the local police and perhaps thought it would be safer if the "Feds" were aware of his being incarcerated. I emphasize that this was speculation only as I had no specific knowledge as to why he would ask to talk to an FBI agent.

Inquiry was then made of me as to whether Jack Quigley had checked the indices before going to the 1st District Police Station to interview Lee Harvey Oswald. I responded that I had no idea whether he had or had not checked the indices. I was then asked if it were not unusual for an agent to go on Saturday to interview Lee Harvey Oswald. I outlined the long standing policy of the New Orleans office of the FBI to respond to any request for an agent from anyone incarcerated in the local jails. It was also the policy to handle such requests promptly. I added that the Committee had enlightened me when it mentioned that SA Quigley had

conducted the interview on a Saturday, because I had not recalled on what day the interview had been conducted. Having been so informed, I also mentioned that I recalled that when I acted as a "Saturday Supervisor", one of the first things I would do upon arriving at the office in the morning was to contact every police district station to ascertain if they had anyone in custody that was of possible interest to the bureau. If a positive answer were received, then an agent was dispatched to conduct appropriate interviews.

Asked if I thought it unusual that Oswald had been interviewed by Quigley, I mentioned that I thought it unusual that a non-security-type agent would have interviewed him, and I simply added that it probably would have been better for a security agent to have conducted the interview. I then mentioned that after intensive questioning on the day before (May 2, 1978) by the Staff Counselor as to whether SA Quigley had discussed the interview with me and I could not really recall. However, later on the evening of 5/2/78, I tried to refresh my memory and had been able to vaguely recall that I was surprised to learn that Quigley had interviewed a security subject without Bureau headquarters' approval. However, it seems that if my memory serves me correctly, I later learned that Quigley had said that Oswald had asked to speak to an agent and for that reason there was no technical violation of the Bureau's regulation against interviews of security subjects without prior Bureau authority. At any rate, I mentioned to the Committee all that was involved, had Oswald not asked to see an agent, would have been an infraction of Bureau administrative regulations which possibly could have resulted in a reprimand or possibly a letter of censure.

During the questioning, some surprise was exhibited by the Subcommittee that Oswald had not been interviewed by agents handling the investigations of him. Here again, I explained that the Bureau had determined it to be sound policy that a security subject not be interviewed until the investigations were completed and fully reported, at which time it would have been customary to submit a separate communication along with the closing report formally requesting in writing Bureau authority to interview such a subject and spell out cryptically what the agent expected to gain by such an interview.

Some concern was expressed as to why such a long interview was conducted of someone in jail on a local charge. I responded that I could not answer such a question, except to suggest that the length of the interview would depend on several factors, including the content of



the case file on Oswald. I was then asked if SA Kaack had known of Oswald's trip to Mexico before the assassination, would such information have been a factor to encourage him to intensify his investigation. My answer was, "possibly", but I mentioned that I thought possibly as far as the New Orleans office was concerned that Oswald's trip to Mexico, had it been made after giving up his residence in New Orleans, would have been a matter that would have been of primary concern to the new Office of Origin, Dallas. Here again, the passage of some 15 years without a chance to review the files precludes a definitive answer.

I was asked if I personally met Lee Harvey Oswald, and my answer to that question was a categoric "no". I stated that I had not knowingly spoken to Lee Harvey Oswald by phone. I was then asked how many times I had contact with Orestes Pena, and I responded by a rough guess of a minimum of 6 to a probable maximum of 12 times. I was asked if Orestes Pena had been an informant or a PSI of the New Orleans office of the FBI. My response again was a definite "no". Asked if he may have been a source of information, I responded that possibly he may have been listed on a card in our office as a source of information. I then explained a source could be anyone who has been contacted previously particularly in a given field, who may have responded to inquiry by furnishing information. I mentioned that Orestes Pena, to my knowledge, had never initiated a flow of information to the FBI. My recollection of him is that he was not the type of person I would have been inclined to develop as an informant simply because he was not inclined to furnish data freely or voluntarily. In fact, I could not recall him having furnished any data of significance at any time and it seems that what he did furnish, was quite limited in response to specific inquiry.

It was then asked why would Orestes Pena have made a statement that he had seen me with Lee Harvey Oswald. I reminded the Committee it was my belief that such a statement by Pena was not supplied by him to the Warren Commission. In fact, I suspect that the first time he made such a statement was not more than a year or two ago. I then said that the accusation was an unmitigated and bare-faced lie. I had not given much thought until in the recent past when a Canadian Broadcasting system representative had posed the question during a recorded interview. Because his question was asked several times, I gained the impression that he was trying to ascertain if I thought Pena was trying to cloud the issue by suggesting my association with Lee Harvey Oswald, and in effect, possibly was inquiring whether I thought Pena could be in the service of some foreign group or some subversive club. I commented that

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this line of questioning triggered my recollection that Pena had traveled to Europe in 1964, and that in view of the foregoing thoughts, it may be that his activities after the assassination should bear more scrutiny.

I commented that I was prompted by such inquiries to give that aspect of the Kennedy assassination investigation some additional thought. I thereafter reached the conclusion that Bringuier's statement after the assassination to the effect that Orestes Pena had told him that he had seen Lee Harvey Oswald in his (Pena's) bar during the summer of 1963, really placed some question on Pena's credibility. In retrospect, it was apparent that my persistence in trying to elicit from Pena during attempted interviews in early '64 the details relative to his comment to Bringuier undoubtedly were disturbing to Pena. The Committee is aware that Pena finally acquiesced in an interview by me and another agent in the presence of his attorney late in the first half of 1964. If my memory serves me correctly, Pena finally admitted that he had not made such a statement to Bringuier. I would suspect that admission may have been humiliating to Pena. As I had been the "instrument" of his grudging revelation, it may very well be the basis for his antagonism towards me which resulted in his commenting that he had seen me with Oswald before the assassination. In short, an attempt to embarrass me or to make life difficult for me.

I thought it pertinent to mention to the Committee that heretofore I have never disclosed hearsay comments concerning Pena, which I think ought to be considered by the Committee. I mentioned that several sources had commented, in approximately 1963, that Pena was an undesirable individual; a pervert who allegedly engaged in unnatural acts with females, and who had the reputation of often bullying some of the seamen who patronized his bar. These same sources, whose identities I no longer recall, had also commented that he had beaten some of his clientele with a pool stick, that he felt that he could get away with almost any activity as he had contacts within the New Orleans Police Department. I reiterated that as those statements were hearsay, I would not ever have made them as a matter of record. Nonetheless, in view of Pena's wild accusation made against me, I did feel compelled to at least mention the type of reputation he had among different people with whom I spoke who knew him, if for no other reason than to give some perspective to the Committee's evaluation or as a basis for further inquiry by the Committee. I commented that Pena, being an operator of a bar for seamen, had obviously made enough money to permit him to take a trip to Europe in 1964. Again, I said I was impressed that he was trying to gain an aura of importance and respectability by becoming an officer in one or more of the anti-Castro organizations in the New Orleans area. The foregoing would be important



in understanding why his recorded denial of having made a statement to Bringuier that he had seen Oswald in his bar in the summer of 1963 could have been extremely embarrassing to this individual who apparently was trying so hard to be important in the Spanish-speaking community in New Orleans. I then commented that my subsequent inquiry of employees of Pena's establishment known as the Habana Bar, namely Evaristo Rodriguez and his brother, Ruperto Pena, and a barmaid did not in fact truly confirm the presence of Lee Harvey Oswald in Pena's bar in the summer of 1963. Once again, I had to say that too many years had passed since that event to be able to be definite about any statement I made without an opportunity of reviewing pertinent Bureau files.

I was asked if I knew about Garrison's investigation before I left on transfer from New Orleans to the Bureau. I recall that I departed New Orleans in my personal car on March 1, 1967. My response was that I was not aware of his interests in me or of his investigation at that time. The first time I became aware of such an interest in me was when I was notified through channels of the Justice Department in Washington, D. C. that Garrison had issued a subpoena for me to testify in his investigation of the assassination of former President Kennedy. My recollection was that the U. S. Department of Justice had informed me that it had decided it would not honor the subpoena, and I was left with the definite impression that the rationale for that decision was that the investigation of the assassination of the President of the United States was primarily a Federal matter, and accordingly, the Department of Justice would have been disinclined to permit Garrison to pre-empt Federal responsibility.

I was then asked why would Garrison want to subpoena me. I responded that I did not know specifically. However, it was my recollection that Garrison had been quoted as saying in one of his books or in one of his many interviews that when Lee Harvey Oswald left New Orleans for Dallas, de Brueys followed him; and after the assassination, de Brueys returned to New Orleans. I pointed to that remark as a sample of Garrison's use of half-truths to distort reality. I commented that I had never been in Dallas, Texas prior to the assassination of President Kennedy. I added that on the day following the assassination I had been assigned to assist in the investigation being conducted by the Dallas Division and had remained there for approximately two months, returning to New Orleans some time during the last few days of January, 1964. I mentioned that those were the facts. Hence, Garrison's statement that "after Oswald left New Orleans for Dallas that I had followed him there, and after the assassination had returned," if loosely read, could be considered by some to be factual. Oswald left New Orleans in September, 1963 for

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Dallas. I departed the day after the assassination. Hence, Garrison's statement that I "followed" Oswald to Dallas, while a half-truth is misleading and confusing to people who read it, and his statement conveys ideas that are completely inaccurate. The only other conclusion I can make is that Garrison's sources or his intelligence was extremely poor and hence, if that were true, this may explain the above quoted comment which is typical of his prolific flow of inaccuracies, at least as best as I can discern it.

I was then asked whether I knew about Cuban training camps in the New Orleans area. I commented that there were numerous rumors that the Federal Government had such camps in the New Orleans area, but I had never really confirmed their actual existence. I added that I had not conducted any investigation concerning the alleged establishment of the U. S. Government of camps in the area as I felt that one agency of the Federal Government should not investigate the alleged official activities of another (CIA) unless specifically instructed to do so for suitable reasons by higher authority.

I was then asked if I knew of the raid conducted in the New Orleans area on one of those camps or training sites. My response was "no". I then added that I had personally conducted a search warrant of an unoccupied summer home located on the other side of the lake from New Orleans and had found and seized a large number of cases of dynamite, percussion caps, napalm powder, wiring and some gutted aerial bombs. I then said that the owner of the house was present during the execution of the search warrant as a result of our efforts to contact him. I believe his name was McIlheney (ph), who was a gambler who had previously operated in Cuba. I indicated there was no raid by FBI on any training camp.

I do not recall the ensuing discussion emanating from one or more of the Committee members, but whatever it was it prompted me to make comments, the gist of which would be as follows:

I believe I suggested there were other types of theories compounded by various individuals as to how the assassination occurred, many of which supported the theory of a conspiracy and none of which, to my knowledge, was based on hard evidence. I then commented that whatever I did in the form of investigation and analysis pertaining to Oswald or the FPCC prior to the assassination as well as my efforts after the assassination all were performed in a probative manner with a considerable amount of forethought, and after the assassination, under conditions of high stress, adding

that at times I worked as many as 40 hours without sleeping during my special assignment in Dallas after the assassination. I stated that subsequent to my 2-month assignment in Dallas, approximately between November 24, 1963 and January 24, 1964 I recalled having conducted only about a half-dozen or so leads in the New Orleans office related to the assassination. I emphasized that the major portion of my work after the assassination and after my return to New Orleans from my special assignment in Dallas, involved other matters. I explained that I continued to carry a high case load and spent a good portion of my time as a relief supervisor on the SAC's desk.

I mentioned that prior to my transfer from New Orleans to Washington in March of 1967, I had spent 6 to 7 months on special assignment in the Dominican Republic during the revolutionary crisis in that country; that my thoughts during that period had nothing to do with the assassination investigation; that after March 1, 1967, I had been assigned to four different divisions at FBI headquarters, and subsequently spent some seven years in assignments outside of continental United States in South America and San Juan, Puerto Rico. I mentioned, particularly, that during my five years in South America there was little or no time spent in conversing about the assassination investigation and, hence, I was less able to recall specifics than I would have, had I remained in the New Orleans office and had had matters pertaining to the assassination consistently brought up and reviewed.

Additionally, I explained that as a dedicated public servant, I felt it was my duty to perform the various responsibilities that were assigned to me in the numerous posts I held subsequent to the assassination and to perform those tasks to the best of my ability. Accordingly, there will be any number of people outside the Bureau who may have made a fetish of studying the assassination investigation, many of whom are perhaps more familiar with many of the facts developed in the assassination investigation than I would be at this time. However, I wanted to remind the Committee that such people, even those on the Committee, will lack the perspective that can only be obtained by having been present on the scene at the time of the assassination investigation which would have given them a fuller appreciation of the sequence of events and the mechanics of the Bureau's operation that had proved efficient and successful over the years. Nor would they have been aware of the pandemonium that existed at the time of the assassination. The Dallas Police Department by law had primary jurisdiction of that investigation.

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With the foregoing in mind, I then mentioned that all of the speculation and the wild theory advanced by writers and investigators, after the fact, usually has one outstanding weakness, and that is that their conclusions are not based on fact, but primarily on conjecture and speculation. Accordingly, and here again based solely on my recollection, the following "facts" stand out in my mind as overriding any theory or speculation:

Prior to the assassination of former President John F. Kennedy, Oswald was not happy with his job in the Texas School Book Depository. FBI investigation, if I remember correctly, established that Oswald had been making inquiries about employment elsewhere in the Dallas area.

Secondly, Oswald and his wife, Marina, resided with a Quaker couple by the name of Payne (ph) in Irving, Texas. A neighbor of the Payne's, who was also employed at the Texas School Book Depository, would drive Lee Harvey Oswald from the Payne residence to the Texas School Book Depository every Monday. During the remainder of the week, Lee Harvey Oswald would live in his apartment in the general downtown area of Dallas. On each Friday after work, Oswald would ride home with the School Book Depository worker and neighbor of the Payne's in that person's car and would return as stated with the neighbor on Monday morning to work. To the best of my knowledge, our FBI investigation revealed that Oswald did not return to the Irving residence at any other time during the week. Oswald used to spend Monday thru Thursday nights at his downtown Dallas apartment. Eventually, Oswald and Marina got into a heavy argument and became estranged one from the other. Thereafter, Oswald spent all of his time in his downtown apartment. I do not recall at this late date whether that estrangement occurred two or three or more weeks prior to the assassination, but it would seem that several weeks had elapsed before the assassination since the time of that estrangement. On the day before the assassination, there appeared for the first time in the Dallas press public notice of the parade route that President Kennedy's motorcade would take on the following day. If my memory serves me correctly, there had been no prior public notice of the President's procession route. Accordingly, it was only when Oswald went out to lunch on that day before the assassination that obviously he discovered that the President's car was going to pass right in front of the Texas School Book Depository. Again if I recall correctly, it was after lunch that he contacted the neighbor of the Payne's, who worked in the

School Book Depository, and told him that he wanted to ride home with him on that Thursday night for the purpose of picking up some curtain rods for his downtown apartment. I reminded the Committee that unless my memory is incorrect, this is the first time he had gone home on a Thursday night in the neighbor's car or at anytime other than the previously outlined schedule. My recollection is that upon reaching the Payne's house, his conversation with Marina was limited. And, the following morning, he brought back the rifle that he used to kill the President on that same day. I told the Committee that these are the facts that hardly indicate any long-range or short-range planning or any semblance of a conspiracy.

Assuming that I had narrated these facts correctly from memory, anyone would be hard put to conjure up wild speculation to controvert the logical conclusion that the shooting of President Kennedy by Oswald was anything more than a spontaneous, albeit warped, reaction of the same sick mentality that prompted him to take a shot at General Walker previously, as has been indicated by investigation.

It is because of the foregoing that it is my personal opinion that the assassination was the act of a lone individual; a loser, who so dearly wanted to be somebody in this world. However, he otherwise lacked the ability or the drive to become somebody and accept the standards of the society in which he lived. It was my belief that he was the product of a very strange mother. I added that that may explain his study of Communism while in the military, the idea being that if he could become an expert in an area that was little understood by his associates, he could in his own warped mind have both the feeling of importance and superiority, which he seems to have needed. I told the Committee that I recall asking Marina how much Oswald knew about Communism, and she said laughingly that he really understood very little about the system. I asked Marina if she knew whether Oswald liked Russia better than the U.S., and I recall her saying, "Lee no like Russia. Lee no like United States. Lee no like Cuba. Lee like Moon." Marina spoke in faulty English, and what I gathered that she was trying to say was that Lee didn't like anything in this world. She also spoke disparagingly of his ability to speak Russian.

I also spoke, at the conclusion of my testimony, about the extensive work performed by the FBI in covering thousands of leads in an inexhaustible fashion; about the Bureau conducting leads that obviously originated in demented minds, and yet for the sake of thoroughness, had nonetheless

carried our probative inquiries. I reminded the Committee that Congress had failed to anticipate the need for a statute placing the primary investigation of the killing of a Chief Executive of the United States within the authority of a Federal investigative agency, but I stated it was commendable that the deficiency was rectified by making such a crime a Federal violation within the primary investigative jurisdiction of the FBI. I commented that it is important to remember the amount of tension and chaos that existed immediately after the assassination, citing many of the acts carried out by people involved in the President's party. Hospital attendants and doctors acted primarily to save the President. No thought was given to the preservation of evidence or doing that which would look good in an investigative report after the assassination. I added that such things as the hurried and undoubtedly thorough surgical effort performed to save the President and the subsequent written report of surgery performed again was not done with the idea in mind of looking good in the courtroom, but was done in response to the overriding desire to do what was necessary at the time to save the President. It is those critical things done immediately after the assassination that are pointed to now by critics as saying that it is unfortunate that it was not done in a different fashion and these are the same deficiencies from an investigator's and lawyer's standpoint, that seem to raise questions of doubt in post-assassination speculation as to whether there was a conspiracy involved.

I reminded the Committee that while the FBI did participate in making inquiry after the assassination, that by law the Dallas Police Department had the primary investigative jurisdiction in conducting the investigation. With no intent to malign the Dallas Department's work in the assassination investigation, it must nevertheless be recognized that this small urban police department was ill-equipped to handle such an historic and important investigation. These factors account for the circus-like atmosphere that prevailed after Lee Harvey Oswald's arrest. Here again, this is no criticism of the fine efforts made by the Dallas Police Department's personnel but simply that the efforts were so involved as to overwhelm a police system designed to handle matters of considerably less importance than a President's assassination.

The Committee should remember in it's analysis of the assassination investigation, that the FBI really did not assume primary jurisdiction until (if I remember correctly) ordered to do so after Oswald was killed by Ruby. Such a situation, prompted primarily by Congress' lack of foresight in providing the necessary legislation to avoid such confusion,

was destined to breed questions that could never be answered with certainty. I suggested that the Committee endeavor to understand the true sequence of fast moving events that unfolded immediately after the assassination in their quest for factual data and truth.

I also mentioned some time during the testimony that the following experiences may give perspective to the Committee's understanding of the Bureau's investigation of the assassination of President Kennedy:

I mentioned that within a few days after my arrival in Dallas to take part in the investigation of the assassination of President Kennedy after having worked since approximately 6:00 A.M. or 7:00 A.M., I was told about 5:00 P.M. on the afternoon of the same date that the President wanted a report about Lee Harvey Oswald. I remained on duty without sleep from 5:00 P.M. until the next morning about 9:00 or 10:00 A.M. during which time I supervised the compilation of a report on the background of Lee Harvey Oswald. This required assembling of the results of investigations from not only the Dallas office, but from a number of other field offices including Legal Attache Offices of the FBI overseas. This extensive task was performed under pressure approximately between the hours of 5:00 P.M. and 8:00 A.M. of the following morning. The net result was a report of over 800 pages. This required the assembling of each investigative interview and report under proper headings as well as an understanding of those contents in order to prepare a synopsis and provide accurate data for the cover and administrative pages of that report. As an example of the massive nature of the task involved, I mentioned that the mere numbering of the pages after the report was assembled in order to be done accurately and uniformly, took more than an hour. The perforating of several 800-page reports, in the absence of present day equipment, required the greater part of another hour. In summary, I tried to impress the Committee that here was a report of more than 800 pages compiled, in a sense, overnight by agents who had not slept since approximately 6:00 A.M. the day before, and under stress, but with a penchant for accuracy and legibility. The effort included approximately 20 agents and a large number of stenographers and clerks and that report will have to stand the scrutiny for the rest of history as to accuracy--scrutiny by critics who will have no mercy and no sensitivity as to the conditions of stress and speed under which it was performed. In the quiescence and protracted calm of months and even years of scrutiny, any critic could obviously

come up with some type of complaint about the manner in which that report was compiled. Strangely enough, to my knowledge to date, I have heard of no significant criticism of that first report produced by the FBI Division in Dallas after the assassination of President Kennedy. I reiterated to the Committee that it is important to have perspective in criticizing the FBI's work under those arduous conditions. This is the reason for my earlier comment that critics and investigators can review reams of material on the assassination and never have a true appreciation of what occurred unless their investigation includes a complete understanding of the Bureau's methods and mechanics of investigation as well as a true understanding of the commendable efforts made by hundreds of FBI investigators and employees who gave unselfishly of their service during the post-assassination period.

I also made mention during the testimony of another instance where I spent approximately 38 hours without sleep carrying our responsibilities after the assassination. I narrated to them that Bureau headquarters had wanted the property of Oswald that had been seized by the Dallas Police Department catalogued and sent to Bureau headquarters. Again, this request, which required all the technicalities of preserving evidence be adhered to, came in the late afternoon. It seems that it must have been about 3:00 P.M. that I arrived at the Dallas Police Department to arrange for the transfer of such material from the Dallas Police Department to the Bureau. The atmosphere at the Police Department was humming as it was the scene of activity that hardly made it conducive to an analytical survey of Lee Harvey Oswald's property. I might add that included in Oswald's property seized by the Police Department were a number of items belonging to the Payne's that had been co-mingled with Oswald's property. Included in several cartons among his possessions were a diary involving his activities in Russia, an address book, numerous photographs and a multitude of other things. In fact, the items were so numerous that I was able to convince the property custodian, a Dallas Police Captain, that logic would dictate it prudent for us to carry the material to the FBI office where I could find a quiet room to compile an inventory. He agreed, and it was not until very late in the afternoon that he and I actually began the laborious task of cataloguing each and every item contained in those boxes. It was not until near midnight before I was able to give the hard-working and patient police captain a complete inventory and receipt for the property, which he had turned over to the FBI. At that point, it became incumbent upon me to



initial each item and photograph each item to insure the preservation of evidence contained among the various articles in Oswald's property.

As this process was done in a careful and thorough manner, the job was not complete at 8:00 the next morning. I was then instructed by the Inspector-in-Charge to accompany the material to Washington, D. C. In short, the material was personally brought to the laboratory at the FBI headquarters, where I explained the work that had been done and described material that had not been processed in accordance with FBI regulations in handling evidential material. Here again, I did not return to the hotel until after 10:00 P.M. after having been awake and working since 6:00 A.M. of the previous day. The above was given as an example of effort made by Special Agents of the FBI in the first week after the assassination. It was an effort to demonstrate that things handled after the assassination at the demand of the Presidency or some other high authority in the United States were performed under conditions of unusual stress. How easy it is for a critic who can with unlimited time and in an atmosphere of calm and extended analysis scrutinize every jot and tittle of intense accelerated of investigator effort as well as report writing performed with deliberate speed under stress, yet with great concern for accuracy as well as detail.

Also to explain circumstances that have been the subject of some criticism, I mentioned to the Committee that I recall that some writer had criticized me, as an experienced investigator, for not having conducted properly a certain investigation involving the statement of a car salesman in Dallas who had given information after the assassination to the effect that Oswald had gone into the showroom of his company to buy a car sometime prior to the assassination. I think that the same writer had asked the questions why had the man not been permitted to view Oswald in a police lineup. In order to show the origin of some criticism as being based on a lack of knowledge of the mechanics of FBI investigation as well as true and proven police techniques particularly those involving thousands of interviews, I made the following statement:

I mentioned to the Committee that I had arrived in Dallas on the Saturday after the assassination and either on that Saturday or on the following Sunday morning, I had been approached by an agent, whose name I recall as Clements (ph), to accompany him on an interview of a salesman, whose name I am reminded was "Hobart." The Committee was reminded that the other agent had studied the matter and was prepared for the interview of the salesman, and my presence was primarily that of a witness to what information

this man furnished. The interview was conducted and I do not at this date recall whether I had any additional questions to ask the witness, but the important factor is that Clements continued his inquiry based on the information furnished by that man, and I went on to assist other agents in other matters. It should be remembered that this interview was conducted either on Saturday or early on Sunday, the day on which Oswald was killed. Bear in mind also that any number of persons interviewed would have furnished information that would possibly have made it logical for them to view Oswald under secure conditions in a lineup. However, the critic who made the complaint forgets that Oswald was killed on the very next day. He took no cognizance of the fact that the Police Department had primary jurisdiction and was snowed under with investigative requests and media inquiries. Accordingly, logic would have required that the FBI, in an expeditious manner, review the results of hundreds of interviews and then on a daily basis in liason with the Police Department at a time that would fit in with the other responsibilities of the Police Department, provide a lineup not only for the Police Department's witnesses, but for whatever FBI witnesses were available. Anybody who has any perspective would have recognized the difficulty of having all the logical witnesses view Oswald in the lineup consistent with the security of Oswald's safety in a 24-hour period subsequent to the assassination.

I also mentioned that I recalled, some time during my first days in the Dallas office, a conversation among various Special Agents in the FBI, the identities of none of whom I can recall now, but wherein mention was made that it was going to be necessary to interview all of the people in Oswald's address book. Someone said, "Well, here's Agent Hosty's name. There's no need to put his name down as a lead to be interviewed as we already know who he is." Also as Hosty had been assigned to the case on Oswald before the assassination and had attempted to interview Oswald's wife, if my memory serves me correctly, it is understandable why his name would be in Oswald's address book. Although some of those remarks are quoted, it is but a general recollection of what was said. As simple as the statement may sound to the Committee, I do think the remark is important to demonstrate that the omission of Hosty's name in Oswald's notebook in preparing our investigative report obviously was not done for any sinister purpose, but was omitted during a period of feverish effort in trying to get a report compiled by some agent(s) of the Dallas Division.

I thought it was also pertinent to mention the great concern about the note that Oswald had personally brought to the Dallas FBI office in which he said something to the effect that he would do something drastic to Special Agent Hosty if he did not stop bothering his wife with questions. It was the type of thing that an agent would expect to happen from time to time. I mentioned an agent would expect to have someone threaten or complain about his investigations. The normal response of an agent would be to ignore the threat and go out and confront the subject, as the agent has a legal right to conduct the investigation about which such a subject may be complaining. Hence, while I think, in retrospect, it was not smart to destroy the note, I am convinced that the note had no significance other than the fact that Oswald was irate and was trying to intimidate the agent and the agent simply wasn't impressed with Oswald's intimidation. It would be a natural reaction, based on my previous comments. In summary, I don't think that too much should be made about the note and the foolish things that may have happened resulting in its destruction, but I do suspect that a lot of agents have torn up similar notes because they were really made in the heat of passion and were not really significant to the investigation of cases that were being handled. While the destruction of the note and the failure to record it might seem unusual, I don't think that most agents view it as such. I do believe, in retrospect, that most agents agree it was unfortunate that the note was destroyed.

The foregoing is a summarized compilation from memory of what I said before the Committee on 5/3/78. However, I should reiterate that there is a possibility that some few statements made herein above may have been made to the Staff Counselor on May 2, 1978 and since this interview lasted from 9:00 A.M. to Noon and again from 2:00 P.M. to 4:00 P.M. and that of the Committee lasted three hours, during which time no notes were taken by me, it was just not possible to be certain in each case that everything stated above was said on May 3, 1978 before the Committee.

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