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1 UNITED STATES HOUSE OF REPRESENTATIVES  
2 HOUSE SELECT COMMITTEE ON ASSASSINATIONS

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7  
8 Hale Boggs Federal Building  
Room 125  
9 500 Camp Street  
New Orleans, Louisiana

10 Friday, June 23, 1978, 3:00 p.m.  
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13  
14 APPEARANCES:

15 Robert Genzman  
House Select Committee on Assassinations  
16 House Annex #2  
Room 3371  
17 Washington, D. C. 20515  
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22  
23 SWORN TESTIMONY OF

24 OREST PENA  
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P R O C E E D I N G S

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MR. GENZMAN: My name is Robert Genzman, and I am a Staff Counsel to the House Select Committee on Assassinations. I have been designated counsel empowered to take statements under oath, pursuant to the House Resolution 222 and Committee Rule 4.

I would ask the Magistrate to identify himself and to state that he is authorized to administer oaths pursuant to the laws of the United States.

MAGISTRATE JOHANNESSEN: I am Ingard O. Johannesen, United States Magistrate for the Eastern District of Louisiana. And I am authorized by the statutes to administer oaths in this district.

MR. GENZMAN: Would you please swear the witness?

MAGISTRATE JOHANNESSEN: Would you please stand and raise your right hand?

Do you swear the answers and testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

MR. OREST PENA: I do.

Whereupon,

OREST PENA

having been duly sworn by Magistrate Ingard O. Johannesen, a Magistrate Judge in and for the State of Louisiana,

1 testified as follows:

2 EXAMINATION

3 BY MR. GENZMAN:

4 Q Mr. Pena, would you state your full name for  
5 the record?

6 A Orest Pena.

7 Q What is your address?

8 A Sixty-one hundred Argonne Boulevard, New  
9 Orleans, Louisiana, 70124.

10 Q Have you been given a copy of our Committee  
11 Rules and House Resolutions 222, 433 and 760?

12 A Yes.

13 Q Would you please read Committee Rule 4 to  
14 yourself?

15 A Yes. I did read it already.

16 Q Do you understand it?

17 A Yes, I do.

18 Q Mr. Pena, are you making this statement  
19 voluntarily?

20 A Yes.

21 Q Is it true that you are not under subpoena  
22 for this statement?

23 A No, I am not.

24 Q For the record, I want to advise you that you  
25 have the right to have counsel present. Do you have

1 counsel present?

2 A No, I don't. I don't want any.

3 Q The entire record of this statement under oath  
4 will be transcribed. You will be sent the original and asked  
5 to sign and verify it. You should return the signed and  
6 verified copy of the transcript to the Committee. The  
7 Committee will then provide you with a copy of it.

8 If when you are sent the original transcript  
9 to sign and verify, you desire to make any changes for ~~you~~ <sup>any</sup>  
10 reason, you should contact me and I will make the necessary  
11 arrangements to have you initial or make any changes that you  
12 desire to make.

13 At this time, Mr. Pena, I would like to show  
14 you a document labeled JFK Exhibit No. 94. Have you had a  
15 chance to read this document?

16 A Yes, I did.

17 Q Do you understand it?

18 A Yes, it is the same one you explained to me  
19 that I will not be punished for giving knowledge that I have  
20 about the CIA.

21 Q Yes, this is a letter from the Central  
22 Intelligence Agency to the Chairman of the House Select  
23 Committee on Assassinations, the Honorable Louis Stokes,  
24 dated March 23, 1978, which deals with the release from CIA  
25 secrecy agreements.

*J.P.*

1 Mr. Pena, I would like to ask you a few  
2 questions about your background. Have you ever acted as an  
3 informant for the FBI?

4 A. Yes, sir.

5 Q Can you tell me the period of time during  
6 which you were an informant with the FBI?

7 A I was an informer -- I started to be an  
8 informer for the FBI around 1959, 1960. I can't remember  
9 exactly what year but I remember that I was called to the  
10 office of the FBI in New Orleans and I was asked if I could  
11 help to inform the FBI about people that was trying to do  
12 propaganda for Castro or was talking bad about the United  
13 States. This was asked to me by the man in charge of the  
14 FBI special agency, the FBI in New Orleans.

15 He told me a lot of Spanish people used to  
16 come here on the ship and I could help a lot to the United  
17 States. He assigned Warren C. de Brueys, one of the FBI  
18 agents for me to report to him of any information I got, to  
19 report it to him which I did for many months and years. I  
20 can't remember exactly for how many years but I was given  
21 to him. He used to come to my place of business very, very  
22 frequently.

23 Q Would the time period be in the early 1960's?

24 A I can't remember exactly what year I started.  
25 I can't say 1959 or 1960 but you can check on the time

1 because in New Orleans was formed the Cuban Revolutionary  
2 Front, Cuban Revolutionary Front which the man in charge was  
3 Sergio Arcacha Smith. Warren C. de Brueys used to go a lot  
4 to the office to talk to Sergio Arcacha Smith. Another  
5 person that used to go there a lot was William Ferrie which  
6 Mr. de Brueys knew very well. And Mr. Ferrie used to take  
7 Mr. Sergio Arcacha Smith in his car almost every day to his  
8 house after the office was closed.

9 Q Do you know whether Warren de Brueys ever  
10 attended any meetings of the Cuban Revolutionary Front?

11 A He was very frequently in the office talking  
12 in private with Mr. Sergio Arcacha Smith.

13 Q I believe you stated earlier you provided the  
14 FBI with information about the Cuban groups in New Orleans?

15 A Yes, I did.

16 Q Did you ever work in any way for Fidel Castro?

17 A I did not.

18 Q Was the information which you provided the  
19 FBI information which you gained by way of your position as  
20 a bar owner in New Orleans?

21 A Yes. When seamen came around and people that  
22 was working here, Spanish people including Cuban, they was  
23 talking so I knew most of the Spanish people in this town  
24 for being so long a barroom owner.

25 The next day I called Warren C. de Brueys at

1 his office and told him I had some information for him. He  
2 came to my place of business and I gave him the information.  
3 I never did ask him what he did with<sup>OR</sup> what he found out. It  
4 was my duty to give it to him and what he did was none of my  
5 business.

6 Q Were you ever paid for any of the information  
7 which you provided to the FBI?

8 A I never was paid a single penny. Plus the FBI  
9 brought me a lot of Cubans that <sup>REFUGEE - ON SHIP - OP.</sup> was stow away. They brought  
10 them to me at my place of business and told me to give them  
11 a room and board and find a job. Some of those people still  
12 live here in New Orleans which I can give you the names and  
13 prove it was true that the FBI and Immigration brought  
14 them to me to help them and they would pay for whatever had  
15 to be done. I never gave them a bill because I thought that  
16 was doing something good for the United States and something  
17 good for the cause of <sup>TROWING OP.</sup> drawing Castro away from Cuba.

18 Q I believe you stated earlier that you gave  
19 your information to FBI Special Agent Warren C. de Brueys.  
20 Did you ever provide information to any other FBI agents  
21 before the assassination of President Kennedy?

22 A Warren C. de Brueys was the FBI agent that was  
23 assigned to me. He gave me the phone and every time I called  
24 to the FBI office, I asked for Warren C. de Brueys. I said,  
25 I was told to ask for him, that he would be the one to take



1 care of whatever I had to tell the FBI. He was the one that  
 2 used to come to my place of business.

3 After the assassination, a lot of the FBI used  
 4 to come to my place of business which I had <sup>The OP</sup> a name, they used  
 5 to come to aggravate and to give me a hard time and tell me to  
 6 go to the office because the boss wanted to talk to me and  
 7 asking me about the same questions over and over and over  
 8 until I got very tired. I called my attorney which at that  
 9 time was Dave McHoward, called George, and explained to  
 10 George McHoward what the FBI was doing to me and he told me  
 11 to go and see the lawyer that worked at his office, his  
 12 private office. So I went and talked to John Tambarella and  
 13 John Tambarella told me, "Go back to your <sup>house OP</sup> house and get the  
 14 names of those FBI and bring it to me and I am going to have  
 15 something to work out, something to call somebody and tell  
 16 who they are." <sup>OP</sup>

17 So I came back to the <sup>HOUSE</sup> ~~office~~ and the next  
 18 morning two FBI came to my place of business, waked me up  
 19 very early and told me they wanted to take me to the office  
 20 of the FBI, the boss wanted to talk to me. I said, "Yes. But  
 21 before I go you have to give me your name." They told me  
 22 their names. I did not believe it. I said, "You have to  
 23 give me your <sup>government OP</sup> government identification." So they gave it to  
 24 me and I put their names and I hold their names.

25 The next day, same thing happened. I took the

1 name again and I took eight names of eight different FBI  
2 agents. Then I went to Mr. John Tambarella and gave it to  
3 John Tambarella and John Tambarella called the FBI, the  
4 special FBI agency and explained what was happening, that  
5 Mr. Pena, that is me, said, "If they don't quit harassing me  
6 I will file charges in federal court against the FBI of the  
7 United States."

8 Q Do you remember how many times you spoke to  
9 Warren C. de Brueys and gave him information?

10 A Many, many, many times. Sometimes Warren C.  
11 de Brueys used to come to my place of business too doing some  
12 kind of investigation and talking to all the customers. He  
13 used to come and talk to customers.

14 Q Did you ever meet with Mr. de Brueys at any  
15 other location besides your place of business?

16 A Yes, I met with him at the FBI office and I  
17 saw him and talked a little bit at the Cuban Revolutionary  
18 Front office. At the Balter Building was the name of the  
19 building where the office was on Camp Street all the way to  
20 St. Charles was a building with an alley in the front. The  
21 building had three or four different entrances.

22 So I saw him and I talked to him at the office  
23 of the Cuban Revolutionary Front which Arcacha was there  
24 among other members.

25 Q Mr. Pena, have you ever acted in any capacity

1 for any other government agency?

2 A. Yes, I did for another United States agency.

3 Q. What was that agency?

4 A. I would not tell you.

5 Q. What is your reason for keeping the name of  
6 the agency secret?

7 A. My reason is if I cannot prove the truth of  
8 what happened with Warren C. de Brueys which to me is the  
9 most important person in the Kennedy assassination, why  
10 should I give any other allegations? If I cannot prove  
11 something that I worked for the man, that I reported to the  
12 man, if I cannot prove those things, why should I put some-  
13 thing else?

14 Q. Are you saying that if you can prove certain  
15 allegations concerning Warren C. de Brueys, you would then  
16 reveal a relationship with another government agency?

17 A. I do it this way for the United States. I  
18 give all my Constitutional rights. I would get a lie test,  
19 whatever the government thinks is right.

20 Q. Are you speaking of a polygraph examination?

21 A. Any of those that you want too. If you ask me  
22 if I work with the FBI -- Warren C. de Brueys told me before,  
23 about a week or ten days more or less before I went to  
24 testify to the Warren Commission that if I talk about him he  
25 will get rid of my ass.

1 Q We will get into that issue.

2 A You can ask me if I was ever an informant for  
3 any other agency in the world, but two agencies in the United  
4 States. One was the FBI and one more. Then if I am right,  
5 the government will have to force Warren C. de Brueys to take  
6 the same tests I take.

7 Q Mr. Pena, do you have any information as to  
8 whether Lee Harvey Oswald was ever an FBI informant?

9 A Oswald used to go to a restaurant on the  
10 Decatur and Iberville. The name of the owner was Mr. Pedro,  
11 a Greek, and Mr. Oswald used to go to the restaurant in the  
12 morning with other federal agents from the Customs House  
13 Building. To prove that I was there, that I saw Oswald, that  
14 I saw all those agents drinking coffee, having breakfast in  
15 the restaurant in the morning, I will name -- I have more than  
16 one but I will name one name right now. Mr. Victor Perez  
17 which lived in Altoona, Florida, Zip Code 32702.

18 This man was a bar operator in the 200 block  
19 of Decatur <sup>St.</sup> and we used to go in the morning and talk about  
20 business and we was watching and looking at all the federal  
21 agents which we knew very well because many of these federal  
22 agents speak Spanish and others was married to some Spanish  
23 women that I knew.

24 Q Who specifically was with Oswald on these  
25 occasions?

1           A           I cannot say such-and-such a person was with  
2 him or talking to him but I knew his face. I knew the face  
3 of a lot of the other agents from the Customs House Building  
4 that go to the restaurant there and I saw them together having  
5 breakfast together at the restaurant.

6           Q           Did you ever see Oswald in the presence of  
7 Warren de Brueys?

8           A           I'd better don't answer this question right  
9 now.

10          Q           My question, Mr. Pena, is whether you ever saw  
11 Lee Harvey Oswald at any restaurant or any other location  
12 with Warren D. de Brueys?

13          A           Yes, I will testify that Warren C. de Brueys  
14 being at the Pedro, the Greek restaurant on Decatur and  
15 Iberville at the same time that Oswald was at the restaurant  
16 in the company of other federal agents.

17          Q           Do you know the name of that restaurant?

18          A           I do not know the name of the restaurant but  
19 the restaurant, the owner of the restaurant was Mr. Pedro  
20 and we used to call him Pedro the Greek.

21          Q           Did you ever observe Oswald and de Brueys  
22 speaking to each other?

23          A           I cannot answer that question. If I cannot  
24 prove myself what de Brueys did to me, how am I going to  
25 prove other things?

1 Q My question is, Mr. Pena, do you recall ever  
2 seeing Oswald and de Brueys speaking together or acting in  
3 such a way that you would think that they knew each other?

4 A I believe they knew each other very, very well.

5 Q Can you explain why you believe Oswald and  
6 de Brueys knew each other very well?

7 A My belief, I would have to report in as  
8 informant to Mr. de Brueys, I have to report myself to Mr.  
9 de Brueys and that is my point of view on that question.

10 When Oswald was transferred to Dallas, Mr.  
11 Warren C. de Brueys was transferred to Dallas, Texas at  
12 the same time.

13 Q Do you know when Oswald went to Dallas and  
14 Mr. de Brueys went to Dallas?

15 A No, I do not know when Oswald went to Dallas  
16 but I know when Warren C. de Brueys went to Dallas because  
17 he came to my place of business and told me that I do not  
18 have to call him any more at his office because he was  
19 transferred to Dallas.

20 Q Do you know whether de Brueys was transferred  
21 to Dallas after the assassination of President Kennedy?

22 A I am very sure. I am very, very, very sure it  
23 was before the assassination.

24 Q Are you aware that de Brueys was in Dallas  
25 after the assassination to help with the FBI investigation

1 of the assassination of President Kennedy?

2 A. I do not know anything about that.

3 Q. Is it your recollection then that de Brueys  
4 left New Orleans and went to Dallas before the assassination  
5 of President Kennedy?

6 A. Yes, sir.

7 Q. Do you feel that the fact that de Brueys went  
8 to Dallas ~~had to do~~ before the assassination of  
9 President Kennedy and before Oswald himself was killed?

10 A. That is for you to find out.

*had to do  
with the  
assassination.* OP

11 Q. Do you have any opinion on this?

12 A. Do you make any investigation about the camp  
13 to train Cubans to go fight Castro for the Bay of Pigs?  
14 Those Cubans were training in New Orleans under the command  
15 of the FBI and the CIA. I can talk this way because I had  
16 three or four of my <sup>FRIEND.</sup> ~~customers,~~ <sup>OP</sup> people that used to live in my  
17 hotel or rooming house that went and took the training here.

18 Q. Is there a connection between the training of  
19 Cubans in New Orleans and the assassination of President  
20 Kennedy?

21 A. I am very sure, yes, sir.

22 Q. Could you be more specific?

23 A. Yes. One of the men that was training was a  
24 Cadre to train all the other Cubans, was a very smart man. I  
25 believe he was a Captain in the Cuban Army during the Batista

1 regime. His name was Juan Ilario Caballero, alias <sup>EL</sup> ~~Bel-~~ <sup>OP.</sup>  
2 Guajiro. This man right now, <sup>if</sup> he did not die yet, is in  
3 Texas State Prison, Huntsville, Texas for killing somebody  
4 in Texas. This man is married to a lady in New Orleans that  
5 has a daughter which I know very, very well.

6 This man several times before the death of  
7 President Kennedy when he got drunk in my place of business,  
8 he was very mad at the President. A lot of times, more than  
9 a dozen times, he said in Spanish that the only way was to  
10 get rid of that son-of-a-bitch, that means the President of  
11 the United States.

12 He's got one more brother who was a high rank  
13 in the Cuban Army during the Batista regime and he was Cadre  
14 in the training camp the CIA got here. And he got a cousin  
15 that looks similar to Oswald. I cannot remember the name of  
16 the cousin or the brother but Juan Ilario Caballero will tell  
17 you. If you go to the State Texas Prison in Huntsville and  
18 ask Juan Caballero who was his cousin and his brother, then  
19 we are going to start something about the death of President  
20 Kennedy.

21 Q Mr. Pena, let's return to the questions  
22 involving the contacts which you saw Oswald had with Warren  
23 C. de Brueys. Can you explain any reasons which <sup>you</sup> ~~he~~ <sup>OP.</sup> might  
24 have which led you to believe that Oswald was de Brueys'  
25 informant?



1           A           I better not say anything else. More or less,  
2 I told you I knew Oswald. When Oswald was giving propaganda  
3 in favor of Cuba at the old International Trade Mart, I was  
4 there.

5           Q           I will get into Oswald's activities in New  
6 Orleans just a bit later.

7                        Can you offer any other reasons which have led  
8 you to believe Oswald was an FBI informant?

9           A           I cannot go back. We would have to bring  
10 Mr. Carlos Bringier because Oswald went to Carlos Bringier  
11 and tried to fight in favor of the Cubans so we would have  
12 to come back to the same thing and that doesn't matter.

13          Q           Do you want to add anything concerning Oswald's  
14 coming to see Carlos Bringier and offering his services to  
15 Carlos Bringier to train anti-Castro Cubans?

16          A           Between Carlos Bringier and Oswald, the only  
17 thing else I want to talk is about the fight they got into  
18 on Canal Street.

19          Q           Do you have any specific reasons which have  
20 led you to believe Oswald was an FBI informant? For instance,  
21 did you ever see Oswald and de Brueys entering the restaurant  
22 together or leaving the restaurant together?

23          A           I cannot say entering the restaurant but I saw  
24 Oswald and de Brueys, Mr. David Smith, Mr. Rogue from the  
25 Immigration Department and other government agents leaving

1 the restaurant and going to the Customs House Building which  
2 at that time was an office for different kinds of government  
3 agencies.

4 Q Did Oswald ever accompany this group either  
5 when they entered or left the restaurant?

6 A Yes, he did and I got Mr. Perez that I gave  
7 you the address on to prove it.

8 Q Did Oswald act like he knew any of this group  
9 which came into the restaurant frequently?

10 A Yes, they knew each other very, very well.

11 Q Did you see him talking with any members of  
12 this group?

13 A Yes, they was talking. I can't say who was  
14 talking to whom but they was talking and they was in the same  
15 group.

16 Q Did you ever see Warren de Brueys in particular  
17 talking with Lee Harvey Oswald?

18 A I just can't say that exactly.

19 Q Mr. Pena, when did you first make the  
20 allegation that Oswald was an FBI informant?

21 A I don't remember exactly. I went to the Warren  
22 Commission. I was subpoenaed to go to the Warren Commission  
23 and I remember exactly that I <sup>want</sup> ~~went~~ <sup>OP</sup> to accuse Warren C.  
24 de Brueys because I believe that Warren C. de Brueys if he  
25 really wanted, he could save the life of President Kennedy.

1 Q We will talk about your Warren Commission  
2 testimony later.

3 Do you recall making a public statement that  
4 Lee Harvey Oswald was an FBI informant around 1975?

5 A Yes, I still believe that he was an informant.

6 Q Do you recall making a statement on this issue  
7 to CBS television?

8 A Yes, CBS.

9 Q Do you recall ever making this statement before  
10 that time publicly?

11 A I talked to a lot of friends. A lot of people  
12 have been talking to me about the assassination of President  
13 Kennedy and I talked a lot and I told them I believe he was  
14 an informer -- not informer, that he was an agent of the  
15 United States government.

16 Q Are you saying that Oswald was an agent of  
17 the United States?

18 A In my belief, yes, sir.

19 Q Why did you wait so long to make public your  
20 allegation that Oswald was a U.S. government agent of some  
21 sort or an informant?

22 A Well, I tell you I did not wait very long. I  
23 went -- when the Warren Commission subpoenaed me for the  
24 Warren Commission report, I went. I tried to talk. I believe  
25 the name of the person in charge was Mr. Liebeler, if I am

1 not wrong.

2 Q Is that Mr. Liebeler?

3 A Liebeler, yes, sir.

4 I told him I want to accuse Warren C. de Brueys  
5 so you can see from this story that I have been trying to  
6 accuse this FBI agent. At that time I was having in mind to  
7 accuse him of these Spanish Cubans that was training in a  
8 camp in New Orleans but when I saw Mr. Liebeler did not  
9 cooperate with me and did not let me talk, I said, "I might  
10 as well keep my mouth shut." I don't accuse anybody else but  
11 Warren C. de Brueys.

12 Q I believe you said earlier that when you  
13 testified before the Warren Commission, you felt that the FBI  
14 was intimidating you into giving a certain sort of testimony.

15 Did Warren de Brueys intimidate you?

16 A Yes, sir.

17 Q In what way?

18 A A few days, I can't say one week or two weeks  
19 or ten days, but a few days before I went to testify in the  
20 Warren Commission, he came to my place of business at 117  
21 Decatur and called me to the table and told me he wanted to  
22 talk to me. I went to him because I used to talk to him  
23 almost every three or four days. He told me that if I talk  
24 anything about him he will get rid of my ass.

25 Q Why do you think he made this threat to you?

1           A           Because in my belief he knew I was going to  
2 accuse him at the Warren Commission testimony. He was trying  
3 to impress me not to do so which I went and I accused him and  
4 I was having in mind to accuse the Cubans that was training  
5 in New Orleans. When I saw what happened, how much they was  
6 covering it up, taking away, that I did not express myself  
7 about de Brueys so I changed my mind and I did not say any-  
8 thing about the Cubans, the training camp in New Orleans.

9           Q           Do you feel that Warren de Brueys might have  
10 wanted to intimidate you to prevent you from saying that  
11 Oswald was an FBI informant?

12          A           Yes, could be too.

13          Q           Again, I want to ask you why you waited so  
14 long before you publicly stated that you had reason to  
15 believe that Oswald was an FBI informant?

16          A           I wrote to Mr. Lane. The letter came back  
17 one year or so later. I believe his name is Mark Lane.

18                    I went to New York and I took the address of  
19 the editor of his book and I took some photostatic -- some  
20 papers that I still have, to him.

21                    I could not see him but his editor or one of  
22 the persons that worked in New York City, I believe Sixth  
23 Avenue, told me that he would see that Mr. Mark Lane got  
24 those papers.

25                    Mr. Harold Weisberg came to me too trying to

1 get some information. Mr. Weisberg brought me some papers  
2 from the Archives of the United States. Some of the papers  
3 he brought me from the Archives was one of the informants of  
4 the FBI of the United States. The name of the person is  
5 Hector Jose Garcia.

6 According to the Archives file, Mr. Hector Jose  
7 Garcia said that I am supposed to talk one night directly to  
8 Mr. Castro in Cuba. I would like to offer myself again and  
9 to bring Mr. Hector Jose Garcia and let both of us take a lie  
10 test to see who is right and who is wrong and then you will  
11 see what the FBI is doing trying to discourage me.

12 Q Mr. Pena, is there any substantiation for your  
13 allegation that Oswald was an FBI informant? Can you offer  
14 any other proof that Oswald was an FBI informant?

15 A I will not talk anything else about it. This  
16 matter, it would be more to talk about but this matter, we  
17 have to come to something else who is Sergio Arcacha Smith  
18 and the office at the Balter Building.

19 Q I did not understand that.

20 A The offices of Sergio Arcacha Smith and the  
21 FBI -- when all this matter is straightened up then we will  
22 talk about some other offices in the same Balter Building.

23 Q What about?

24 A Some other offices in the same Balter Building  
25 where the federal government was working.

1                   It is another office in the Balter Building.  
2                   You better leave it like that, like it is. I do not want to  
3                   go any farther.

4                   Q           Do you have anything else to offer on the  
5                   allegation that Oswald was an FBI informant?

6                   A           Not right now.

7                   Q           I would like to ask you questions concerning  
8                   Lee Harvey Oswald's activities in New Orleans. Did you have  
9                   occasions to observe Oswald in New Orleans?

10                  A           Yes, I did, sir, besides the restaurant  
11                  activity.

12                  Q           Did you see him passing out Fair Play for  
13                  Cuba pamphlets in New Orleans?

14                  A           Yes, sir. I saw in front of the old  
15                  International Trade Mart in the 100 block of Camp Street.  
16                  I saw him fighting with Mr. Carlos Bringier on Canal Street  
17                  which after the police got there and arrested both of them,  
18                  Mr. Oswald and Mr. Bringier and took them to jail, I went to  
19                  Mr. Carlos Bringier's place of business and I talked to his  
20                  brother-in-law. His name is Commandante Palaec<sup>Z</sup>. He was a  
21                  big name in the Cuban Army.

22                  Commandante Palaec<sup>Z</sup>, who is Mr. Bringier's  
23                  brother-in-law, I told Mr. Palaec<sup>Z</sup> that Bringier was fighting  
24                  with Oswald on Canal Street and the police took him to jail.  
25                  Mr. Palaec<sup>Z</sup> told me he did not have nobody to leave the store,

1 clothes store, novelty store, whatever you want to call it.  
2 For me to do him a favor and go to the police station and  
3 place the bond which I went to the First Presinct Police  
4 Station and I asked the sergeant which knew me very well that  
5 I wanted to place a bond. He said, "Yes, Orest. You just  
6 have to put \$25." Well, I put \$25 for Bringier's bond.

7 I came back to Mr. Bringier's store and Mr.  
8 Pelaec<sup>2</sup> gave me back my \$25 that I left at the police station.

9 Why don't you ask the chief of police why he  
10 did not tell the Warren Commission Pena was the one that let  
11 Bringier out? That proves there that I knew Oswald very, very  
12 well. I was there. My bartender was there, too, Evaristo  
13 Rodriguez.

14 Q Do you know whether any FBI agents were  
15 present during this fight?

16 A I do not know. I cannot say anything else.

17 Q Do you know whether Oswald ever came to your  
18 bar, the Habana Bar, in New Orleans.

19 A Yes, sir.

20 Q Did you personally see him at your bar?

21 A Yes. He came one night with two or three more  
22 guests. They asked for something. One guy asked for tequilla,  
23 I believe. Another asked for another drink, and he asked for  
24 a lemonade. The matter, why I never did forget was because in  
25 my place of business we never did for many, many years sell a



1 lemonade. My bartender asked me, "Do we sell lemonade here?"  
2 in Spanish. My bartender and me, we talk in Spanish all the  
3 time. I said, "Yes, we sell lemonade. Get a glass of water  
4 and put two or three spoons of sugar and half a lemon and put  
5 ice and charge twenty-five cents."

6 According to the bartender, because I did not  
7 hear that, Mr. Rodriguez, Oswald started bitching about the  
8 price of the lemonade for twenty-five cents. He said I was  
9 a Capitalist or something like that. So I told the bartender  
10 that the second drink, he can go and drink it somewhere else.  
11 He had to pay for the first one.

12 Q Did you personally see Oswald in your bar?

13 A Yes, I did personally see him in my bar.

14 Q Can you identify the people that accompanied  
15 Oswald in your bar?

16 A No.

17 Q Were they Cubans?

18 A They looked Spanish.

19 My bartender, Mr. Rodriguez, would answer the  
20 question much better because he came exactly to the table  
21 where those people were sitting.

22 Q Do you recall whether any of the Spanish  
23 individuals spoke with any particular accent?

24 A No, I was not there. I was away from where  
25 they were sitting.

1 All that I knew that was talked in that  
2 conversation was because the bartender told me about it.

3 Q Do you recall seeing Oswald in New Orleans  
4 at any other times?

5 A I told you already where I saw him.

6 Q Do you recall applying for a passport in  
7 New Orleans on June 24th of 1963?

8 A Yes, sir.

9 Q I am referring now to Warren Commission  
10 Pena Exhibit No. 1.

11 A That's all right. Don't show it to me.

12 I want you to put this down. The government  
13 said -- I said that I took the passport at the Customs House  
14 Building and the government said that they did not issue me  
15 the passport in that building. I would like to find out who  
16 is right, the government or me.

17 Q When you say "the government" has said this,  
18 what particular agency or individual are you speaking of?

19 A Just the government. Government agencies.

20 Q Did you know that Lee Harvey Oswald applied  
21 for a passport in New Orleans on the same day, June 24th, 1963?

22 A I was told so by Mr. Weisberg.

23 Q Do you remember seeing Lee Harvey Oswald on  
24 that day?

25 A No, I do not remember. I do not remember seeing

1 him.

2 Q Do you think if Oswald had been present at the  
3 same time applying for a passport that you would remember  
4 seeing him?

5 A Yes, sir.

6 Q When I stated that Oswald applied for a  
7 passport in New Orleans on June 24th, 1963, I was referring  
8 to Warren Commission Exhibit No. 781. Have you seen a copy  
9 of this Warren Commission Exhibit?

10 A The only thing I saw was my own. I was told  
11 that he was -- applied for the passport the same day I  
12 applied. That is what I was told before.

13 Q At this time have you seen a copy of Warren  
14 Commission Exhibit 781?

15 A This time, yes, sir.

16 Q Do you know why your name would have been  
*omitted OP*  
17 ~~omitted~~ from a list provided by the State Department to the  
18 Warren Commission which included the names of the people who  
19 applied for passports in New Orleans on June 24th, 1963?  
20 I am specifically referring to Warren Commission Exhibit  
21 No. 952.

22 A I do not know but maybe they did want to skip  
23 me because I did work for them as an informant.

24 Q Are you saying that because you worked for the  
25 FBI as an informant, your name might have been purposely

1 ommitted from this list?

2 A. Might be.

3 Q. Do you know whether passports were issued  
4 in New Orleans at different locations?

5 A. That I do not know, sir.

6 Q. After you were issued that passport, sir, did  
7 you ever travel to Mexico?

8 A. Yes, sir.

9 Q. Do you recall when you traveled to Mexico?

10 A. I used to travel there almost every year.

11 It is a different part every year, to a different part of  
12 the world.

13 Q. Did you ever travel to Mexico in the fall of  
14 1963, specifically in September or October of 1963 just before  
15 the assassination of President Kennedy?

16 A. I do not believe so.

17 Q. Did you ever see Lee Harvey Oswald in Mexico?

18 A. No.

19 Q. Did you ever go to Mexico or any other countries  
20 on any <sup>intelligence OP</sup> intelligence mission?

21 A. No, sir.

22 Q. Did you ever do any work for the Central  
23 Intelligence Agency?

24 A. I will not answer any questions about the  
25 Central Intelligence Agency.

1 Q Mr. Pena, I would like to show you again the  
2 document labeled JFK Exhibit No. 94 which is a release letter  
3 from the Central Intelligence Agency to the House Select  
4 Committee on Assassinations. I would like to ask you again  
5 whether you would answer any questions concerning any  
6 relationship you might have had with the Central Intelligence  
7 Agency?

8 A No, sir.

9 Q Will you answer any questions concerning any  
10 possible relationship with the Central Intelligence Agency  
11 at any future time?

12 A Maybe if you investigate and get the real  
13 facts of the training camp that was run by the FBI and the  
14 CIA of the United States in New Orleans, the camp in New  
15 Orleans. Maybe I will remember something else later on.

16 Q I would next like to ask you if you know or  
*Renew OP*  
17 ~~new~~ in 1963 any of the following individuals: Sergio Arcacha  
18 Smith?

19 A Yes, sir. He was the leader of the Cuban  
20 Revolutionary Front.

21 Q Do you know whether he has any connection with  
22 the assassination of President Kennedy?

23 A I can't answer that question but he was very  
24 close to Warren C. de Brueys. He was very close to David  
25 Ferrie.

1 Q Did you know David Ferrie?

2 A Yes, sir. He teach me how to fly Cessnas.

3 Q When did he teach you how to fly?

4 A I can't remember exactly but if you go to the  
5 Lake Front Airport and ask for my log which if you need me  
6 to sign it, I will sign it and tell them to release it to  
7 you anytime you want it, to give you my log that was signed  
8 there. Every time I went there with David William Ferrie  
9 to fly, he signed the log. Those papers have to be there  
10 somewhere. You have my permission to get it and you will  
11 know exactly the day I started taking lessons and every day  
12 I fly Cessnas.

13 Q Do you know whether Sergio Arcacha Smith or  
14 David Ferrie knew Lee Harvey Oswald?

15 A I better don't answer that question. David  
16 William Ferrie is dead already. It is no use to be talking  
17 about a man that is dead now.

18 Q Mr. Pena, the House Select Committee on  
19 Assassinations has a mandate to investigate the circumstances  
20 surrounding the assassination of President Kennedy and I  
21 would appreciate knowing any information which you have  
22 concerning any relationships between Sergio Arcacha Smith  
23 and David Ferrie with Lee Harvey Oswald, or any other  
24 knowledge you may have concerning Lee Harvey Oswald.

25 Let me repeat the question: Do you know whether

1 Sergio Arcacha Smith or David Ferrie knew Lee Harvey Oswald?

2 A. I will not answer that question. I knew  
3 David William Ferrie and Sergio Arcacha Smith was very, very  
4 close.

5 Q. Were either or them close with Lee Harvey  
6 Oswald?

7 A. I will not answer that question.

8 Q. Will you give a reason why you refuse to  
9 answer these types of questions?

10 A. We have the same trouble I have with Bringier.  
11 Arcacha Smith will come around and start suing me. Since  
12 1963 I have spent over \$20,000.00 in attorneys' fees.

13 Q. David Ferrie is no longer alive. Did he have  
14 any relationship with Lee Harvey Oswald?

15 A. I want to tell you one thing and put that  
16 there. The day about twelve hours before David William  
17 Ferrie died, he came to my place of business at the Habana  
18 Bar at 117 Decatur <sup>st.</sup> and he was very nervous and he asked me  
19 that it is very important, extremely important that he see  
20 two persons. One of the persons was Sergio Arcacha Smith.

21 And to prove this, I am going to use Carlos Bringier.

22 I told him what I hear that Sergio Arcacha Smith  
23 went to Texas. At that time, Carlos Bringier went by on  
24 the street on Decatur to his place of business and I told  
25 him, "Look, why don't you go and ask Mr. Bringier? He might

1 know about the whereabouts of Mr. Sergio Arcacha Smith."

2 While he went to talk to Mr. Bringier, I  
3 called the DA, Mr. Jim Garrison, and I talked to Mr. Frank  
4 Maloche, one of the DA Assistants at that time during the  
5 Jim Garrison era.

6 He was a policeman too in the First District.

7 So Frank Maloche said, "Do you know the two  
8 persons he wants to know?" And I said, "Yes, I know the  
9 two persons. One of them is Mr. Sergio Arcacha Smith."  
10 I hang the phone up. Mr. Ferrie came back to me again and  
11 said, "Do you know what Mr. Bringier said? Mr. Bringier  
12 said he don't know anything about the two persons I want to  
13 know." He said, "It is very, very important that I know about  
14 these two persons." I said, "I don't know" because I did  
15 not want to involve myself.

16 Mr. David William Ferrie left my place of  
17 business about 2:00. <sup>PM. OP</sup> I believe about twelve hours later he  
18 was pronounced dead. See if that is true or not true.

19 Q Did you know Clay Shaw?

20 A Yes, sir.

21 Q Did he have any relationship with Lee Harvey  
22 Oswald?

23 A The only thing I'm going to say about Mr.  
24 Shaw, he has been in my place of business. He was in my  
25 place of business and that is it, nothing else.



1 Q Clay Shaw is no longer alive. Can you tell  
2 us anything more about any relationship he might have with  
3 Lee Harvey Oswald?

4 A He was in my place of business. That is all.  
5 He used to work at the International Trade Mart, some kind  
6 of position there.

7 Q Do you know Guy Bannister?

8 A I believe so. I believe I was assigned by  
9 Sergio Arcacha Smith, <sup>with OP</sup> three or four people, three or four  
10 Cubans was assigned to go and see Mr. Bannister about trying  
11 to collect money for the Revolution of Cuba. I was one of  
12 the men assigned to go and talk to Mr. Bannister.

13 Q Did Guy Bannister have any relationship  
14 with Lee Harvey Oswald?

15 A I can't say that.

16 Q Did you every see Guy Bannister talking with  
17 Lee Harvey Oswald?

18 A No, I can't say that.

19 Q Can you give a reason why you refuse to answer  
20 these questions?

21 A I can't say that. But I can tell you that  
22 Bannister and Mr. Sergio Arcacha Smith was very close.

23 Q Was Bannister close with either Mr. David  
24 Ferrie or Clay Shaw?

25 A I can't say.

1 Q Can you give a reason why you refuse to  
2 answer that question?

3 A Those people are dead already.

4 Q Is your reason for not answering the questions  
5 the fact these people are dead?

6 A Yes.

7 Q Do you know or did you know William Gaudet?

8 A I don't know by the name. Maybe if I see a  
9 picture of him or something. But William Gaudet sounds  
10 familiar but I don't know exactly. I can't answer that  
11 question one way or the other. I might know him or I might not.

12 Q Can you tell me whether any of these people  
13 whom we have been discussing had any connections with the  
14 Kennedy assassination or had any relationship with Lee  
15 Harvey Oswald?

16 A I would say yes.

17 Q Would you care to elaborate?

18 A No, I don't.

19 Q Would you care to give a reason for refusing  
20 to elaborate?

21 A If you bring the Cuban Camp in New Orleans  
22 and subpoena Mr. Warren C. de Brueys, I will offer myself  
23 to take a lie test if Mr. de Brueys takes one, if Mr. Hector  
24 Garcia, the one accusing takes one. You be the judge. You  
25 be the judge who is telling the truth, who is right and who is

1 wrong. Bring Mr. Sergio Arcacha Smith too. See how well  
 2 he knew all of those people including Warren C. de Brueys.  
 3 How many times he met in private in his office with Warren  
 4 C. de Brueys, Mr. Arcacha Smith and de Brueys.

5 Q Without getting into the issue of polygraph  
 6 examinations, do you have any other information which you  
 7 feel would be helpful in the investigation of the  
 8 assassination of President Kennedy?

9 A Well, as I told you, everything came out of  
 10 the Cuban training in New Orleans.

11 Q Would you care to elaborate on the Cuban  
 12 Training Camp in New Orleans?

13 A No, I don't. I can tell you how many have  
 14 been dead already, been killed already.

15 Q Mr. Pena, at this time I would like to give  
 16 you an opportunity to use five minutes to elaborate on any  
 17 of your previous answers or to amend any of your previous  
 18 answers or to discuss any issue that you have not previously  
 19 discussed but which you feel are important and should be  
 20 discussed.

21 A ← 1-ASK-YOU-THIS. OP  
 22 Let me put it this way, if I accuse somebody,  
 that person can sue me through this paper?

23 Q Mr. Pena, I would like to repeat that this  
 24 deposition is voluntary on your part and I would again like  
 25 to ask you if you have anything further to add?

1 A. Not right now.

2 Q. We would appreciate in the future if you have  
3 any other information on any of these issues, if you would  
4 contact us and provide us with this information.

5 I have no further questions. Do you have  
6 anything further to say?

7 A. Yes. In the future if you find out about  
8 these people I told you about here and the truth of all this  
9 matter, you can call me back again and then I will tell you  
10 a little bit more.

11 Q. What matters are you specifically referring to?

12 A. Everything we have been talking in this  
13 deposition.

14 Q. If you have nothing further to add, I would  
15 like to thank you very much for taking your time to give  
16 this voluntary statement and, again, I would like to ask you  
17 to feel free to provide any further information in the future.

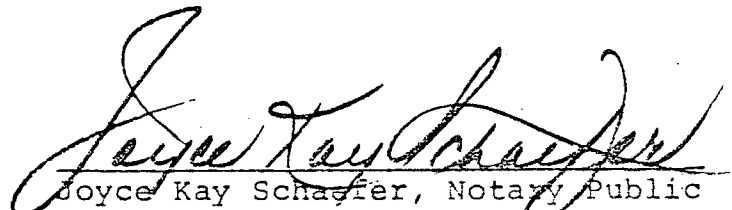
18 A. Okay.

19 (Whereupon, the deposition was concluded at 4:50 p.m.)  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

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3  
4 I, Joyce Kay Schaefer, a Notary Public in and  
5 for Harris County, Texas, being the Notary Public before  
6 whom the sworn testimony of OREST PENA was taken, do hereby  
7 certify that the witness was first duly sworn by Magistrate  
8 Ingard O. Johannesen, Magistrate for the Eastern District  
9 of Louisiana, to tell the truth, the whole truth and nothing  
10 but the truth, and that the above and foregoing is a true  
11 and correct transcript of said testimony.

12 Given under my hand and seal of office on  
13 this the 29<sup>th</sup> day of June, 1978.

14  
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16   
17 Joyce Kay Schaefer, Notary Public  
18 in and for Harris County, Texas  
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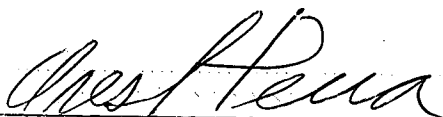
Select Committee on Assassinations

U.S. House of Representatives

WASHINGTON, D.C. 20515

010136

The undersigned, having had an opportunity to review the foregoing transcript, hereby acknowledges that the stenographic record is a true, accurate and complete recordation of the sworn testimony I provided.

  
Orest Pena

Date: *July 20 - 1978*

City and State: *New Orleans, La.*