

Mr. RIGGS. That's right.

Mr. HUBERT. Any corrections or alterations to be made, or anything?

Mr. RIGGS. My—no, sir.

Mr. HUBERT. Are you willing to state that if we consider the facts stated in Exhibit 5130 and the facts as stated by you in this deposition that we have everything whatsoever that you now know about this matter?

Mr. RIGGS. Yes, sir.

Mr. HUBERT. Nothing that is left out?

Mr. RIGGS. No, sir.

Mr. HUBERT. Everything is correct?

Mr. RIGGS. Yes, sir. Everything is correct.

Mr. HUBERT. I should have added that if we also consider the information you have testified to on Exhibit 5128 and 5128-A, that is the sign-in sheet, we have the full information of that?

Mr. RIGGS. Yes.

Mr. HUBERT. All right. Now, have you been previously interviewed by any member of the President's Commission?

Mr. RIGGS. No, sir; I haven't.

Mr. HUBERT. You have not been interviewed previously by me, or anybody who identified themselves as being connected with the President's Commission?

Mr. RIGGS. No, sir.

Mr. HUBERT. All right, Alfreadia, I just want to get clear once again on one point. Is it possible, at all, that you went out of the municipal building through the Main Street entrance?

Mr. RIGGS. No, sir.

Mr. HUBERT. With Fuqua?

Mr. RIGGS. No, sir; we definitely went through the back door.

Mr. HUBERT. You and Fuqua?

Mr. RIGGS. Yes, sir; me and Harold Fuqua.

Mr. HUBERT. All right, that's all, thank you very much.

TESTIMONY OF JOHN OLRIDGE SERVANCE

The testimony of John Olridge Servance was taken at 11:45 a.m., on April 1, 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 John O. Servance.

Mr. Servance, my name is Leon Hubert. I am a member of the advisory staff of the general counsel of the President's Commission.

Under the provisions of the Executive Order 11130, dated November 29, 1963, a Joint Resolution of Congress No. 137, and the rules of procedure adopted by the Commission in conformance with the Executive order and joint resolution, I have been authorized to take a sworn deposition from you, Mr. Servance. I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon any fact relating to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald. In particular as to you, Mr. Servance, the nature of the inquiry today is to determine the facts that you know about the death of Oswald and any other pertinent facts you may know about the general inquiry, and particularly the opening of doors and so forth of the municipal office or building. Now, you have appeared here by informal request made for you to come. Under the rules adopted by the Commission you are actually entitled to a 3-day written notice before you can be required to come, but on the other hand, the rules of the Commission provide that a witness may waive the 3-day notice if he sees fit to do so. Since you have not had the 3-day written notice, I will ask you if you are willing to waive the 3-day written notice and have your testimony taken now?

Mr. SERVANCE. I will.

Mr. HUBERT. Will you stand and raise your right hand so that you may be sworn. Do you solemnly swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SERVANCE. I do.

Mr. HUBERT. Will you please state your name.

Mr. SERVANCE. My name is John Olridge Servance. [Spelling] S-e-r-v-a-n-c-e, sir.

Mr. HUBERT. Servance. How old are you, sir?

Mr. SERVANCE. I am—beg your pardon, I am 54 years old.

Mr. HUBERT. Where do you live?

Mr. SERVANCE. I live at Lancaster, 319 Lancaster, Hutchins Road. Lancaster Hutchins, 319 Lancaster Hutchins Road, Lancaster, Tex.

Mr. HUBERT. And what is your present occupation?

Mr. SERVANCE. I am a—the head porter, I believe that is the way it is listed, foreman or supervisor, you might call it, over both buildings at night. The city hall and the municipal city hall.

Mr. HUBERT. Those buildings annex, actually, not two separate buildings?

Mr. SERVANCE. Some connections.

Mr. HUBERT. Well, will you—we'll go into that in a minute. How long have you been so occupied, sir?

Mr. SERVANCE. Will be 17 years the 2d day of July, or let's say 16.

Mr. HUBERT. How long have you been head porter out there?

Mr. SERVANCE. Well, I would presume about 15 years. I was head porter before I come down there with some other part of the city. I was with the water department.

Mr. HUBERT. Now, I am marking a document which purports to be a report of an interview with you by FBI Agent Jack Peden, as follows: "Dallas, Texas, April 1, 1964, Exhibit 5131, deposition of John O. Servance," and I am signing my name on this document which is a one-page document, and so that the record may show that we are both speaking about the same document would you place your name below mine on that document, sir? You may use this pen.

Mr. SERVANCE. Below yours?

Mr. HUBERT. Well, just anywhere there to the side.

Mr. SERVANCE. All right.

Mr. HUBERT. Mr. Servance, have you read this document?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Exhibit 5131, which you have just signed?

Mr. SERVANCE. I read it.

Mr. HUBERT. Is it correct and true?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Any alterations or modifications that you wish to make to it?

Mr. SERVANCE. No, it isn't. Now, I mean, as far as I understood it. As far as I could remember, that is true.

Mr. HUBERT. Well, now, you have just read it, haven't you?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. And it seems to be correct?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Now, do you know Alfredia Riggs?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. And Henry Fuqua?

Mr. SERVANCE. Hal Fuqua.

Mr. HUBERT. Hal Fuqua, is it?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Did you see them in the basement that day?

Mr. SERVANCE. I saw them in the basement.

Mr. HUBERT. And all of you were sent up the service elevator by the police to the first floor of the municipal building, is that right?

Mr. SERVANCE. That's right, sir.

Mr. HUBERT. It is true that at one time during the course of the morning there you opened the inside door on the Commerce Street entrance of the municipal building so you all could look out?

Mr. SERVANCE. Well; yes, sir. I did, I opened the door. We stood—there's a glass vestibule, you know.

Mr. HUBERT. You stood in this vestibule. The outside doors to Commerce Street remain open all the time, and the inside door is locked. You had a key and you unlocked it and all of you stood in the vestibule for a while, is that right?

Mr. SERVANCE. For a while, that's right.

Mr. HUBERT. What happened to Riggs and Fuqua? Do you know?

Mr. SERVANCE. They was standing there. What I mean, we were there during—all the excitement, I don't know—everything just—I don't know what way—I thought they were still there. I didn't see them. I mean, that is—

Mr. HUBERT. When you left the vestibule, did you lock the door?

Mr. SERVANCE. I locked the door, I did.

Mr. HUBERT. Did anybody come in through the Commerce Street entrance while you were standing there?

Mr. SERVANCE. No.

Mr. HUBERT. Could anyone have come in without your noticing it?

Mr. SERVANCE. No, sir; they couldn't have.

Mr. HUBERT. Why do you say that?

Mr. SERVANCE. Well, first place, the door wasn't opened all the time, just for a few moments, and the next place there was a policeman out on the outside didn't allow us to come—and give us orders to go back in and shut it.

Mr. HUBERT. I see, and anyhow, if anyone had come in probably you would have seen them, isn't that correct?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Do you know Mr. Jack Ruby?

Mr. SERVANCE. Never seen him before.

Mr. HUBERT. He didn't pass through that door?

Mr. SERVANCE. No, sir; he didn't.

Mr. HUBERT. And you definitely locked it?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Now, what other entrances or exits are there to the first floor of the municipal building?

Mr. SERVANCE. Well, now, you would have—the first floor, we have a gate leading from the city hall now, the old building from the municipal—

Mr. HUBERT. The police building?

Mr. SERVANCE. Yes, sir; police building, I'll put it that way, it was locked.

Mr. HUBERT. In other words, a corridor that connects the old police building and the new municipal building?

Mr. SERVANCE. That's right.

Mr. HUBERT. And it has a sort of an accordinlike gate which spreads across the whole thing and runs from ceiling to floor?

Mr. SERVANCE. That's right.

Mr. HUBERT. Does it lock?

Mr. SERVANCE. It was locked this day, the 24th.

Mr. HUBERT. It was? You know that to be a fact?

Mr. SERVANCE. I made sure. I locked it and then doublechecked it in the morning.

Mr. HUBERT. It was never opened, then, as far as you know?

Mr. SERVANCE. No, sir.

Mr. HUBERT. Now, what about the Main Street entrance?

Mr. SERVANCE. Well, it was locked; no one went out there.

Mr. HUBERT. And you know that to be a fact, too?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Now, what about the two elevators other than the service elevator?

Mr. SERVANCE. They were cut off, completely off.

Mr. HUBERT. How do you know that?

Mr. SERVANCE. Well, every evening when I went there, every night they cut them off. Well, then, I tested them to see were they off.

Mr. HUBERT. How did you test them?

Mr. SERVANCE. Mashed the button to see if it don't run.

Mr. HUBERT. You tried on this morning to get—to make sure the elevators were cut off?

Mr. SERVANCE. Their power is cut off. They are cut off. You have to go up on the penthouse on top and cut them off.

Mr. HUBERT. They are cut off every night?

Mr. SERVANCE. And on weekends. Weekends; yes, sir.

Mr. HUBERT. What other ways are there to get into the municipal building from the first floor? We have Commerce Street and Main Street.

Mr. SERVANCE. They have the rear exit there.

Mr. HUBERT. Tell us about that?

Mr. SERVANCE. Well, you see, the service elevator has the double doors, you open both of those doors there and go out the service elevator, you can go out now, to the service elevator; we do have a way that will unlock—well, in fact, have a chain of keys there and that if anyone—anybody that is working on any of those floors during the weekends, well, they can get those keys and go in there and out the back, if they want.

Mr. HUBERT. Now, that back door to the building, that leads to what?

Mr. SERVANCE. Oh, it leads to the alley.

Mr. HUBERT. Leads to the alley? Is there a key in the elevator that opens the back door?

Mr. SERVANCE. They were open; that's right.

Mr. HUBERT. Are you familiar with how that back door works?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Can the back door be opened at any time without the key?

Mr. SERVANCE. No, sir.

Mr. HUBERT. In there—any button that you can push so you don't need a key?

Mr. SERVANCE. No, sir.

Mr. HUBERT. In other words, to go to that door, once it is closed, now, coming from either way, from inside the building or from outside the building, you have to have a key to make that door operate?

Mr. SERVANCE. Yes, sir; you really do. No, no, now, you can push shut, you can snap the door and remain open.

Mr. HUBERT. If you want that door to stay open you've got to prop it open. Once the door is closed you need a key no matter which way you are coming?

Mr. SERVANCE. It is a door you have to lock, you know, you don't—it has got a catch there, but you have to lock it, you know, it is not a turn—you know.

Mr. HUBERT. Well, you mean that you can go through that door and then when it closes you—it is not locked unless you turn it?

Mr. SERVANCE. Well, that's right. See, we can trip it off, you have got a double lock, you understand. You know the doors got a night latch like—you know, but in order to lock that door it has got another lock in there that we turn.

Mr. HUBERT. Let me put it to you this way: Suppose a man uses the key to get through the door from the outside of the building, now, the door closes shut automatically, doesn't it?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. Does it lock so that you need the key to get back inside, or not?

Mr. SERVANCE. No, sir.

Mr. HUBERT. It does not lock?

Mr. SERVANCE. It does not lock. In order to lock it from the alleyway side so that nobody can come in you have got to turn it. Put the key and turn.

Mr. HUBERT. Otherwise the door is open?

Mr. SERVANCE. That's right, sir.

Mr. HUBERT. Now, let's go through that again, because it is very important and I want to get it for sure. That door operates only with a key, that is to say, from the inside. You can't just use the door without a key from the inside?

Mr. SERVANCE. Let's put it this way. Once you lock the door you have to have a key to unlock it. Now, see, you shut that door, it catches, but it is not locked. See what I mean? But in order for that door to be locked we have to put a key in there and turn that lock and let that come out and go into that socket, you see?

Mr. HUBERT. So, a man who is going through those doors leading from the municipal building to the alleyway uses the key to open the door to get out into the alleyway. Now, when he leaves and goes down the alleyway and has taken these keys with him, is that door then open so that somebody can come in without a key or do you need a key to get back in again?

Mr. SERVANCE. Well, now, if—usually, if the fellow's got the key, he usually locks it when he goes out.

Mr. HUBERT. Now, if he locks it back when he got—when he goes out but he didn't lock it again—

Mr. SERVANCE. You don't need no key.

Mr. HUBERT. The door is open?

Mr. SERVANCE. You don't need a key.

Mr. HUBERT. Do you know from your own knowledge whether Riggs and Fuqua went through that alley door that morning?

Mr. SERVANCE. I couldn't say. I mean, I don't—I mean I don't recall that. There is a possibility that they could have, but I don't recall it.

Mr. HUBERT. But you don't know from your own knowledge?

Mr. SERVANCE. After the excitement came and hollering of the elevators—I mean the sirens going we were watching the armored car being backed to the entrance of that—cars coming out of there from the basement and if they did, I didn't know it, I mean, I can't recall it. There is a possibility, but actually to say, I couldn't say it.

Mr. HUBERT. They were in uniforms, too?

Mr. SERVANCE. Yes, sir; they were in uniforms and working around there. In fact, Riggs was in both of the buildings, you know. He was a porter there that day for certain, and he had access of those things. What he did—I mean, I only seen him there, and he disappeared, I didn't notice it.

Mr. HUBERT. There is one other way you can go down from the municipal building to the basement, and that is through the fire escape, that is to say, the door to the main floor of the municipal building is not locked, and you can get to the staircase that way, can't you?

Mr. SERVANCE. Yes, sir.

Mr. HUBERT. And the door at the bottom of the stairway, which is the entrance of the basement is always open so that you can get into the basement?

Mr. SERVANCE. Not the weekends. You have to—you can come out, but you can't go in.

Mr. HUBERT. That's what I mean. You can go in from the municipal building. You can go through the fire escape doors?

Mr. SERVANCE. That's right.

Mr. HUBERT. They are not locked?

Mr. SERVANCE. They are locked; yes.

Mr. HUBERT. They are locked on Sundays?

Mr. SERVANCE. Locked on Sundays, but, you see, you can come out, you have a big bar that you can mash and come out of but you lock it and you can't go in.

Mr. HUBERT. Am I right in saying then that from the municipal floor, first floor of the municipal building—

Mr. SERVANCE. That's right.

Mr. HUBERT. You cannot go into the staircase?

Mr. SERVANCE. Not during the weekend. They keep it locked, or either at night.

Mr. HUBERT. Always locked?

Mr. SERVANCE. Always locked, but you can always come out of there.

Mr. HUBERT. Yes; in other words, if you are in the staircase itself, you can come out?

Mr. SERVANCE. Come out, that's right.

Mr. HUBERT. But, a man on the first floor of the municipal building can't go from the first floor to the basement by use of that staircase, can he?

Mr. SERVANCE. Yes; inside he can.

Mr. HUBERT. No; once they get inside the staircase, yes, but suppose he is standing on—in the lobby on the first floor, can he get through those fire escape doors and get into the staircase and then go down and out into the basement?

Mr. SERVANCE. Well, now, let me kind of clear this. You see, you have three

sets of those. You have two in the building, and one that comes on the outside on the Commerce Street side. Is that the one you are speaking of?

Mr. HUBERT. No; I am thinking of the one in the main lobby.

Mr. SERVANCE. Well, in the main lobby, if you are in the main lobby you can through the door, go in the door, down from the staircase, on down in the basement and go out, but you couldn't come in.

Mr. HUBERT. Well, let me put it to you—

Mr. SERVANCE. Yes; you can come in. You can go out or come in. See, those doors are not locked up there.

Mr. HUBERT. That's what I thought. You said that door is locked on weekends, but you wish to correct that now?

Mr. SERVANCE. Yes, sir; here's what I was speaking of, now, when you get in the basement, when you go down to the basement those doors are locked as far as coming in.

Mr. HUBERT. From the basement?

Mr. SERVANCE. From the basement, that's right. In other words, if you are in the basement you cannot use that fire escape door to get into that staircase; that's right, sir.

Mr. HUBERT. But, if you are in the staircase you can get into the basement. Now, the doors to the main floor of the municipal building leading to the staircase that we are talking about, are not closed, they are not locked, are they?

Mr. SERVANCE. No, sir.

Mr. HUBERT. Now, I think a little earlier you testified that they were locked and the only way you can use them would be coming from the staircase into the first floor of the municipal building, and I want to get it straight as to whether or not you can use the opposite direction or, go from the first floor of the municipal building into the staircase—

Mr. SERVANCE. Wait a minute. Now, let's see here—try to correct it best I can. Let's say I am out there in that corridor there, and we'll say—we'll just assume that that is the corridor there in the city hall.

Mr. HUBERT. Yes.

Mr. SERVANCE. All right.

Mr. HUBERT. All right, now—

Mr. SERVANCE. And assume that the room we are in is the staircase room. All right, anywhere you are on the first floor, or any of those floors you can always go into those staircases, fire escapes, none of those are not locked.

Mr. HUBERT. Except the basement?

Mr. SERVANCE. Except the basement where you come out, that's right. None of them are not locked, I am sorry, I got confused there.

Mr. HUBERT. I think that is right. You can go from the corridor into the staircase on the first floor, because those doors do not lock?

Mr. SERVANCE. That's right.

Mr. HUBERT. Now, once you get into the staircase on the first floor you can go down into the basement and go through the basement door into the basement, but you couldn't come through the door from the basement because it is locked?

Mr. SERVANCE. Yes, sir; on the weekends; yes, sir.

Mr. HUBERT. I think that is straight now. You said there was another fire-escape door?

Mr. SERVANCE. One more.

Mr. HUBERT. Where is that?

Mr. SERVANCE. That is the one where we were standing there, when—one comes out of the building through the entrance right there.

Mr. HUBERT. Leads—

Mr. SERVANCE. On the Commerce side.

Mr. HUBERT. Leads to the fire-escape stairway?

Mr. SERVANCE. Well, it is a fire-escape stairway.

Mr. HUBERT. And it operates exactly on—like the other one we are talking about?

Mr. SERVANCE. And it ends there on the first floor.

Mr. HUBERT. Doesn't go down into the basement?

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.

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