

Mr. LIEBELER. Well, your friends down the street have been trying to find him and haven't come up with him yet.

Mr. ANDREWS. Debrueys?

Mr. LIEBELER. Yes.

Mr. ANDREWS. Sometimes the stools on that are not too good. They need Latin stools for that boy.

Mr. LIEBELER. Off the record.

(Discussion off the record.)

Mr. LIEBELER. Did you just indicate that you would like to find Mr. Bertrand and he did run off? Did you see him run off?

Mr. ANDREWS. Yes; I chased him, but I couldn't go.

Mr. LIEBELER. This was when you saw him 6 weeks ago?

Mr. ANDREWS. Yes; this barroom is right adjacent to—the street—as you go in, there are two entrances, one on the block side and one on the corner. I had no more idea of finding him than jumping off the bridge. I went in there hoping, and the hope came through. I was so surprised to see him there. I kept working my way there to go to the front when he recognized me and he sprinted out the door on the side of the street and was gone. I had to go past him to go to the phone. I should have conked him with the beer bottle.

Mr. LIEBELER. He took off as soon as he saw you?

Mr. ANDREWS. No; but I was moving to go to the phone. He thought I was moving towards him.

Mr. LIEBELER [handing picture to witness]. I show you Pizzo Exhibit No. 453-A, and ask you if you can recognize anybody in that picture.

Mr. ANDREWS. The one that has a brief case under his arm, full face towards the looker, appears to be Lee Oswald. This boy back here [indicating] appears to be familiar, but I would have to blow his face up to be sure. He is in between. See, this one here [indicating]? I have never seen this picture before.

Mr. LIEBELER. Between Oswald, who has the cross mark over his head, and the man who has the arrow over his head?

Mr. ANDREWS. He is a local boy here, a face I recall. It would take me a while to place it, but the face appears to be familiar.

Mr. LIEBELER. You haven't seen this picture before, is that correct?

Mr. ANDREWS. I don't believe.

Mr. LIEBELER. The Secret Service and the FBI have shown you various pictures, but you don't recall this one?

Mr. ANDREWS. I don't recall seeing that one. There was one of a series where—one of an attorney in town was there—where we all knew him. They may have shown me this, but I don't remember. We used to have a club back in 1946 called Lock (?) Fraternity, and he resembles a boy that was a member.

Mr. LIEBELER. I don't think I have any more questions, Mr. Andrews. I want to thank you very much for coming in and I appreciate the cooperation you have given us.

Mr. ANDREWS. I only wish I could do better.

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## TESTIMONY OF EVARISTO RODRIGUEZ

The testimony of Evaristo Rodriguez, was taken on July 21, 1964, at the Old Civil Courts Building, Royal and Conti Streets, New Orleans, La., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission. Special Agent Richard E. Logan, interpreter, Federal Bureau of Investigation, was present.

Evaristo Rodriguez, having been first duly sworn, was examined and testified, through the interpreter, Mr. Logan, as follows:

Mr. LIEBELER. I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy. I have been authorized to take your testimony by the Commission pursuant to authority granted to it by

Executive Order No. 11130, dated November 29, 1963, and joint resolution of Congress No. 137.

You are entitled under the rules of the Commission to have an attorney present during your questioning. You are not required to answer questions that you think might be harmful to yourself to answer. You may state the reasons why you don't want to answer them if you wish to do that. You are entitled to 3-days' notice under the rules. I assume you are prepared to proceed with the testimony at this time since you are here, and I assume that since you do not have an attorney, you are prepared to go ahead without one.

Mr. RODRIGUEZ. I am ready to answer all the questions. I have been advised of my rights as you have stated them to me, and I am ready to answer any questions that I can help you with.

Mr. LIEBELER. Where were you born, Evaristo?

Mr. RODRIGUEZ [writing]. Gibara, Oriente, Cuba. That's the province, Oriente, and the city is Gibara.

Mr. LIEBELER. When were you born?

Mr. RODRIGUEZ. July 26, 1941.

Mr. LIEBELER. Where do you live now?

Mr. RODRIGUEZ. 1239 Chartres Street.

Mr. LIEBELER. Are you still a citizen of Cuba?

Mr. RODRIGUEZ. Yes.

Mr. LIEBELER. How long have you lived in the United States?

Mr. RODRIGUEZ. I came here in 1962 on a boat. I was first here in 1962. I was on a boat. And I went to Costa Rica and a few other countries. I came back here in January of 1963. I have been here since January of 1963.

Mr. LIEBELER. When did you leave Cuba?

Mr. RODRIGUEZ. December of 1961.

Mr. LIEBELER. How did you come to leave Cuba?

Mr. RODRIGUEZ. I left Cuba because they were about to put me in the Armed Forces. I didn't care to. I wasn't in agreement with the present government, so I took off.

Mr. LIEBELER. How did you get out?

Mr. RODRIGUEZ. On a boat. I came out on a small boat, a small merchant ship.

Mr. LIEBELER. Did you work on that boat then or where did you go?

Mr. RODRIGUEZ. I had been working on this boat for about 3 years and 2 months.

Mr. LIEBELER. Is that the boat that sunk?

Mr. RODRIGUEZ. It's not the same boat that sunk, but it was a boat of the same company, Barcelona Co., that sunk.

Mr. LIEBELER. Eventually, one of your boats did sink and you came then here to New Orleans, is that correct, and that's when you stayed in the United States?

(Discussion between witness and interpreter.)

Mr. LOGAN. I am going to have to ask him a couple of things on this because as I get it in my mind, it seems that he was on a boat.

(Discussion between witness and interpreter.)

Mr. RODRIGUEZ. First of all, I was on this boat called the *Barcelona* in the Pacific, and this boat sunk, and we were transferred to another boat, the *San Jose*, that first traveled to some other countries, and then when I got to New Orleans, this is where I asked for my political asylum.

Mr. LIEBELER. Off the record.

(Discussion off the record.)

Mr. LIEBELER. Where do you work?

Mr. RODRIGUEZ. I am a bartender at nights at the Habana Bar at 117 Decatur Street.

Mr. LIEBELER. How long have you worked there?

Mr. RODRIGUEZ. About 1 year and 3 months. I have worked there about 1 year and 3 months.

Mr. LIEBELER. Do you know Orest Pena?

Mr. RODRIGUEZ. Yes.

Mr. LIEBELER. Ruperto Pena?

Mr. RODRIGUEZ [answering directly]. Yes.

Mr. LIEBELER. Carlos Bringuier?

Mr. RODRIGUEZ [answering directly]. Yes.

Mr. LIEBELER. We have information that you saw a man whom you believe to be Lee Harvey Oswald in the bar some time in 1963. Would you tell us all about that?

Mr. RODRIGUEZ. These men came into the bar, two men came into the bar, one of them which I learned later through TV and pictures and newspapers was Oswald. These men came into the bar. One of them spoke Spanish and the one who spoke Spanish ordered the tequila, so I told him that the price of the tequila was 50 cents. I brought him the tequila and a little water. The man protested at the price, thought it was too high, and he made some statement to the effect that he was a Cuban, but an American citizen, and that surely—words to the effect that surely the owner of this bar must be a capitalist, and we had a little debate about the price, but that passed over. Then the man who I later learned was Oswald ordered a lemonade. Now I didn't know what to give him because we don't have lemonades in the bar. So I asked Orest Pena how I should fix a lemonade. Orest told me to take a little of this lemon flavoring, squirt in some water, and charge him 25 cents for the lemonade, and that's the incident surrounding that situation.

Mr. LIEBELER. You did not know the names of these men at that time, did you?

Mr. RODRIGUEZ. I didn't know the names of them then; no.

Mr. LIEBELER. Did both of the men speak Spanish or just one of them?

Mr. RODRIGUEZ. Only the man that appeared to be a Latin or Cuban spoke Spanish.

Mr. LIEBELER. So the man who you later thought to be Oswald did not speak Spanish; is that right?

Mr. RODRIGUEZ. No; the man I later learned to be Oswald did not speak Spanish.

Mr. LIEBELER. What time of the day did this happen?

Mr. RODRIGUEZ. This happened about 2:30 or between 2:30 and 3 o'clock in the morning. I am not certain of the exact hour, but that's the best of my recollection.

Mr. LIEBELER. Were either of these men drunk?

Mr. RODRIGUEZ. The man I later learned to be Oswald had his arm around the Latin-appearing man, and Oswald appeared to be somewhat drunk.

Mr. LIEBELER. You mentioned previously that someone was a Cuban but an American citizen. Were you referring to the man that was with Oswald, or Orest Pena, the owner of the bar?

Mr. RODRIGUEZ. What I did was, the Latin-appearing man asked me if the owner of the bar was a Cuban, and I told him that he was a Cuban, but an American citizen. That's the way that was.

Mr. LIEBELER. Are you able to say the nationality of the man that was with Oswald?

Mr. RODRIGUEZ. I am not able to state what his exact nationality was, but he appeared to be a Latin, and that's about as far as I can go. He could have been a Mexican; he could have been a Cuban, but at this point, I don't recall.

Mr. LIEBELER. What did this man look like?

Mr. LOGAN. You want a description of him?

Mr. LIEBELER. Yes; how old?

Mr. RODRIGUEZ. He was a man about 28 years old, very hairy arms, dark hair on his arms.

Mr. LIEBELER. About how tall was he?

Mr. LOGAN. He says he was about my height. That's about 5 feet 8. He is about the same build of man as I am, short and rather stocky, wide. He was a stocky man with broad shoulders, about 5 feet 8 inches.

Mr. LIEBELER. Do you know how much he weighed approximately?

Mr. LOGAN. He probably hit around 155. He doesn't remember the exact weight, but he would guess around the same weight as I appear to be.

Mr. LIEBELER. So he weighed about 155 pounds or so?

Mr. RODRIGUEZ. Yes.

Mr. LIEBELER. Was he taller or shorter than Oswald?

Mr. RODRIGUEZ. Just a little taller than Oswald.

Mr. LIEBELER. Was he heavier than Oswald or lighter?

Mr. RODRIGUEZ. He was huskier and appeared to weigh more than Oswald.

Mr. LIEBELER. Do you remember what color his hair was?

Mr. RODRIGUEZ. He had a high forehead, you might say. He had this back here, the hairline was right back in here like this [indicating].

Mr. LIEBELER. He had a receding hairline in the front?

Mr. LOGAN. He says it's not like yours and mine; it's rather receding on the sides toward—at the front.

Mr. LIEBELER. Off the record.

(Discussion off the record.)

Mr. LIEBELER. Now how tall would you estimate Oswald was?

Mr. RODRIGUEZ. I didn't get a good look of Oswald standing up straight because Oswald was drunk and he was more or less in a sagging position most of the time. Therefore, I wasn't able to get a good look, but he was a little shorter than 5 feet 8, the height of the other man. He was a little shorter than that, maybe 5 feet 7 or 5 feet 6, but I couldn't tell for sure because Oswald wasn't standing up too straight at the time. In fact, Oswald came in and draped over the table after he sat down.

Mr. LIEBELER. Did Oswald become sick?

Mr. RODRIGUEZ. He became sick on the table and on the floor.

Mr. LIEBELER. Then did he go in the street and continue being sick?

Mr. RODRIGUEZ. The Latin-appearing man helped him to the street where he continued to be sick.

Mr. LIEBELER. What was Oswald wearing?

Mr. RODRIGUEZ. Oswald as I recall, had on a dark pair of pants and a short-sleeved white shirt.

Mr. LIEBELER. Did he have a tie on?

Mr. RODRIGUEZ. Oswald had what appeared to be a small bow tie.

Mr. LIEBELER. Are you sure?

Mr. RODRIGUEZ. But the thing is, Oswald's collar was open and this thing was hanging from one side of it.

Mr. LIEBELER. It was a clip-on bow tie?

Mr. RODRIGUEZ. It was a clip-on thing as I recall.

Mr. LIEBELER. When did this happen; what month?

Mr. RODRIGUEZ. I can't remember exactly, but I know it was just about 1 year ago, and I presume it was in August.

Mr. LIEBELER. Do you remember when Orest Pena went to Puerto Rico?

Mr. RODRIGUEZ. I don't remember when Orest went to Puerto Rico. I don't recall when Orest went to Puerto Rico.

Mr. LIEBELER. Was Oswald in the bar before Orest went to Puerto Rico or afterward or while he was gone? Do you remember specifically? Do you remember that he did go to Puerto Rico?

(Discussion between witness and interpreter.)

Mr. RODRIGUEZ. Orest just said he was going on vacation and didn't tell me where he was going.

Mr. LIEBELER. Do you remember when he went on vacation? Think of it in comparison to the time that Oswald was in the bar. Was Oswald in the bar before Orest went on vacation or afterward or while he was on vacation.

Mr. RODRIGUEZ. Orest was in the bar when Oswald was there.

Mr. LIEBELER. So he couldn't have been on vacation at the time?

Mr. RODRIGUEZ. Orest was in the bar when Oswald was because at that time, I recall I had to ask Orest how to make the lemonade for Oswald, so—

Mr. LIEBELER. Now think again, and think if this was before Orest went on vacation or afterward.

Mr. LOGAN. The incident, you mean, in the bar?

Mr. LIEBELER. Yes.

Mr. RODRIGUEZ. I don't remember whether it was before or after.

Mr. LIEBELER. Do you remember when Carlos Bringuier was arrested and went to jail?

Mr. RODRIGUEZ. I remember him being arrested, but I don't remember—I remember when Carlos Bringuier was arrested, but—I was on the street and I saw Carlos. I saw Carlos Bringuier talking to the policeman at the time that

he was arrested, but I didn't see him get into the police car because I took off. I left because I thought I might be following the same path.

Mr. LIEBELER. Were you walking when you saw Carlos arrested?

Mr. RODRIGUEZ. I was in a car passing in the street when I saw Carlos talking with the police.

Mr. LIEBELER. Who was with you in the car?

Mr. RODRIGUEZ. Orest Pena had driven me to the doctor, and this is how we happened to be in the car together when we passed going to the Habana Bar when we saw Carlos.

Mr. LIEBELER. Off the record.

(Discussion off the record.)

Mr. LIEBELER. Did Orest see Bringuier that day?

Mr. RODRIGUEZ. I don't know whether Orest saw him or not. Orest was doing the driving. I am not sure whether he saw him or not.

Mr. LIEBELER. Was Oswald in the bar before or after you saw Carlos in the street with the policeman?

Mr. RODRIGUEZ. I am not sure, but it was either a couple of days before Oswald was in the bar or a couple of days after, but I can't remember well enough to be exact.

Mr. LIEBELER. But it was about that time that you saw Oswald in the bar; is that right?

Mr. RODRIGUEZ. Yes; it was about the same time, same time in relation to days, you know, that same period.

Mr. LIEBELER. Yes. Do you remember whether you and Orest saw Carlos in the street before Orest went on vacation or afterward?

Mr. RODRIGUEZ. I don't remember whether it was before Orest went on vacation or after that I saw Carlos in the street.

Mr. LIEBELER. Orest was in the bar when Oswald was there? That's right, is it not?

Mr. RODRIGUEZ. Yes. He was in the bar when Oswald was there.

Mr. LOGAN. He says he is trying to remember the best he can.

Mr. LIEBELER. He is doing very well.

Mr. LOGAN. He is saying that the time passes and it is hard for him to remember everything, but he is trying to remember the best he can.

Mr. LIEBELER. Did Orest see Oswald?

Mr. RODRIGUEZ. I didn't see, I don't believe, that Orest saw Oswald. Orest was in the back part of the bar near the telephone, and Oswald and his friend were sitting at a table near the cigarette machine, which is in the right-hand side of the front part of the bar, and Oswald's back was to the place where Orest was at the time.

Mr. LIEBELER. Did Orest come up and talk to them when you had this argument about the lemonade and tequila?

Mr. RODRIGUEZ. No; Orest never talked to Oswald or the other man during this altercation about the tequila.

Mr. LIEBELER. To the best of your knowledge, Orest never came up or looked at them or saw them while they were there?

Mr. RODRIGUEZ. To the best of my recollection, Orest Pena never saw these two men up close, and, as a matter of fact, Orest was talking on the telephone, and when I asked him about the lemonade, he just told me what to do and didn't pay any more attention to it than that.

Mr. LIEBELER. Did you see anybody else with Carlos and the policeman at the time you saw Carlos on the street with the policeman as you have already told us?

Mr. RODRIGUEZ. At the time I saw Carlos Bringuier on the street with the police, I didn't see anybody being put into the police car, but I remember slightly that there were probably three other people in the police car at the time, but I don't know who they were, and I was passing in a car, of course, and didn't have an opportunity to pay any attention to that.

Mr. LIEBELER. You didn't see Oswald there?

Mr. RODRIGUEZ. I didn't see Oswald at that time.

Mr. LIEBELER. Do you know Celso Hernandez?

Mr. RODRIGUEZ. I don't know him. I am acquainted with Bringuier.

Mr. LIEBELER. When did you first think that the man you saw in the bar, as you have told us, was Oswald?

Mr. LOGAN. I am going to have to break this down for him.

Mr. LIEBELER. What did he say so far?

Mr. LOGAN. He is answering an entirely different question, something about Bringuier.

Mr. LIEBELER. I think we should put this on the record.

Mr. LOGAN. Let me find out if he understood the question first because the thing is, I think he has got something else in mind.

Mr. LIEBELER. Yes; that is the problem.

Mr. LOGAN. I will get that out of him, too, the part you want.

(Discussion between witness and interpreter.)

Mr. LOGAN. No, no. He doesn't get the message, and I am sure I am saying it plain enough.

Mr. LIEBELER. When did you first become aware of the name of this man?

Mr. RODRIGUEZ. The first time that I knew that the man in the bar was Oswald was—the first time that I realized that the man in the bar was Oswald was after President Kennedy had been assassinated and I saw Oswald's picture in the paper with his name and so forth, and that's how I first became aware or first came to realize that the man who had been in the bar with the Latin-appearing man was the same person as Oswald.

Mr. LIEBELER. Did you discuss this with Orest Pena after you became aware that the man in the bar was the same man as the man whom we think shot President Kennedy? And specifically, I want to ask you if Orest Pena recognized Oswald's picture independently from you or if he only became aware that it was Oswald that was in the bar after you called it to his attention.

Mr. LOGAN. All right. I will ask him the first one and then I will ask him the second one.

Mr. RODRIGUEZ. The first question is that I actually heard the news of the President's death on the radio, and they still hadn't given out the name of the assassin, who they thought it was. So later on when it came out in the newspaper, I saw the picture in the newspaper of Oswald, and then I pointed out to Orest that this was the fellow who was in the bar and had the argument about the lemonade or about the tequila, rather, and not in the bar at the time because the other fellow argued about the tequila.

Mr. LOGAN. Now what was that number two again?

Mr. LIEBELER. Did Orest mention it to you first by himself? Did he know that that man had been in the bar, or did he only come to think that after you had pointed out to him it was the same man that you thought had bought the lemonade?

Mr. RODRIGUEZ. No; Orest had never seen this man whose picture was in the paper that I recognized as being the man in the bar and who the paper described as Lee Harvey Oswald.

Mr. LIEBELER. Did you ever tell Bringuier that the man that was in the bar with Oswald was being sought by the FBI, being looked for by the FBI?

Mr. RODRIGUEZ. I told Bringuier that Oswald had been in the bar. This is after, of course, I discovered that it was Oswald. But I don't remember ever telling Bringuier that the FBI was looking for these people or either one of them.

Mr. LIEBELER. So to the best of your recollection, you did not tell Bringuier that the FBI was looking for this man that was with Oswald?

Mr. RODRIGUEZ. I never told Bringuier that the FBI was looking for the man that was with Oswald. I only mentioned to Bringuier that Oswald was the same one that had been in there that had been drinking lemonade in that bar previously.

Mr. LIEBELER. Am I correct in saying that the only times that you have been in New Orleans are, one, the period of time beginning in January of 1963 to the present time, and once before at one prior time, the exact date of which I do not recall, but you tell me. Those two times. Are there any other times you have been in New Orleans? Let me rephrase the question: You came to New Orleans in January of 1963 and have been here ever since, and you were in New Orleans at least once prior to that time. Tell me when that was.

Mr. RODRIGUEZ. I got on a boat in Cuba. We went to Mexico. Then we went to New York with sugar. Then we went to Norfolk, and from Norfolk, we went to Bermuda, and then to the Dominican Republic.

Mr. LOGAN. Unless you want that. I just told him that whole route was not important if he could come down to the exact month he was in New Orleans. Here's the thing: He says now that the very first time he was ever in New Orleans was on a boat that came from Cuba in April of 1959. He was working on a boat that landed in New Orleans in April of 1959. Now he doesn't remember the exact month in 1961 that he was in New Orleans.

Mr. LIEBELER. Were you ever in New Orleans in 1962?

Mr. RODRIGUEZ. To the best of my recollection, I was here in May of 1962 where I caught the ship *Barcelona*.

Mr. LIEBELER. Did you know Orest Pena at that time?

(Discussion between witness and interpreter.)

Mr. LOGAN. As I get it, he knew Orest not well, but he knew him. Had seen him at the bar, around the bars.

Mr. LIEBELER. Do you remember talking to him in May of 1962 in his bar here in New Orleans?

Mr. LOGAN. He remembers probably he talked to Orest during May of 1962. I asked him what they talked about. He said, "Like small talk about boats, about this, about that. Nothing in particular."

Mr. LIEBELER. Were you in the bar in May of 1962 with Orest Pena at any time when Orest Pena got into a fight or big argument with another man?

Mr. RODRIGUEZ. I don't remember Orest being in a fight with anybody in the bar in 1962, in May of 1962.

Mr. LIEBELER. Did Orest Pena ever say to you in words or in substance that Castro should have been notified about something as soon as possible, and particularly, in May of 1962?

Mr. RODRIGUEZ. I don't remember him saying anything like that.

Mr. LOGAN. What he was telling me in all this flurry was that Orest, as far as political situations, is happy with his life here in the United States, and I have asked him three times if he remembers Orest making any statement like that, that Castro should have been notified immediately, and he says he has never heard him say anything like that. He doesn't remember.

Mr. LIEBELER. And you don't remember any fight that Orest got into with another man?

Mr. RODRIGUEZ. I don't remember anything about a fight or a discussion.

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

Mr. RODRIGUEZ. I identify Oswald as the man with the X on him.

Mr. LIEBELER. Anybody else?

Mr. RODRIGUEZ. No.

Mr. LIEBELER. I draw your attention particularly to the man standing to Oswald's right, and the second man behind him, who appears to have leaflets in his hand, wearing a tie and short-sleeved white shirt, and facing directly into the camera.

Mr. RODRIGUEZ. The only one that I am able to identify in that picture is Oswald himself.

Mr. LIEBELER. Is that the man that was in the bar?

Mr. RODRIGUEZ. The same man that was in the bar as previously mentioned

Mr. LIEBELER. Do you have any question about that in your mind?

Mr. RODRIGUEZ. I am positive of this.

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

Mr. RODRIGUEZ. The man appears to be Oswald, but the first picture is a much better photograph in my mind for identifying Oswald. In other words, I was able to tell in the first photograph that the man was Oswald. In this photograph, the second photograph that I have been shown—

Mr. LIEBELER. "Garner Exhibit No. 1."

Mr. RODRIGUEZ. The man appears to be Oswald, but—

Mr. LIEBELER. The witness indicates that he is clear in his mind that the man

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

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

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

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

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

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

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

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

Mr. RODRIGUEZ. Yes.

Mr. LIEBELER. That's what he said?

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

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

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

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

Mr. LIEBELER. What is he saying?

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

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

Mr. LOGAN. That reminds him of Oswald.

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

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

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

Mr. LOGAN. Now he says it is him.

Mr. LIEBELER. It is or isn't?

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

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

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

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

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## TESTIMONY OF OREST PENA

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

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