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Agency Information

AGENCY : HSCA
RECORD NUMBER : 180-10075-10169
RECORD SERIES : NUMBERED FILES
AGENCY FILE NUMBER : 010136

Document Information

ORIGINATOR : HSCA
FROM : PENA, OREST
TO :
TITLE : SWORN TESTIMONY OF OREST PENA

DATE : 06/23/1978
PAGES : 36

SUBJECTS :
ANATI-CASTRO ACTIVITIES
OSWALD, LEE, POLITICAL AND SUBVERSIVE ACTIVITIES
FBI, ADMINISTRATION
DE BRUEYS, WARREN

DOCUMENT TYPE : TRANSCRIPT
CLASSIFICATION : Unclassified
RESTRICTIONS : Consulted
CURRENT STATUS : Withhold
DATE OF LAST REVIEW : 07/22/1993

OPENING CRITERIA :
COMMENTS : Three copies. Box 187.

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

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6
7
8 Hale Boggs Federal Building
9 Room 125
10 500 Camp Street
11 New Orleans, Louisiana

12 Friday, June 23, 1978, 3:00 p.m.

13
14 APPEARANCES:

15 Robert Genzman
16 House Select Committee on Assassinations
17 House Annex #2
18 Room 3371
19 Washington, D. C. 20515

20
21
22
23 SWORN TESTIMONY OF

24 OREST PENA

25

P R O C E E D I N G S

1
2 MR. GENZMAN: My name is Robert Genzman, and
3 I am a Staff Counsel to the House Select Committee on
4 Assassinations. I have been designated counsel empowered
5 to take statements under oath, pursuant to the House
6 Resolution 222 and Committee Rule 4.

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

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

14 MR. GENZMAN: Would you please swear the
15 witness?

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

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

21 MR. OREST PENA: I do.

22 Whereupon,

23 OREST PENA

24 having been duly sworn by Magistrate Ingard O. Johannesen,
25 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
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.

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 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 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 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 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 hosue 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."

17 So I came back to the 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 govenment 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 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.

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 customers, 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 Lel-
2 Guajiro. This man right now, 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 he 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 propoganda
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 went 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. He was a
21 big name in the Cuban Army.

22 Commandante Palaec, who is Mr. Bringier's
23 brother-in-law, I told Mr. Palaec that Bringier was fighting
24 with Oswald on Canal Street and the police took him to jail.
25 Mr. Palaec 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 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
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 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
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. Everytime 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 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. 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 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 Let me put it this way, if I accuse somebody,
22 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.)

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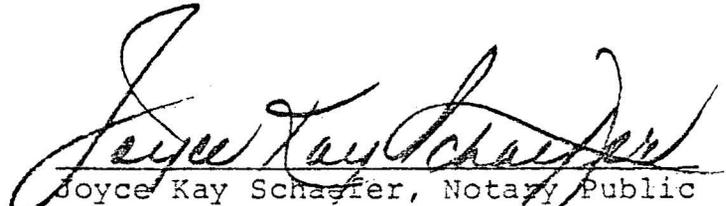
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C E R T I F I C A T E

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

Given under my hand and seal of office on this the 29th day of June, 1978.


Joyce Kay Schaefer, Notary Public
in and for Harris County, Texas