

remember when they were saying, "Yankee, go home," in Cuba? He was in Cuba at that time. He was calling, "Yankee, go home."

Mr. LIEBELER. Has he ever favored Castro that you know of?

Mr. PENA. Oh, of course.

Mr. LIEBELER. Who, Bringuier?

Mr. PENA. Yes. He said not?

Mr. LIEBELER. I am asking you did he ever favor Castro.

Mr. PENA. I was in Cuba. I left Cuba very long time ago. I never was involved in any kind of politics. I didn't like Batista, but I wasn't in any organization.

Mr. LIEBELER. You didn't know of any.

Mr. PENA. What I know about people, what I hear in my place, or what I hear other people talking, and what I hear about Bringuier was, when Castro started with his revolution of Cuba, he was one of the Cubans in the revolution calling, "Yankee, go home."

Mr. LIEBELER. You don't think that Bringuier is in favor of Castro at this time?

Mr. PENA. He? No, no. He hate Castro and he hate Russia, but he hates America as much, too. He just want to go back to Cuba and be one of the bosses.

Mr. LIEBELER. Be a big man?

Mr. PENA. Yes.

Mr. LIEBELER. All right, Mr. Pena. I want to thank you very much for coming in.

Mr. PENA. I want you to know something: I love the United States more than many people that are born in this country and I got a place of business and I hear—they don't talk much now. They are very scared, but before, when Castro was started, I learn many people, how much they was against this country, people that was born in this country. I love this country, believe me. Maybe you don't believe me or have a bad report about me, but nobody make me a Communist. Believe that. Believe it or not.

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

TESTIMONY OF RUPERTO PENA

The testimony of Ruperto 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.

Ruperto Pena, having been first duly sworn, was examined and testified, through the interpreter, as follows:

Mr. LIEBELER. First, let the record show that this testimony is being taken through an interpreter in the person of Special Agent Richard E. Logan of the Federal Bureau of Investigation.

Mr. Pena, I am an attorney on the staff of the President's Commission investigating the assassination of President John F. Kennedy. I have been authorized to take your testimony pursuant to certain regulations and orders that President Johnson has issued, including Executive Order No. 11130, dated November 29, 1963, and joint resolution of Congress No. 137.

You are entitled to have an attorney. You do not have to answer the questions if you have any objections to them, and you are entitled to 3 days' notice of the hearing.

Mr. LOGAN. I have already explained to him that you are an attorney and about the Commission and authorization. Now I will just tell him about these rights that he has.

(Discussion between witness and interpreter).

Mr. LOGAN. He says as long as he can answer them, that he will.

Mr. LIEBELER. I assume that he will be willing to proceed without an attorney?

Mr. LOGAN. No; he doesn't care.

Mr. LIEBELER. Where were you born, Mr. Pena?

Mr. PENA. Mantanza—that's the province—Colón—that's the city—Cuba.

Mr. LIEBELER. When?

Mr. PENA. March 5, 1927.

Mr. LIEBELER. You are still a citizen of Cuba?

Mr. PENA. Yes.

Mr. LIEBELER. Where do you work?

Mr. PENA. With my brother at the—I help my brother run the bar, the Habana Bar, 117 Decatur Street. The Habana Bar it is called.

Mr. LIEBELER. Do you know Carlos Bringuier?

Mr. PENA (answering directly). Yes.

Mr. LIEBELER. And you are the brother of Orest Pena; is that correct?

Mr. PENA. Yes.

Mr. LIEBELER. Do you know Evaristo Rodriguez?

Mr. PENA (answering directly). Yes.

Mr. LIEBELER. Have you discussed with your brother an incident in the bar where a man ordered a lemonade?

Mr. PENA. I didn't talk with my brother about it. I have discussed it with the bartender.

Mr. LIEBELER. Rodriguez?

Mr. LOGAN. Because his brother, apparently—he wasn't there when the incident happened either. He didn't discuss it with his brother and the bartender. Apparently, he just heard it through talk in the bar about the thing.

Mr. LIEBELER. You were not there at the time this happened?

Mr. PENA. No; I wasn't there.

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

Mr. PENA. I know him from the newspapers, but I have never seen him in person.

(Discussion between witness and interpreter.)

Mr. LOGAN. He knows. Just can't get it out right now. He doesn't remember his name. He knows his face because he has seen it in a lot of photographs and pictures in the newspaper. Never saw him in person, but he knows the photograph of the man from pictures on TV and newspapers.

Mr. LIEBELER. And you know him as the man who assassinated President Kennedy?

Mr. PENA. Yes; I do. I don't right at this second remember his name.

Mr. LIEBELER. Oswald?

Mr. PENA. Oswald is the man.

Mr. LIEBELER (handing picture to witness). I show you a picture that has been marked "Bringuier Exhibit No. 1," and ask you if you have ever seen any of the men in this picture, specifically that man who is handing out leaflets slightly to Oswald's right, the man I point to with my pencil, and, for the purposes of the record, it is the man who stands behind Oswald to his right, and he is the second man from Oswald. He wears a short-sleeved shirt with a tie.

Mr. PENA. I don't know anybody in there. I don't recognize anybody in there.

Mr. LIEBELER. Did you ever tell Carlos Bringuier that you had seen Oswald anywhere?

Mr. PENA. No.

Mr. LIEBELER. Were you in the bar, the Habana Bar, at the time when your brother got into an argument with two Mexicans or Cubans about the bongo drums?

Mr. PENA. It was me that had the argument with them. I had an argument with a couple of them over there over the problem of Cuba, but I was not there when the incident that your question specifically asked about took place.

Mr. LIEBELER. Now, you did have an argument with two Mexicans about Cuba; is that right?

Mr. PENA. The problems of Cuba.

Mr. LIEBELER. And did you call the FBI?

Mr. PENA. Bringuier did.

Mr. LIEBELER. Bringuier called the FBI?

Mr. PENA. Yes.

Mr. LIEBELER. How many times did you see these men?

Mr. PENA. The first time I saw them was in the bar, the two of them. It was in the evening we were having this discussion over the problems of Cuba. The second time was 2 or 3 days later—I am not positive about that—when I saw them pass the bar in a little car.

Mr. LIEBELER. Did you ask Bringuier to call the FBI?

Mr. PENA. Yes. What I did was, when I saw them passing in the car—these two men that I mentioned, passing in a car—I went out and took the license number and I gave this to Bringuier, Carlos Bringuier, and I asked Bringuier to call the FBI because I wasn't able to speak English well enough, and that's it.

Mr. LIEBELER. Had you, yourself, ever called the FBI or any other Government agency about these two men before you told Bringuier to call them?

Mr. PENA. I didn't call anybody before I told Bringuier to call them, the FBI.

Mr. LIEBELER. Are you sure?

Mr. PENA. I am sure. I gave Bringuier the number and told him to call the FBI because I couldn't speak English well enough.

Mr. LIEBELER. Well, do you remember discussing this question with Mr. Logan back in May, and Mr. Logan asked you this question at that time, and don't you remember that you told Mr. Logan that you had called the FBI or the Immigration and Naturalization Service?

Mr. PENA. No; I didn't, but at that time, I just have said that I called one because it mentions there about the telephone. I just can't remember it now.

Mr. LIEBELER. Why did you ask Bringuier to call the FBI, when you saw these men in the car?

Mr. PENA. The night that I had the discussion with these two men, I got the impression that they were pro-Castro and probably Communists, so that's why, when I saw them go by in the car a couple of days later, I asked Bringuier to call the FBI to denounce them, to turn them in or denounce them, or to let them know that they were about.

Mr. LIEBELER. Why didn't you call the FBI when you talked to them the first time?

Mr. PENA. The first reason I did not call the FBI the first time was because this discussion took place at night and that, as soon as the discussion was terminated, these two men left, and so it just sort of ended right there. Then, when I saw them again, I got Bringuier to try to call them.

Mr. LIEBELER. Did Bringuier tell you that he did call the FBI?

Mr. PENA. He called the FBI right in front of me.

Mr. LIEBELER. Were you there when Bringuier called the FBI?

Mr. PENA. Yes. I was right there when he was supposed to have called them.

Mr. LIEBELER. Where did Bringuier call them from?

Mr. PENA. Called them from Bringuier's store. That's the Casa Rocca. That's right down the street from me. It's 107 Decatur. It's the Casa Rocca. It's a store. That's where the call was made from.

Mr. LIEBELER. Did Bringuier tell you who he talked to at the FBI?

Mr. PENA. No.

Mr. LIEBELER. Did these two men have anything to do with Oswald, as far as you know?

Mr. PENA. As far as I know, no.

Mr. LIEBELER. Have you ever seen them again after you saw them in the car?

Mr. PENA. No; never saw them since.

Mr. LIEBELER. Have you ever been in favor of Fidel Castro in the early times?

Mr. PENA. I have never been friendly toward Castro. I am more or less pro-Batista.

Mr. LIEBELER. Do you have any information as to where these two men could be found now?

Mr. PENA. No; I don't have any information. I am under the impression that one was a Cuban and one was a Mexican because of their method of speaking Spanish, which varies from each Spanish country, like a Cuban speaking can recognize a Mexican by his language rather than his appearance.

Mr. LIEBELER. What is the answer to the question?

Mr. PENA. The answer to the question is that I do not have any information as to where these two men can be found now.

Mr. LIEBELER. Did you give Bringuier the license number of the automobile?

Mr. PENA. Yes; I gave it to Bringuier.

Mr. LIEBELER. Did Bringuier give it to the FBI?

Mr. PENA. Bringuier gave it to them, the FBI, over the telephone.

Mr. LIEBELER. You are sure that you were present when Bringuier talked to the FBI?

Mr. PENA. The thing is, I was there when Bringuier made a call supposedly to the FBI, but I can't say and won't say that I know Bringuier was talking to the FBI. Actually, as a matter of fact, he could have been talking to just anybody. That's what he just said.

Mr. LIEBELER. You had that problem because of your difficulty understanding the English language?

Mr. PENA. The idea is that I was there when the call was made, but I don't know. As far as I am concerned, Bringuier was talking to the FBI.

Mr. LIEBELER. It says here in this report that you weren't even there.

(Discussion between witness and interpreter.)

Mr. LOGAN. He is telling me now about all the people that are exiles that are in Cuba. They hollered, "Yankee, no." But that's not pertinent. You want me to ask him again about his being present and see if we can make him remember?

Mr. LIEBELER. Why does he mention this thing about Cuba? He is not one of them?

Mr. LOGAN. I dare say it is part of his nature. He is telling me that we have to be careful of all of these people, which we already know.

Mr. LIEBELER. Now, Mr. Pena, did you tell Mr. Logan and Agent De Brueys that you were not present when Carlos called the FBI?

Mr. PENA. I don't know that I remember telling you that, but I say now that I was present when that call was made.

Mr. LIEBELER. Now Mr. Bringuier said that you told him that one of the two Mexicans had been in the bar with Oswald. Is that correct?

Mr. PENA. I never told Bringuier that.

Mr. LIEBELER. And you couldn't have told Bringuier that because you weren't even in the bar when Oswald was there and you never saw the man who was with Oswald?

Mr. PENA. That's right. I wasn't in the bar when—

Mr. LIEBELER. Do you have any knowledge that Oswald was connected in any way with any conspiracy to assassinate the President?

Mr. PENA. I have no information that Oswald was ever connected with any organization or conspiracy to assassinate the President.

Mr. LIEBELER. Is there anything else that you would like to tell us about this whole affair?

Mr. PENA. I have no further information outside of what I have already said regarding the two Mexicans.

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

TESTIMONY OF SYLVIA ODIO

The testimony of Sylvia Odio was taken at 9 a.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you please rise and take the oath? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. Odio. Yes; I do.

Mr. LIEBELER. Please sit down. My name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission investigating the assassina-