

Mr. SERVANCE. Doesn't go down into the basement.

Mr. HUBERT. I see. So, that if you were on the first floor of the municipal building that staircase that we are talking about on the Commerce Street side does not lead you to the basement?

Mr. SERVANCE. No, sir.

Mr. HUBERT. The one we are talking about before is on the Main Street side of the elevator?

Mr. SERVANCE. Yes, sir; you see, you got to—you go in front of the hall, and you have got a cross corridor there.

Mr. HUBERT. Two corridors that cross each other?

Mr. SERVANCE. Yes, sir; and on each corridor there is a door comes from—winds around and so it comes down.

Mr. HUBERT. But, only one of them goes to the basement?

Mr. SERVANCE. Only one goes to the basement.

Mr. HUBERT. The only one that goes to the basement is the one we are talking about?

Mr. SERVANCE. That's right, only one, that's right.

Mr. HUBERT. The other fire escape stops at the first floor?

Mr. SERVANCE. Stops at the main floor and do not go down into the basement.

Mr. HUBERT. Well, all right, I think that it is clear. Now, has there been any conferences between you, Mr. Servance, and any member of the President's Commission prior to this deposition?

Mr. SERVANCE. No, sir; nobody.

Mr. HUBERT. Do you consider that between this document number 5131 which you identified and your deposition that we have the whole story about everything you now know about this matter?

Mr. SERVANCE. That's right, best of my knowledge.

Mr. HUBERT. All right. Thank you.

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### TESTIMONY OF A. M. EBERHARDT

The testimony of A. M. Eberhardt was taken at 2:40 p.m., on March 25, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Burt W. Griffin, assistant counsel of the President's Commission.

Mr. GRIFFIN. Let me state for the record, and also for your advice and information, my name is Burt Griffin and I am a member of the advisory staff of the General Counsel's office of the President's Commission investigating the assassination of President Kennedy. This Commission has been set up by virtue of an Executive order of the President of the United States and a congressional resolution. The Executive order is Order No. 11130, which was issued on November 29, 1963, and the congressional resolution is Resolution No. 137. As a result of these two official acts, the Commission has promulgated a set of rules to conduct the proceedings, and in conformance with those rules and the the Executive order and the congressional resolution, I have been designated to take a sworn deposition from you, Detective Eberhardt.

Now, the general area of the investigation of the Commission is to ascertain, evaluate and report back to President Johnson on the facts relating to the assassination of President Kennedy and the later murder of Lee Oswald. In particular as to you, we are concerned about the events that led up to the death of Lee Oswald and most particularly about Jack Ruby, but we are concerned about anything else that you might have to offer the Commission that you think is pertinent. The Commission is not an investigatory agency in the sense that a grand jury is.

We don't have any authority to prosecute for any crimes. The only crime that could be committed in connection with this investigation that we can do anything about is perjury, and our primary concern in this matter is frankly one of national security and not prevention of crime. The most obvious thing

is to learn how we can prevent the kind of things that have happened, well, since November 22, from recurring again, but it goes much further than that, because there are matters that transcend simply the protection of the President, there are problems, real problems of national security that are involved in this, and there are worries about it that are involved, too, because whenever you have the President murdered, you can't exclude the possibility that there is some political group or even nonpolitical group interested in killing the President of the United States, and it is compounded when you find that the man that is charged with the murder of the President himself dies.

So it becomes very important for us to learn what the truth is, and we want to do this in a way that will encourage people to come forward and tell us the truth, and if there are problems in connection with this, nobody can be close to this without having some personal problems or personal involvement in this thing, we want to try to do what we can to minimize these kinds of problems for you and to encourage you to come forward with whatever you know that may be of value to us.

Now, you in particular are appearing here as a result of a general request which the General Counsel of the Commission made to Chief Curry. Under the rules adopted by the Commission, you are actually entitled to a 3-day written notice before any deposition is taken; however, the rules also provide that you can waive the notice, and I will ask you now if you want us to provide you with a written notice or if you are willing to waive that notice and go forward with the deposition?

Mr. EBERHARDT. It is fine to go on.

Mr. GRIFFIN. Okay. You are also entitled to have an attorney here before the Commission, and we do have many witnesses who come here with attorneys, and you are not here now, I see, with counsel, but if you would like to have an attorney, consult with one beforehand, we would be happy to adjourn at this point and let you come back whenever you feel like it.

Mr. EBERHARDT. I don't need any counsel.

Mr. GRIFFIN. I will ask you, then, if you will raise your right hand and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EBERHARDT. I do.

Mr. GRIFFIN. Would you state your full name for the record?

Mr. EBERHARDT. A. M. Eberhardt.

Mr. GRIFFIN. Do you just have a first initial?

Mr. EBERHARDT. No. August Michael.

Mr. GRIFFIN. Where do you live?

Mr. EBERHARDT. 706 East Farmers Road, Seagoville, Tex.

Mr. GRIFFIN. That is Seagoville [spelling] S-e-a—

Mr. EBERHARDT. That is right.

Mr. GRIFFIN. When were you born?

Mr. EBERHARDT. September 13, 1933.

Mr. GRIFFIN. What is your occupation?

Mr. EBERHARDT. I am a detective of police.

Mr. GRIFFIN. How long have you been with the police department?

Mr. EBERHARDT. Eight years.

Mr. GRIFFIN. Are you assigned to any particular unit?

Mr. EBERHARDT. Assigned to burglary and theft.

Mr. GRIFFIN. How long have you been with burglary and theft?

Mr. EBERHARDT. About 2 years.

Mr. GRIFFIN. Now, you and I talked for some time just prior to taking this deposition, is that right?

Mr. EBERHARDT. That is right.

Mr. GRIFFIN. Now, prior to my talking with you, has anybody else from the Commission staff, as opposed to the Secret Service, one of the investigatory agencies, has anybody from the Commission staff spoken with you?

Mr. EBERHARDT. No.

Mr. GRIFFIN. I made some notes during our interview I want to dictate these for the record. I wish you would listen to them carefully, and if there are

any changes or corrections that you would like to make. I wish you would tell me and we can straighten up the record on this.

I began talking with Mr. Eberhardt about how the FBI happened to interview him on December 20, 1963, and he indicated that he believed that it was a result of finding his telephone number in one of Jack Ruby's notebooks or on a scrap of paper. Mr. Eberhardt told me that he had changed his telephone number and that the number which was actually in Jack's phone book was not the number that he had now. The reason for the change was that, out in Seagoville, the telephone company became a member or a part of the regular Dallas dialing district, and all of the telephone numbers in Seagoville were changed, although there was no actual physical change of any telephone. He also stated to me that he had come to know Jack Ruby in connection with his work on the police force, that while he was a member of the vice squad and while he has been with the burglary and theft division of the police department, he has had occasion to visit Ruby's nightclubs. Now, he said that, since he has been with burglary and theft, which has been since early 1962, that he saw—went into Ruby's place almost every night when he was on the night shift, and I asked him when he was last on the night shift, and he stated that he was on the night shift the month of October. Mr. Eberhardt also—

Mr. EBERHARDT. That is going to be wrong.

Mr. GRIFFIN. All right. Speak to the reporter.

Mr. EBERHARDT. I am just trying to think. I told—I was working 3 to 11 when the President got killed.

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. So that would be my night shift.

Mr. GRIFFIN. Now, during which shift did you go in to Ruby's club?

Mr. EBERHARDT. I would be working 3 to 11 shift in November, the month that the President got killed, but I hadn't seen him in November, and I had worked days in October and I hadn't seen him in October, so it would be August when I would have been up there.

Mr. GRIFFIN. Would it be September?

Mr. EBERHARDT. September. I was working 3 to 11 when the President got killed, because I was home and heard it on television and came on to work.

Mr. GRIFFIN. All right. Now, did you ever visit Jack's clubs on a social basis?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. And how frequently would you visit them on a social basis?

Mr. EBERHARDT. In the 5 years I knew him, I was at the Vegas Club about three times with my wife.

Mr. GRIFFIN. How about the Carousel Club?

Mr. EBERHARDT. We went up there once and she wouldn't ever go back. She wanted to see what it was like.

Mr. GRIFFIN. How recently before the President was killed had you been in the Vegas or Carousel Club?

Mr. EBERHARDT. Socially?

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. It had been a long time, over a year.

Mr. GRIFFIN. And to continue dictating what Detective Eberhardt told me, he stated that he regarded Jack Ruby as a source of information in connection with his investigatory activities. I asked him in particular whether he remembered any instances when Jack had been a source of such information, and he stated that at one time Jack reported to him a female employee of his whom he believed had been forging checks and also thought might be a source of narcotics or drugs of some sort, and as a result of the information which Ruby provided, a charge was filed against this girl.

Now, do you remember the name of the girl?

Mr. EBERHARDT. Not her true name. We handed her over to the forgery bureau. She had some dangerous drugs. She was up under the name of [deletion]. She never came back. We arrested her out of the club.

Mr. GRIFFIN. How long ago was that?

Mr. EBERHARDT. That was when I was working vice. Three years.

Mr. GRIFFIN. And you also stated that he informed on a fellow by the name

of [deleted], who was wanted in connection with a white slavery charge. Did you ever prosecute that?

Mr. EBERHARDT. No. He came into town. He was already under indictment. He told us that he was in town and where he was staying, which we like to know. He was staying at the Baker Hotel, which was half a block away from the Carousel, and he had heard one of the parking lot boys talking about this Valentine being up there.

Mr. GRIFFIN. I see.

Mr. EBERHARDT. And a search warrant was executed and a squad of officers went in there and arrested them all.

Mr. GRIFFIN. When was that?

Mr. EBERHARDT. That was when I was in vice, too. Two or three years.

Mr. GRIFFIN. What kind of information did he give you in connection with burglary investigation?

Mr. EBERHARDT. I investigated one burglary when his place was burglarized, and I had several complaints at the Vegas Club from them as owners. Out on the street, if we asked him about a particular person—we asked him about 8 or 9 months ago about a safe burglar [deleted]. He said he didn't know him. If he was on the street, he would come in and call it.

Mr. GRIFFIN. When was that burglary at Ruby's place?

Mr. EBERHARDT. I was working deep nights. He surprised the burglars in his club and ran them out. I was in burglary and theft then for about a year or year and a half. The case wasn't assigned to me. I was the officer on the scene, being the detective on duty at the time of the occurrence.

Mr. GRIFFIN. Was this at the Carousel Club?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. You say a year or year and a half. Do you mean a year or year and a half ago or after you went on B. and T.?

Mr. EBERHARDT. A year ago from now.

Mr. GRIFFIN. So that would have taken it to early 1963 or late 1962?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Did Jack have a safe in his club at that time?

Mr. EBERHARDT. No. It was a metal filing cabinet they pried, came in the back door, came up the fire escape. He had closed the place, went to eat, went back for his dogs, and when he came back, they were there, the burglars were there. They didn't get away with any of the loot, and they were later filed on, I believe.

Mr. GRIFFIN. What did Jack do when he surprised them?

Mr. EBERHARDT. He called the police.

Mr. GRIFFIN. Did he fight with them or anything?

Mr. EBERHARDT. No. They got out. He had a gun with him.

Mr. GRIFFIN. Did Jack have a safe?

Mr. EBERHARDT. Not to my knowledge.

Mr. GRIFFIN. Did Jack ever talk with you about putting a safe into the Carousel?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Did you ever hear of his talking with anybody about his installing a safe in the Carousel?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Did you ever talk with Jack about his practice with respect to keeping money?

Mr. EBERHARDT. He always kept a large sum of money in his pocket, and I talked to him several times about leaving that place at 2:30 or 3 o'clock in the morning and driving home with it, but this was just one of his peculiarities.

Mr. GRIFFIN. Did he ever tell you what he did with it, where he kept it once he got it home?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Do you know whether he used any banks or anything like that?

Mr. EBERHARDT. No; I don't know anything about that.

Mr. GRIFFIN. Do you know whether Jack owned any real estate?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Did Jack ever talk to you about the financial condition of his club?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. When was that?

Mr. EBERHARDT. That was when it was a private club. Before he opened the Carousel, see, it was a private club.

Mr. GRIFFIN. Was that when it was known as the Sovereign Club?

Mr. EBERHARDT. Yes. And he said he was losing his shirt and he was going to open it up to the public, and he did.

Mr. GRIFFIN. Now, since then, did he ever talk to you about how he was doing financially?

Mr. EBERHARDT. Yes. Business was good.

Mr. GRIFFIN. How recently did you talk to him about financial condition?

Mr. EBERHARDT. Any time you would go up there and see him, you know, he would come, you, know, he liked to tell you business was good, he was doing good, because he didn't like his opposition, they were on the outs all of the time, the two brothers, Weinsteins. They didn't like each other at all. They didn't go to each other's places. He would like to say he was doing good, getting some of their business, he was doing good. He liked to talk about that.

Mr. GRIFFIN. Did you know or did you ever hear him talk about Ralph Paul?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Have you heard of him?

Mr. EBERHARDT. No; I haven't.

Mr. GRIFFIN. Now, I believe you also told me that you knew George Senator and that George was a bartender for Jack at the Carousel?

Mr. EBERHARDT. He was doorman.

Mr. GRIFFIN. He was doorman?

Mr. EBERHARDT. He took the money when the people came in.

Mr. GRIFFIN. Did you know who was the person at the door, the ticket taker, whatever you call it, at the Vegas Club?

Mr. EBERHARDT. Eva was; Eva Grant.

Mr. GRIFFIN. Eva Grant; how would you describe her physically?

Mr. EBERHARDT. She is in her forties, I would say, heavy set. She has long hair. It was usually red tinted. Fair complected, nice, middle-aged looking woman.

Mr. GRIFFIN. You say she was heavy set? How heavy would you say?

Mr. EBERHARDT. I would say 155.

Mr. GRIFFIN. How tall would you say?

Mr. EBERHARDT. Any time I saw her, she had heels on and she would be five-six or seven in heels.

Mr. GRIFFIN. Is she noticeably fat or obese?

Mr. EBERHARDT. No. She is just big boned, a big-boned woman. She is not actually what you would call real fat. She is just heavy built.

Mr. GRIFFIN. Did you know a woman by the name of Pauline Hall who worked at the Vegas Club?

Mr. EBERHARDT. Not by name, I don't. I might if I would see her.

Mr. GRIFFIN. Did you know of any fat, heavy-set woman who worked at the Vegas Club?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Did you know of any such person who worked at the Carousel Club?

Mr. EBERHARDT. No. Eva had a good friend—I don't know what her name was—who she thought one time stole a ring off of her, who she was going to call and make a report on it and called me and told me not to.

Mr. GRIFFIN. Did you ever see the woman?

Mr. EBERHARDT. I have never seen her. She was a very close friend of Mrs. Grant, and that is why I dropped the investigation, and that is the only close friend I have heard her speak of.

Mr. GRIFFIN. Do you recall that woman's name?

Mr. EBERHARDT. No; I don't.

Mr. GRIFFIN. When was that?

Mr. EBERHARDT. That was last year sometime.

Mr. GRIFFIN. To continue with this dictation of what Mr. Eberhardt told me prior to starting this deposition, that he also stated that he knew a man named Buddy King, who had worked for Jack, and apparently King had been down on his luck and Jack had picked him up and given him a job for a while, and that it was common practice for Jack to pick up these people, people of this sort, and employ them for a short while.

Do you think Jack did this because he could get these people for low wages or do you think that he did it out of the goodness of his heart?

Mr. EBERHARDT. He liked show people like Buddy King—you know, he was in the movies—and he put a picture up there with Our Gang Comedy. He liked to be around people like that. Prizefighters, they would be up there now and then.

Mr. GRIFFIN. Do you know any prizefighters up there?

Mr. EBERHARDT. Yes. I met a prizefighter that bounced for him one night, the old heavyweight here in Dallas.

Mr. GRIFFIN. Turman?

Mr. EBERHARDT. Yes; Buddy Turman.

Mr. GRIFFIN. Is he the only one that hung around there?

Mr. EBERHARDT. Yes; I take it back. You remember when this left-handed lightweight fighting for Curtis Cokes, going to fight for the title, little, left-handed, Muskegon, Mich.? He was down there.

Mr. GRIFFIN. Who was that?

Mr. EBERHARDT. When Kenney Lane fought Curtis Cokes in Dallas, the night after, he was up in the place.

Mr. GRIFFIN. Kenney Lane fought Curtis Cokes?

Mr. EBERHARDT. Kenney Lane fought Curtis Cokes.

Mr. GRIFFIN. He came up to the place?

Mr. EBERHARDT. He came up to the place. He is top contender right now.

Mr. GRIFFIN. Did Jack say how he knew him?

Mr. EBERHARDT. No. He just said, "There is Kenney Lane."

Mr. GRIFFIN. About how often do they have prizefights in Dallas?

Mr. EBERHARDT. They haven't had one for quite a while now. They tried to promote some, but they didn't go over good.

Mr. GRIFFIN. How about amateur fights?

Mr. EBERHARDT. Yes; we have tried to build up with some smokers with the Police Athletic League, and such as that. Had the Golden Gloves.

Mr. GRIFFIN. About how often in the average year have they had the amateur fights, that you know of?

Mr. EBERHARDT. They had 4 or 5 cards last year.

Mr. GRIFFIN. Who sponsored those?

Mr. EBERHARDT. I don't know who was sponsoring them, really.

Mr. GRIFFIN. Did Jack have anything to do with those?

Mr. EBERHARDT. No; huh-uh.

Mr. GRIFFIN. Did Jack ever indicate to you any interest in them?

Mr. EBERHARDT. No.

Mr. GRIFFIN. I also asked Detective Eberhardt if he knew of anyone else whom he knew from the police department, and he mentioned that his partner on the vice squad, R. L. Clark, also got some useful information, but that Eberhardt hasn't worked with Clark since early 1962 when Detective Eberhardt was transferred to burglary and theft.

Now, is there anything else that you would want to add to what I have just dictated?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Is that—are you satisfied that that is an accurate statement, a report of what we talked about——

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Beforehand?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Now, you have given an interview to Agents Smith and Chapoton, [spelling] C-h-a-p-o-t-o-n, of the Federal Bureau of Investigation on December 20, 1963, and you stated that, when you were on duty sometime between 3 and 11

p.m. on Friday night, November 22, that you recall seeing Jack Ruby on the third floor between 6 and 7 p.m. Will you tell us how you happened to—how you fix this as between 6 and 7 p.m.?

Mr. EBERHARDT. I was working afternoons, usually go to eat at around 5:30 or 6, and I already had eaten when I got back in the office when I seen Jack, and so make it around 7 o'clock.

Mr. GRIFFIN. Were you actually in the office when you saw Jack?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Where was Jack?

Mr. EBERHARDT. He had stuck his head in our door and hollered at us.

Mr. GRIFFIN. Did he come in and talk at all?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. How long did he remain in the office?

Mr. EBERHARDT. Oh, 10 or 15 minutes.

Mr. GRIFFIN. Who else was in the office with you at that time?

Mr. EBERHARDT. Our whole—well, our shift was on. I don't recall who actually was in there, but Lieutenant Leonard's shift was on at that time. That is who I worked for at that time.

Mr. GRIFFIN. Give me as many of the people as you recall who would have been on that shift.

Mr. EBERHARDT. Let's see. I wouldn't know their days off, but I could tell you the names of everybody on the shift.

Mr. GRIFFIN. All right. Let's have that.

Mr. EBERHARDT. C. A. Jones, S. Tuck, P. Dillehay, J. R. Johnston, C. T. Burney, W. P. Posey, R. A. Standifer, M. Tuck. Lieutenant, it was.

Mr. GRIFFIN. That is Lieutenant Leonard?

Mr. EBERHARDT. Yes; there is some more that I just can't—H. J. Bettes.

Mr. GRIFFIN. How do you spell that last name?

Mr. EBERHARDT. [Spelling.] B-e-t-t-e-s. Correction on Posey. He was on vacation. J. H. Boyd, that I can remember.

Mr. GRIFFIN. Those people that you have named, do you remember specifically if any of them were in the office when Jack came in?

Mr. EBERHARDT. Yes; the lieutenant was there, I think Jones was there, I thing Tuck was there, and they were in and out and reporters in and out, you know, it is hard to sit here and visualize who was standing there, and the secretaries were there, but I don't recall which were on duty.

Mr. GRIFFIN. You have a number of rooms in your office; don't you?

Mr. EBERHARDT. In our office?

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. We have three interrogation rooms.

Mr. GRIFFIN. You have the main reception room, the interrogation rooms?

Mr. EBERHARDT. No, no; the only office that is closed off is the interrogation rooms.

Mr. GRIFFIN. As you walk into the office, you come into a room?

Mr. EBERHARDT. You come into an "L," and then the room opens up for you. (Discussion off the record.)

Mr. GRIFFIN. Now, can you describe which room Jack came into?

Mr. EBERHARDT. He opened our door and walked in about three paces and just stood there and talked.

Mr. GRIFFIN. Did he sit down at all?

Mr. EBERHARDT. No; he stood up.

Mr. GRIFFIN. Now, what do you remember him saying?

Mr. EBERHARDT. He came in and said hello to me, shook hands with me. I asked him what he was doing. He told me he was a translator for the newspapers. Of course, I knew that he could speak Yiddish. Had a notebook in his hand, and he talked a little bit about that, and then he said that he brought the coffee and sandwiches up for the reporters, corned beef sandwiches. He said, "Nothing but kosher stuff is all I bring." He talked a little bit about the assassination of the President.

Mr. GRIFFIN. Do you remember him saying—what he said about the assassination?

Mr. EBERHARDT. How terrible it was for it to happen in the city, and then he left.

Mr. GRIFFIN. Did he seem—how would you describe his state of emotion over the President's death?

Mr. EBERHARDT. Well, he said that he—he called me by my middle name—he said, "It is hard to realize that a complete nothing, a zero like that, could kill a man like President Kennedy was." He said that, "It is hard to understand how a complete nothing," that is what he referred to him as, "a complete nothing could have done this," and then he left, and then I didn't notice where he went.

Mr. GRIFFIN. Now, do you remember anything else that was said in these 5 or 10 minutes that he was in there?

Mr. EBERHARDT. No; he just asked me how I was doing, how my wife and children are, which he always did any time he seen anybody.

Mr. GRIFFIN. All right. Now—

Mr. EBERHARDT. I was trying to recall about this lapel deal and give it a lot of thought, and I can't remember visually what he had on his lapel, but I do remember him taking his notebook and hitting his lapel, and he said, "I am here as a reporter," and he took the notebook and hit like that. He had something on his coat, but I can't visualize now what it was. I did not get one of his kosher sandwiches, either.

Mr. GRIFFIN. You didn't. Did he show them to you?

Mr. EBERHARDT. No; I never did ask the man anything about them.

Mr. GRIFFIN. Is it because of his statement about the kosher sandwiches that you place the time as between 6 and 7 p.m.?

Mr. EBERHARDT. Well, I had already eaten. That is why I placed the time around there in the evening.

Mr. GRIFFIN. Well, could it have been as late as 10:30 or 11?

Mr. EBERHARDT. Oh, no; no. See, we get off at 11.

Mr. GRIFFIN. Do you know if there were Israeli newspaper or Yiddish—

Mr. EBERHARDT. There was a bunch of them running around there talking that unknown tongue. I don't know what they were saying. There were some orientals; there was some French; there were several dialects running around there that I didn't know what they were talking about.

Mr. GRIFFIN. Well, you saw Jack at a later time, also, didn't you?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Now, could it have been at this later time that Jack told you about the kosher sandwiches?

Mr. EBERHARDT. I didn't speak to him at the later time. That is the only time I spoke to him. I just seen him.

Mr. GRIFFIN. Do you know, after Ruby killed Oswald, there were a number of rumors that circulated as to how he got into the basement, and one of the rumors was that he got in by the use of a press badge? Now, one thing we are interested in here is tracing how these rumors might have gotten started. You recall your actions after the assassination is that you might have described this particular episode that you just told us about now about being an Israeli interpreter. Do you recall that you mentioned that to anybody within the 24 hours after Ruby killed Oswald?

Mr. EBERHARDT. No; I didn't. The first one I talked to about it was when the FBI agents asked me about it.

Mr. GRIFFIN. Well, wasn't it common for all of you people to be talking about any contact that you had with Ruby on those 2 days?

Mr. EBERHARDT. See, I wasn't there. I was gone Sunday and Monday.

Mr. GRIFFIN. I see. But I mean, even when you came back, wasn't there a lot of gossip, what-not, guys exchanging views?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Didn't you somewhere between the time you actually saw Ruby here and the time that you were interviewed by the agents, didn't you talk to somebody in the police department about your meeting Ruby?

Mr. EBERHARDT. Yes. We talked about him being up there in the office, and being around the city hall like that and wondered how he got in the basement, and then the only other thing I did on that was write a report to the chief of police on some information given to me.



Mr. GRIFFIN. Off of the record here.

(Discussion off of the record.)

Mr. GRIFFIN. We will go on the record on this. I have asked Mr. Hubert to check in our files to see if we have got a copy of this report that you mentioned that you gave to Chief Curry. Now, I don't have any recollection that we have it, and let me ask you now, if he doesn't report back to me and say that we have it, would you be good enough, when you go back to work today, to check where a copy of this report is and provide it to us? I am going to ask you to clear it with your superiors and everything.

Mr. EBERHARDT. All right.

Mr. GRIFFIN. I would like to see a copy of that. What did that report deal with?

Mr. EBERHARDT. This was information given to me by a police reserve who I know real well who was on duty at the time. He didn't think anything about telling anybody about it, and several days later he told me about it, about going out to the hospital when Oswald was shot and talking to another reserve out there, that he didn't know his name, who said that he had seen or thought he had seen a man walk down the ramp outside of the city hall.

Mr. GRIFFIN. Who was the reserve officer that gave you this information?

Mr. EBERHARDT. H. B. Holly, Jr. And as soon as he told me about it, I sat down and wrote a "Dear Chief," and gave it to my captain.

Mr. GRIFFIN. Did you have occasion yourself to talk to this unknown reserve officer?

Mr. EBERHARDT. No; I didn't. I talked to Holly.

Mr. GRIFFIN. Okay. Mr. Hubert indicated to me that we didn't have a copy of this report, and I would appreciate very much seeing it.

Mr. EBERHARDT. Okay. I will try.

Mr. GRIFFIN. Do you remember what you did in the period between the time you saw Ruby, at which you estimated at 6 or 7 p.m., and when you saw him later on at the press conference?

Mr. EBERHARDT. I worked—I just worked my day out, and then they held us over.

Mr. GRIFFIN. Did you stay in?

Mr. EBERHARDT. Yes. They had us on standby. I did paper work, caught up on supplements. They held us over a little bit, and then we had the press conference. When they brought Oswald in, we stood with him, myself and a couple of other detectives.

Mr. GRIFFIN. You stood next, right next, to Oswald for the purpose of guarding him?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. And were you able to look out over the crowd?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Now, where did you see Ruby in the crowd?

Mr. EBERHARDT. He was on the right-hand side of the room standing up on one of the tables with a notebook and pencil in his hand, with all of the reporters and cameramen out there. They were facing us. They were in the assembly room.

Mr. GRIFFIN. Who were the other people guarding?

Mr. EBERHARDT. There was a whole line, a whole line in front of the showup. I was standing about three people removed behind Oswald. I was standing behind Oswald and the reporters were shooting questions at them.

Mr. GRIFFIN. Was he seated?

Mr. EBERHARDT. No; he was standing. We were all standing.

Mr. GRIFFIN. You were able to look over his shoulder?

Mr. EBERHARDT. Oh, yes; I had a full view of the room.

Mr. GRIFFIN. Do you recall what other police officers were down there with you guarding Oswald and looking out?

Mr. EBERHARDT. Well, Mr. Wade was there; Chief Curry was there; Captain King was there.

Mr. GRIFFIN. What other detectives were guarding Oswald?

Mr. EBERHARDT. Well, homicide detectives were there. I don't know which ones they were. The ones that, you know, were working on him, probably Leavelle and his partner. Joe Cody was there. That is the only ones I

remember. And there was some uniform men from the jail, I believe, there.

Mr. GRIFFIN. Now, did you stay after Oswald left?

Mr. EBERHARDT. Until they got him out. I didn't have anything to do with transporting him to or from the assembly room, but when he initially arrived in the assembly room, they asked us to go up there more or less to keep the reporters from making a rush for him.

Mr. GRIFFIN. How did you happen to go down to the assembly room in the first place?

Mr. EBERHARDT. To hear the press conference.

Mr. GRIFFIN. Out of curiosity?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Did any other men from your bureau go down there?

Mr. EBERHARDT. Yes; Cody is from my bureau, and he is the only one that I remember being up there with me.

Mr. GRIFFIN. All right. Did you stay in the press conference room after the homicide people took Oswald out?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. And did Chief Curry speak at that time?

Mr. EBERHARDT. No; Henry Wade did.

Mr. GRIFFIN. Now, do you recall anything that happened during Henry Wade's interview?

Mr. EBERHARDT. No; because when Oswald left, then all semblance of any kind of order disappeared. They just, you know, come up around Henry Wade and just started—

Mr. GRIFFIN. Do you remember Ruby's saying anything during this press conference?

Mr. EBERHARDT. No; I don't remember seeing him again, either.

Mr. GRIFFIN. Do you remember Henry Wade making any statement to the effect that Oswald was a member of the Free Cuba Committee?

Mr. EBERHARDT. I don't remember too much of what the district attorney said. There was so much written and heard about it, it is hard to differentiate what Wade said from what I read in the paper.

Mr. GRIFFIN. If Ruby had said something at this press conference, would you have noticed it or heard it?

Mr. EBERHARDT. I have heard that he had from other people, you know, rumors around, but myself, I don't remember he said anything. I heard he corrected Mr. Wade on a question, is what I heard.

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. Is what I heard. I didn't stay for the entire conference. I was at liberty to go home. When they had me go up there and guard Oswald, as soon as he left, I was at liberty to go home.

Mr. GRIFFIN. When did you leave this conference?

Mr. EBERHARDT. About 5 minutes after he left.

Mr. GRIFFIN. Did you and Cody leave together?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Did you sign out of the building or anything?

Mr. EBERHARDT. No; we don't sign out. I just left, got in my car and went home.

Mr. GRIFFIN. Did Cody remain in there after you did?

Mr. EBERHARDT. I don't know. I lost him in the shuffle. I stood over there by Johnny, the news reporter up there in the pressroom at the city hall, is who I stood by while the conference was going on. He asked a couple of questions. I couldn't tell you what questions he asked. No; there was no semblance of order. Those reporters just holler out anything that comes in their mind, and whoever shouts the loudest is whoever gets the answer, is how it works.

Mr. GRIFFIN. If Ruby had said something while you were in there, would you have been close enough to Henry Wade or to Ruby to have heard it?

Mr. EBERHARDT. I don't know where Ruby was, so I couldn't answer that.

Mr. GRIFFIN. Well, you said at this press conference you saw Ruby standing back—

Mr. EBERHARDT. Right.

Mr. GRIFFIN. Back on a table?

Mr. EBERHARDT. Right.

Mr. GRIFFIN. I don't understand it, now, when you say that you don't know where Ruby was.

Mr. EBERHARDT. As soon as Oswald left is when the press conference began, and when Oswald left, they all came running up to the front. There was great disorder. When Oswald left, all of the reporters was at liberty to do what they wished, and they all came up to the front, and I didn't see Jack Ruby after Oswald left.

Mr. GRIFFIN. Okay. I want you to be an artist here. Can you draw the assembly room?

Mr. EBERHARDT. Okay. Here is the main door. This is the stage back here for a showup.

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. It is raised. All right. And then through here you have an alleyway, a little hallway, and then down through here is a walkway. Now, through here are fixed tables that run length to the wall, stationary, all of the way down, both sides.

Mr. GRIFFIN. Will you mark those with a "T" or a "Table" or something like that?

Mr. EBERHARDT. Okay. Now, they were all stationary here. Over here is a desk that the showup lieutenant uses.

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. With a microphone here. Now, Oswald was brought in through here. All of the reporters were warned by the chief of police that, if they rushed to the front, he would be taken out and no questions would be asked or answered.

Mr. GRIFFIN. All right. When Oswald came in there, where did he get planted?

Mr. EBERHARDT. He came up to the center of the stage.

Mr. GRIFFIN. Put an "X" or a circle.

Mr. EBERHARDT. He would be there.

Mr. GRIFFIN. Would you write "Oswald" there?

Mr. EBERHARDT. Okay.

Mr. GRIFFIN. Were there people on either side of Oswald?

Mr. EBERHARDT. Yes; I was on this side.

Mr. GRIFFIN. Now, the people, there weren't other prisoners but there were other detectives?

Mr. EBERHARDT. All of the way to the desk, all of the way to the door. Of course, I couldn't see too much over here.

Mr. GRIFFIN. All right. Will you put an "X" where you were standing?

Mr. EBERHARDT. Right about here.

Mr. GRIFFIN. And would you mark your initials or something there? Okay. Now, were there any people in between you?

Mr. EBERHARDT. This way?

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Between you two. How many officers were there?

Mr. EBERHARDT. The best I remember, two.

Mr. GRIFFIN. Will you put two little circles in there?

Mr. EBERHARDT. I am not sure.

Mr. GRIFFIN. Two "X's." Okay.

Mr. EBERHARDT. Now, they left some cameramen up here in front of this table, see.

Mr. GRIFFIN. Uh-huh.

Mr. EBERHARDT. And they were lined up all through in here. They were in the kneeling position.

Mr. GRIFFIN. Okay. You are indicating, in between the tables where you and Oswald were, why there were a bunch of news photographers?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. And they were all there in——

Mr. EBERHARDT. Aisleway, all news photographers.

Mr. GRIFFIN. That leads to the back of the room.

Mr. EBERHARDT. Okay. And the rest of them back here stood up on these tables. When the front tables got full, they all stood up, and Ruby was over here.

Mr. GRIFFIN. All right. Will you put "Ruby" on that?

Mr. EBERHARDT. Then they proceeded to ask him questions, take his picture, what have you, and somebody, the chief, I don't remember which one of the chiefs, said, "All right. Take him out." And they took him out, and I remained, and when they took him out, here they all come.

Mr. GRIFFIN. After Oswald was taken out, were there any people still standing up on those tables?

Mr. EBERHARDT. No; they got off, and, of course, Henry Wade was up here at the desk.

Mr. GRIFFIN. Mark "Henry Wade" there.

Mr. EBERHARDT. Then they all run for him, and you couldn't see Wade for the reporters around him.

Mr. GRIFFIN. All right. Were the reporters between you and Henry Wade?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. So the reporters had their back to you?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Now, could you hear the questions that were being asked by the reporters?

Mr. EBERHARDT. I could hear most of them; yes.

Mr. GRIFFIN. Could you hear Henry Wade's answers?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Was there any difference in the way that you could hear Henry Wade's answers as opposed to the way you could hear the questions?

Mr. EBERHARDT. Well, the questions were coming from all over the room.

Mr. GRIFFIN. Was Henry Wade speaking through a microphone?

Mr. EBERHARDT. They kept hollering for him to turn on the microphone. At first, he hadn't gotten it turned on, but they hollered at him, and he turned it on.

Mr. GRIFFIN. Was there any substantial difference between your ability to hear Wade—

Mr. EBERHARDT. No.

Mr. GRIFFIN. As opposed to your ability to hear the reporters?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Were there any times when there were people speaking when you couldn't hear them, reporters asking questions?

Mr. EBERHARDT. No; they shout. They shout from the crowd. Very ill-mannered people, the way they conducted that thing. There is no—I mean they don't have any concern for any of their other people or not. It is every man for himself. They just run, and if they run over one of their own, they do, that is all, and it is mass confusion. Whenever they left these tables and what have you, they just come up there.

Mr. GRIFFIN. I am going to mark this, step over here and get a pen. While I am marking this particular document, I would like for you to look at the report of your interview and read it over and then I am going to ask you if there are any additions or corrections you want to make.

Mr. EBERHARDT. Did you want me to deliver that "Dear Chief" copy to you?

Mr. GRIFFIN. If you would, send it over.

Mr. EBERHARDT. Okay.

Mr. GRIFFIN. I am going to mark for identification—

Mr. EBERHARDT. Let me make you a better picture.

Mr. GRIFFIN. You are going to go down in history. A thousand years from now, they are going to look at this and say, "That is what Eberhardt did." I have marked this diagram that you have made of the assembly room Exhibit No. 5025, and I have labeled it "Police Assembly Room, Oswald Press Conference." Now, this is the diagram that you have just finished drawing, is it not?

Mr. EBERHARDT. Yes, sir. Yes, sir.

Mr. GRIFFIN. Would you sign that and date it? [Pause.] You are going to mess up the historians. The year is—1267, that is your police number?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. I thought you were writing the year on there. Now, I am going to also mark for identification the report of Smith and Chapoton.

Mr. EBERHARDT. I don't like that, I mean this part here, I mean they didn't get this exactly right.

Mr. GRIFFIN. All right. Let us change it. Let me mark it, "Dallas, Texas, Detective Eberhardt, 3-25-64, Exhibit 5026." Now, would you look at that, and what corrections or changes do you want to make?

Mr. EBERHARDT. This part, asked me how come Jack had my phone number. My baby, my youngest one, when she was born——

Mr. GRIFFIN. Yes.

Mr. EBERHARDT. He knew I was a Catholic. He was Jewish, which has nothing to do with it. It is a christening card, not a present. I don't know if you know anything about our religion. When a child is christened, it is pretty big in our religion. He wanted to send her a christening card, and that is when I invited him to my house.

Mr. GRIFFIN. When was that?

Mr. EBERHARDT. That was about 2 weeks after the baby was born.

Mr. GRIFFIN. When was the baby born?

Mr. EBERHARDT. May 8.

Mr. GRIFFIN. Wouldn't this be an accurate statement, "Because this was the day that Eberhardt's child was born, Ruby wanted to send the child a christening card"?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Why don't you cross it out and put "christening card"?

Mr. EBERHARDT. Okay.

Mr. GRIFFIN. Now, put your initials there.

Mr. EBERHARDT. And I invited him to come out to the house and see the baby when she was christened. He had never been to my home nor I to his.

Mr. GRIFFIN. Is there anything else——

Mr. EBERHARDT. No.

Mr. GRIFFIN. That you want to change on that?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Is there anything else that you think might be of value to the Commission, either in connection with the Oswald killing——

Mr. EBERHARDT. Well, this part down here. I don't know if anybody has mentioned to you about this or not, but Officer Mullinax, he talked to me a long time when this boy got killed.

Mr. GRIFFIN. When did that occur?

Mr. EBERHARDT. It was in the summer 2 years ago.

Mr. GRIFFIN. 1961 or 1962?

Mr. EBERHARDT. No; 1962.

Mr. GRIFFIN. Uh-huh.

Mr. EBERHARDT. An officer was shot to death in a hotel. There were no witnesses, except the man that shot him. The man that shot him was not indicted. There were no witnesses. I went up to Jack's one night, and he talked to me one night about it, and he went to the boy's funeral. I don't know if that gives you any idea of how Ruby's mind is, but it is unusual in our profession to have a man show up at a funeral. You would just have to draw your own conclusions as to why he would.

Mr. GRIFFIN. Now, Mullinax was on the vice squad?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. And Jack tried to be very friendly with all of the members of the vice squad?

Mr. EBERHARDT. He was friendly with everybody. If he knew you, he would say hello to you. If he didn't know you, he was going to try to meet you.

Mr. GRIFFIN. The vice squad would probably be one of the first to close his place down if there was any problem?

Mr. EBERHARDT. Liquor board and the vice squad, that is right.

Mr. GRIFFIN. You feel that you know Jack well, don't you?

Mr. EBERHARDT. Yes and no. I know the man from seeing him up there, but I have never rode in any car with him, never had him at my home, but I know him from seeing him time after time after time.

Mr. GRIFFIN. Have you seen people who are like Jack, enough people of Jack's background that you think you could judge his character?

Mr. EBERHARDT. We get around a lot of characters in this business, and he was one of them. He was a little more unique than some of the others.

Mr. GRIFFIN. How was he more unique?

Mr. EBERHARDT. Everybody knew he had a bad temper. He had a reputation in town as being a streetfighter.

Mr. GRIFFIN. Uh-huh.

Mr. EBERHARDT. If an officer got in trouble around his place, he would help him.

Mr. GRIFFIN. Do you think he was the kind of a man who was capable of being nice to people for his own benefit because there would be some personal interest or profit in it?

Mr. EBERHARDT. I don't know. He—I couldn't see what he could—he never asked us to do anything. We arrested people out of his place. He didn't get mad at us, say anything to us, "Don't arrest her." In fact, he told us about it. She was about to start on his show at the time that we arrested her.

Mr. GRIFFIN. Is that the girl on the forgery charge?

Mr. EBERHARDT. Yes.

Mr. GRIFFIN. Do you think Jack was the kind of man who was capable of keeping a secret of being engaged in activities that other people might not know about?

Mr. EBERHARDT. Certainly. I believe, if he didn't want us to know something, he wasn't going to tell us. If he did something illegal, I wouldn't look for him to come tell us; we would have to catch him, if he was doing something, but most people are that way.

Mr. GRIFFIN. He was an outgoing guy, he talked about a lot of things, but was he also the kind of guy that was capable of keeping things pretty close to the vest if he wanted to?

Mr. EBERHARDT. Yes. Like I say, going up there to check his old place, he knew me as well as anyone. He has walked past me and not even seen me. He was just in another world. He would walk past and stop and say hello and say, "I didn't see you," and another time he would see you two blocks away and run you down and say hello. He liked people in his place; he liked names to introduce you to people, and that is why he had somebody around there. Like when he had Buddy King around there, and after he got through telling me who he was, I thought he was a big star, after Jack got through telling me he had been in the movies. He is just like that. That is all.

Mr. GRIFFIN. Did you hear any reports prior to the time that he shot Oswald that he was a homosexual?

Mr. EBERHARDT. No, I hadn't heard anything. In fact, I thought he was a ladies' man, the way he talked.

Mr. GRIFFIN. Is there anything else about this Mullinax thing, incident, that seems significant to you?

Mr. EBERHARDT. Just the fact that he went to the funeral, talked about this fellow getting away with it, that something should be done, more or less that we just couldn't do anything about it.

Mr. GRIFFIN. Have there been any other police officers killed in the line of duty, other than Tippit and Mullinax, since you have been on the force?

Mr. EBERHARDT. No.

Mr. GRIFFIN. Did Jack—was Jack personally acquainted with Mullinax?

Mr. EBERHARDT. He knew Mullinax, had seen him. He had been up at the place.

Mr. GRIFFIN. Would Mullinax have had an opportunity to visit Jack's place on a regular basis in connection with his business on the police force?

Mr. EBERHARDT. I wouldn't say that Jack Ruby knew him as good as he knew some of the other officers, no, but Mullinax had been up there several times.

Mr. GRIFFIN. Who were—at the time that Oswald was killed, who were the officers on the force outside of yourself that Ruby knew the best, would you say?

Mr. EBERHARDT. I don't know who he knew the best.

Mr. GRIFFIN. From your own estimation, who did he?

Mr. EBERHARDT. I don't know all that he knew. He knew just about everybody.

Mr. GRIFFIN. Can you think of any ones in particular that you think he knew quite well?

Mr. EBERHARDT. I have never seen him out any place with any officers; I have never seen him outside of his place with any officers; I have never seen him in a car or restaurant or anything like that with any policemen.

Mr. GRIFFIN. Well, do you feel that there were other people on the force who knew Ruby better than you do?

Mr. EBERHARDT. Well, I have been there 8 years. I don't know even how long Jack Ruby has been in Dallas. I have been in Dallas a little longer than 8 years. I imagine that some of the older officers knew him when he had another place here. He used to have another place down on Ervay Street. That is before I got on the police force.

Mr. GRIFFIN. I don't think I have any more questions. Do you have anything else that you want to offer?

Mr. EBERHARDT. No, nothing that I can think of.

Mr. GRIFFIN. Okay.

Mr. EBERHARDT. I will bring that report down to you tomorrow and leave it for you.

Mr. GRIFFIN. I would appreciate that. If you would, also sign this statement.

Mr. EBERHARDT. Any place?

Mr. GRIFFIN. Any place and date it.

Mr. EBERHARDT. Have you got a card?

Mr. GRIFFIN. Pardon.

Mr. EBERHARDT. Have you got a card?

Mr. GRIFFIN. No, I don't. I will show you my identification.

Mr. EBERHARDT. No. I was just going to write it down. In case you weren't here, I was going to leave it for you.

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### TESTIMONY OF SIDNEY EVANS, JR.

The testimony of Sidney Evans, Jr., was taken at 2:10 p.m., on March 31, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. This is the deposition of Mr. Sidney Evans, Jr. Mr. Evans, my name is Leon D. Hubert, I am a member of the advisory staff of the President's Commission on the Assassination of President Kennedy. Under the provisions of the Executive Order No. 11130, dated November 29, 1963, and Joint Resolution of Congress No. 137, and the rules of procedure adopted by the Commission in conformance with the Executive order and the joint resolution, I have been authorized to take the sworn deposition from you. I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate and report upon the facts relating to the assassination of President Kennedy and subsequent violent death of Lee Harvey Oswald. In particular, as to you, Mr. Evans, the nature of the inquiry is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry, particularly as to the whereabouts of Jack Ruby around—on the morning of November 24. Now, did you receive a letter from the General Counsel of the President's Commission, Mr. J. Lee Rankin?

Mr. EVANS. No, sir.

Mr. HUBERT. Such a letter was addressed to you and apparently miscarried somehow, but in any case—

Mr. EVANS. Might have went to those apartments. See, I was working out of Houston, and they cut the run and I had to transfer, and that was the reason that the three of us was sharing the apartment there.