

Mr. HUBERT. That you do not favor the identification of one over the other in terms of strength of identification?

Mr. CROWE. No.

Mr. HUBERT. Did you receive any sums of money or any kind of recompense for any story or appearance you may have made concerning this matter of your having possibly seen Oswald in the Carousel?

Mr. CROWE. Definitely not.

Mr. HUBERT. Have you anything else, Mr. Crowe, that you would like to add?

Mr. CROWE. I was just taking a breath to say that the only reason why Oswald was mentioned and thought of was because of the possibility of being or that I thought he was one of a part of a series of coincidences. And the coincidences was the only thing that I had in mind.

Mr. HUBERT. All right.

Now, Mr. Crowe, neither I nor Mr. Griffin have ever interviewed you before the commencement of this deposition, is that correct?

Mr. CROWE. That is correct, yes.

Mr. HUBERT. That is to say all of the examination or conversation or contact between us has been in this room and while the reporter was recording it, is that correct?

Mr. CROWE. Right.

Mr. HUBERT. All right, sir, thank you very much.

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## TESTIMONY OF CHARLES BATCHELOR

The testimony of Charles Batchelor was taken at 1 p.m., on July 13, 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. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. Chief Batchelor, 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 Executive Order 11130 dated November 29, 1963, and the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, among others.

I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relevant to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald.

In particular as to you, Chief Batchelor, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Now Chief, I understand that you appeared today by virtue of a general request made to Chief Curry by Mr. J. Lee Rankin, general counsel of the staff of the President's Commission.

Under the rules adopted by the Commission, you are entitled to a 3-day written notice prior to the taking of any deposition, but the rules adopted by the Commission also provide that you may waive that if you wish, and I ask you now if you are willing to waive the 3-day notice?

Chief BATCHELOR. Yes.

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

Chief BATCHELOR. I do.

Mr. HUBERT. Chief Batchelor, your deposition has already been taken, and therefore I will omit the usual questions identifying you and who you are and so forth.

There are certain other areas which we wish to cover, or areas which we wish to clarify, and hence the purpose of this subsequent deposition.

Do you recall what instructions, if any, you gave to Captain Talbert with regard to any type of security measures set up or to be set up?

Chief BATCHELOR. I don't recall that I gave Talbert any specific instructions.

Mr. HUBERT. Do you recall what security instructions, I mean security measures were taken when you first arrived at the Dallas Police Department relative to the transfer of Oswald on Sunday, November 24?

Chief BATCHELOR. Well, as I believe I stated in my previous deposition, when I arrived there I parked my car in the basement and shortly, just moments after I arrived, Chief Stevenson arrived. We walked into the city hall from the basement.

Mr. HUBERT. Do you remember what time that was, sir?

Chief BATCHELOR. Somewhere around 8 in the morning. We noticed a TV camera in the hallway leading from the vestibule of the basement into the garage of the basement, and we commented that this was going to have to be moved. We went on upstairs to the office.

Mr. HUBERT. You commented?

Chief BATCHELOR. To Chief Stevenson. We went upstairs, and shortly thereafter Chief Curry arrived, and he had noticed this camera too, and we discussed it and said we would have to get it moved. There was no one around it. It was just sitting there.

Mr. HUBERT. This was in what you call the jail corridor?

Chief BATCHELOR. Just outside the jail corridor.

Mr. HUBERT. On the ramp side of the swinging doors?

Chief BATCHELOR. Yes; we went back—we came, after discussing this with Chief Curry, and he told us we better go down and take a look and see what we were going to need in the way of security—we went downstairs and gave instructions, I believe, to the jail supervisor that whoever had that camera, when they showed up, to tell them they would have to move it.

Mr. HUBERT. Was that before or after the decision was made that the city police would move Oswald rather than the sheriff's office?

Chief BATCHELOR. Well, Chief Stevenson and I went into the basement on two occasions seeing about the layout down there. I believe that when I told the jail supervisor to get that camera moved, that this was on the first occasion and was before, I believe—I can't be positive of that, but I think it was before.

Mr. HUBERT. Had it been decided at that time that the route to be used would be through the basement?

Chief BATCHELOR. Well, this is the normal way you take prisoners out of the jail, and I don't think any consideration had been given to doing it any other way. It was just an assumption that this would be the way he was taken out.

Mr. HUBERT. This was the way to be used and this camera was in the way?

Chief BATCHELOR. Yes; now if you wanted to avoid people by taking him out, it would be possible to take him off the jail elevator on the second floor or the first floor, but this is not the normal way you take prisoners out of the jail.

There is a door off the jail elevator on the first floor for the purpose of bringing prisoners down and arraigning them before the corporation courts which are on the first floor.

There is also an entrance off of the second floor and third floor of the jail elevator for the purpose of bringing prisoners down to the various bureaus for interrogation, but I don't recall that we discussed bringing him off in this fashion.

Mr. HUBERT. Well now, I understand that at a later time you and Chief Curry and Chief Stevenson also made a general inspection?

Chief BATCHELOR. Yes; at that time we went down and this camera had been moved.

Mr. HUBERT. About what time was that?

Chief BATCHELOR. I can't recall exactly. I would say that it was some time between 9 and 10 o'clock.

Mr. HUBERT. Do you think that would have been after the decision had been made that the city police department would transfer the prisoner?

Chief BATCHELOR. Yes; I believe it was.

Mr. HUBERT. In other words, it was after the conversation of Chief Curry with Sheriff Decker?

Chief BATCHELOR. Yes, sir.

Mr. HUBERT. Now were you present when Chief Curry spoke to Sheriff Decker?

Chief BATCHELOR. I was in his office; yes, sir. I believe I was the only one in the office with him at that time.

Mr. HUBERT. Therefore you remember that it was then that the decision was made that the police department would move him?

Chief BATCHELOR. Yes, sir; of course I could only understand one side of the conversation, but from the way Chief Curry was talking to the sheriff, I gathered that the sheriff had asked him if he would move him. The general procedure is for the sheriff to move prisoners.

Mr. HUBERT. But as I understand it, it is not extraordinary for you all to do it on certain occasions?

Chief BATCHELOR. No; we occasionally do it.

Mr. HUBERT. All right now, when that was learned, as I understand it, it was then that plans began to be made for your transfer of Oswald?

Chief BATCHELOR. Yes, sir.

Mr. HUBERT. And I suppose it is correct to say then that previous to that time there had been no consideration made of any transfer plans since you didn't know actually that you were going to do it?

Chief BATCHELOR. We hadn't made any definite plans the night before, if that is what you mean. It was on that morning around 6:30 in the morning when I received a call at home to the effect that an anonymous call had come in threatening to take the prisoner away from us. This was when we really began to be concerned about some extraordinary procedures in moving him.

Mr. HUBERT. Was it your thought that you all were better equipped to handle it?

Chief BATCHELOR. We had more manpower than the sheriff would have.

Mr. HUBERT. Well, would you tell us just how the plans developed from that time then after the Decker call about transferring him, that you know of?

Chief BATCHELOR. This is when Chief Curry and I discussed the possibility of getting an armored truck in which to move him, and we discussed this between ourselves and decided this would probably be a safe measure.

Mr. HUBERT. Was it just you and he, or was somebody else there?

Chief BATCHELOR. I believe Chief Lumpkin came in the office at the time this discussion was going on, and I went into my office and called Mr. Fleming at his home. I had to do a little search in the city directory to see who was in charge of the Armored Motor Car Service. I called him at his home.

Mr. HUBERT. Do you know what time that was?

Chief BATCHELOR. It must have been around 9 o'clock or shortly after.

Mr. HUBERT. Did you tell him what time you wanted the equipment on hand?

Chief BATCHELOR. No; it was actually close to 10:30 when he finally called me back and said he had the equipment ready and was bringing it downtown, but I didn't tell him any definite time, that I recall. In other words, I didn't say we are going to move him at a certain hour. I told him we were ready to move.

Mr. HUBERT. In other words, you told him to get the equipment there and would use it when you had occasion to use it?

Chief BATCHELOR. That's right.

Mr. HUBERT. At that time when you called him, as a matter of fact, was the time of the transfer set?

Chief BATCHELOR. There never was a definite time set for his transfer. Even though the press announced that he would be moved at 10 o'clock, there was never an announcement made that he would be moved at 10 o'clock, that I recall.

The thing that was said was that if the press were there by 10 o'clock, we thought it would be ample, that they wouldn't miss anything.

Mr. HUBERT. What was the fact, the controlling factor insofar as time was concerned?

Chief BATCHELOR. When the homicide bureau finished their interrogation of Oswald that morning.

Mr. HUBERT. So then when you first talked to Fleming, he was not able to tell you whether he could get it?

Chief BATCHELOR. Well, he said he thought he could, but he was going to have to call his people and get some drivers down there, because they were closed up on Sunday, and he said, "As soon as I get hold of them, I will call you."

He called me twice. He called me back later and said he had the drivers and he had two trucks, one a large Overland truck which would accommodate people sitting on each side of the truck on benches, and one a smaller truck.

He recommended the larger truck because the smaller truck would only accommodate one person in the back, and of course there would be need for guards.

So then the question arose as to whether or not this truck could be backed into the basement in front of the door leading out of the jail, because there is a low point in the ramp at that point.

So he asked me if I would check and see how high that was. And I checked with Chief Lumpkin, and he told me that it was 7'5". This was not tall enough to accommodate the truck.

Mr. HUBERT. Then what happened?

Chief BATCHELOR. Then I called Mr. Fleming and told him the height and suggested that we would back the truck in on Commerce Street and not take it clear to the bottom.

Mr. HUBERT. Then you ordered the larger one only?

Chief BATCHELOR. No; he sent two. He said, "I will send you both, and you can make a determination when we get there; take the one you like."

Mr. HUBERT. That second conversation was about 10:30 or so?

Chief BATCHELOR. Yes; as I recall, it must have been around 10:30. It was actually after 11 before the trucks finally got there.

Mr. HUBERT. It was after what, sir?

Chief BATCHELOR. I believe it was a little after 11 when the trucks finally got there; yes.

Mr. HUBERT. Do you have any way of fixing that time as to when the trucks actually got there?

Chief BATCHELOR. Well, the way I fix that in my mind is the lapse of time from the time the trucks arrived until Oswald finally was brought out in the basement, and this was not very long.

We backed the truck in, and I believe it was Lieutenant Smart and I got in the truck and searched it, and got some bottles, a couple of Coke bottles, and a bolt that we found laying there, and took that out of the truck.

The truck had benches on each side with cushions on the benches. This was all that was in the truck. And it was only a short time after that until they actually brought him out. Probably not more than 20 or 30 minutes after the arrival of the trucks that they brought him down.

Mr. HUBERT. Were you advised of the arrival of the trucks?

Chief BATCHELOR. I was in the basement when they came, and somebody came down the ramp and told me they were out there, and I went out there and looked at them.

Mr. HUBERT. And you directed that they be backed in?

Chief BATCHELOR. That the big truck. And he backed it in and got the back wheels over the sidewalk and down the ramp, and it is a fairly steep ramp. The driver suggested that he not take it clear to the bottom.

Mr. HUBERT. Did he say why?

Chief BATCHELOR. Yes; he was afraid that he would stall the truck in coming out. It was a heavy truck and they had just taken it off of their lot. It had been sitting there all night and the motor was cold and he was afraid if he got it down the ramp and started out that he might stall, and he didn't want to do that.

I looked the truck over. That is, I looked at the truck in relation to the walls of the ramp and found that it was so wide that there was only about a foot of space left on one side, and about 2 feet on the other.

Mr. HUBERT. Do you remember which had 1 foot and which had 2 feet?

Chief BATCHELOR. Yes, sir; the side of the truck next to the west wall—

Mr. HUBERT. That is to say, the Harwood Street side?

Chief BATCHELOR. That's right. Next to the Harwood Street side it had about a foot of space, and next to the east wall, the other side, it had about 2 feet of space, and we put one man in the space between the west wall and the truck, and two men between the east wall and the truck and completely blocked the area.

Mr. HUBERT. Do you know who those men were?

Chief BATCHELOR. The body of the truck was actually inside the building on the ramp, and the engine and the front wheels were setting out on the level portion of the sidewalk.

Mr. HUBERT. Do you know who the three men were that blocked the sides?

Chief BATCHELOR. No; I don't recall who.

Mr. HUBERT. Did you actually see them being placed in position?

Chief BATCHELOR. I was standing at the foot of the ramp and saw them standing there. They were put there at my direction, but I didn't personally direct these particular officers. I told the supervisor to put the men there. I don't remember who that was either, but they were there.

Mr. HUBERT. And their orders were to remain there?

Chief BATCHELOR. They remained there.

Mr. HUBERT. Did you see them there at a later time?

Chief BATCHELOR. Yes, sir; they were there when I started to run up the ramp and close the back door at the time they brought Oswald out.

Mr. HUBERT. The men were still there?

Chief BATCHELOR. They were still there.

Mr. HUBERT. But you don't recall their names now?

Chief BATCHELOR. No, sir; I don't.

Mr. HUBERT. But it was the same men, the one man guarding the 1-foot space on the Harwood Street side, and the other two guarding the 2-foot space on the other side were there right after the truck backed in and were still there just before Oswald was shot, and so far as you know, they did not move?

Chief BATCHELOR. Yes.

Mr. HUBERT. They were under orders to stay there?

Chief BATCHELOR. Yes; I didn't give them their orders. They were placed there, and they were there, so I assumed that they knew to stay there.

Mr. HUBERT. What did you do after you left the truck, do you recall?

Chief BATCHELOR. Left the truck?

Mr. HUBERT. The armored car.

Chief BATCHELOR. I was standing in the basement after I left the truck, and went down to the foot of the ramp. There was a time that Chief Stevenson came down and whispered to me that they had a change of plans and that they were going to use the truck as a decoy, and that Oswald was to be taken in an automobile with detectives.

Mr. HUBERT. You did not go back up to the third floor then between the time?

Chief BATCHELOR. Not after that truck got to the basement.

Mr. HUBERT. Did you leave the basement area at all after the truck backed in?

Chief BATCHELOR. No, sir; I don't recall that I did.

Mr. HUBERT. Where were you then, just around in there?

Chief BATCHELOR. Around in there.

Mr. HUBERT. And Stevenson told you about the change after you had left the truck. About how much time, roughly, before the shooting?

Chief BATCHELOR. Oh, just a very short time. From the time that he told me that they had changed their plans and the time the shooting happened couldn't have been over 10 or 15 minutes at the most.

After he told me, Lieutenant Pierce and Sergeant Putnam got a squad car and took it out the Main Street ramp to get around the city hall.

Mr. HUBERT. Was that movement part of the original movement?

Chief BATCHELOR. No, sir; that was part of the changed plan.

Mr. HUBERT. Did Stevenson tell you about that too then?

Chief BATCHELOR. No; he didn't actually tell me about that. I saw him pulling out. I believe at that time he told me what they were doing, and then immediately after they took their car out. Two homicide detectives got two detective cars and started lining them up to go behind this truck, and one of them got in

place and pulled up to the edge of the ramp, and then the other one backed his car in the place, and he had hardly stopped when they brought Oswald out.

And I was standing up toward the front of the back car, the best I remember, toward the front of the front fender, and they were still sort of jockeying these cars.

And about that time someone shouted "Here he comes", and I looked over and saw them open the door and bring him out, and I turned and started up the ramp to close the back door on the armored truck.

No one, nobody—the truck driver nor anyone up on the ramp knew of this change of plans but the detectives involved in driving these cars.

Mr. HUBERT. And yourself and Stevenson?

Chief BATCHELOR. And myself, Stevenson and Chief Lumpkin. The rest of the men in the basement were not aware of this change of plans. He whispered this to me.

Mr. HUBERT. You realized the door had to be closed?

Chief BATCHELOR. I realized the door had to be closed and we hadn't told anybody to close it, so as soon as they brought him out and I saw them bringing him out, I turned and started up the ramp to close the door on the truck, and that is when the shooting happened.

Mr. HUBERT. Do you remember having any conversation or giving any instructions with reference to the position of the press and other news media on the west side of the railing that divided the ramp from the basement?

Chief BATCHELOR. Yes.

Mr. HUBERT. That is to say, the Harwood side of the railing?

Chief BATCHELOR. I don't follow you. There is not any Harwood Street side of the railing. The railing is on the other side of the driveway.

Mr. HUBERT. That's right, but if you take the railing as a central point—I will put it this way. The jail side of the ramp, does that make sense to you?

Chief BATCHELOR. Yes.

Mr. HUBERT. Which I think is really the west side of the railing?

Chief BATCHELOR. West side of the ramp; yes, and it would also be west of the railing.

Mr. HUBERT. Were their any instructions or change of instructions with reference to the position of the press relative to the railing?

Chief BATCHELOR. Yes, sir; Chief Curry earlier, when we had come down there and looked the situation over, had instructed that we keep all the press on the inside of the railing of the ramp. That would be east of the railing.

Mr. HUBERT. On the garage side?

Chief BATCHELOR. That's right. We had also instructed that the TV camera be moved out. I had instructed that.

Mr. HUBERT. Moved out of the vestibule or corridor?

Chief BATCHELOR. Between the time Chief Curry had come down with Stevenson and me and the time I came to the basement the last time they had moved two TV cameras in behind the railing where the press was to stand.

They also had one TV camera which was on the other side of the post at the railing on the little ramp that goes down into the garage proper. This camera, as I recall it, was inoperative.

Mr. HUBERT. Wasn't connected up?

Chief BATCHELOR. Wasn't connected up. So later when I came down there, there actually was not room for the press behind that railing. It was all taken up with TV cameras. And they were scattered out along the driveway across the ramp that goes into the garage proper, the little short ramp that runs east and west into the garage.

And there wasn't enough room. Detectives were in the vestibule of the jail office coming into the basement.

It was Captain Talbert, I believe, that asked me, in view of the fact that there wasn't enough room over there, if some of these fellows could stand across there, if we kept them back and put some men to keep them back, and I said, "Yes, this would be all right." So they were across this ramp.

Mr. HUBERT. That is to say, the ramp leading up to Main Street?

Chief BATCHELOR. That's right. Across the ramp leading up to Main Street. They stood from the wall over to the railing. Now there were none standing on

the west side of that railing itself. This would have been in front of the cameras. They curved slightly from the wall, from the west wall of the ramp over to the railing.

Mr. HUBERT. In sort of a slight curve, sets easterly?

Chief BATCHELOR. Slightly to the south. Easterly, and slightly to the south in a very slight curve, and there were detectives standing there all along, and they didn't move out. They held their positions there, and the press was instructed that they were not to move out or attempt to talk to Oswald.

Mr. HUBERT. Did you instruct them yourself, or did you hear someone instruct them?

Chief BATCHELOR. No, I didn't instruct them myself, but I heard them instructed, and I can't recall who it was that told them, it was one of the supervisors, they were to stay back and not move in when they came out.

Mr. HUBERT. Did you hear anyone ask for permission to occupy that space on the Main Street ramp as they did in a slightly curved line, as you indicated a moment ago?

Chief BATCHELOR. Did I hear anyone ask for permission?

Mr. HUBERT. Yes, sir.

Chief BATCHELOR. The supervisor asked me if this would be all right. It was Talbert, I believe, that asked me that.

Mr. HUBERT. But you didn't hear the press people ask?

Chief BATCHELOR. No; the press people didn't ask me that.

Mr. HUBERT. Your instructions were that it would be all right if they kept back and if the line of policemen were put in front of them, and so far as you know, it was done?

Chief BATCHELOR. That was done. There were a number of policemen along there with them, and there were not very many people along there. That is not very wide across there. I imagine about maybe 12 feet. And they were not over about two deep where one could look over another's shoulder.

Mr. HUBERT. About what time did that happen? Was it after the armored truck arrived?

Chief BATCHELOR. They were lined up there at the time Lieutenant Pierce and the sergeant took that car out the Main Street ramp, because they had to part them to get the car through.

Mr. HUBERT. So that your conversation with Talbert about that would have been after you left the armored truck, I would think?

Chief BATCHELOR. No; not necessarily. They were standing there for some little time, because they didn't know exactly when he was coming down. No; it was before.

If you mean after the last time I walked down to the armored truck and got down to the basement—well, it could have been, because it was some little time after I searched that armored truck, and I didn't go back up there.

I say some little time, being probably 15 or 20 minutes, something like that. I can't recall definitely the exact time that Talbert asked me this, but it was during the last period of time I was in the basement.

Mr. HUBERT. What was your understanding, Chief, as to who, if any individual or group of individuals was responsible for carrying out the transfer movement?

That is to say, considering that the decision had been made by Chief Curry as to how it would be done, what route would be followed, what automobiles would be used, what personnel would be used, who was to implement that by carrying out the orders; if there was any one individual or not, then who had responsibility for the various segments?

Chief BATCHELOR. The homicide bureau was responsible for actually transferring the prisoner. This was supplemented, as far as the guards in the basement were concerned, with a large number of detectives which had been told by Chief Stevenson earlier to stand by in the bureaus for assignment in the basement, and we came down to see about security and learned that Talbert had anticipated this thing.

And Chief Stevenson talked to Talbert. They sat there in the jail office and talked a while and found out what Talbert had assigned in terms of men that he had called in to assign along the route on Main Street.

And later he changed these men. He assumed that they were going down Main Street, and he changed them, I believe, to Elm Street. Sent a supervisor down the street to tell them to move over a block.

And I came down there and found security in the basement going into the jail office. That is in the records bureau section. There were guards in there. There was a guard on the stairway that leads up to the first floor.

I came into the basement and found a large number of officers in the basement. The cars were all gone. There were not over three or four cars in the entire basement.

Chief Curry's car had been pulled out and put on Commerce Street, double parked to lead the group, and I pulled my car up and parked it on Commerce Street west of the ramp.

His car was parked east of the ramp and mine was parked west of the ramp. Now this was done prior to the time that we knew or that I knew or I think even Chief Curry knew that there was going to be any change of plans.

We had anticipated this in terms of using the armored truck to be followed by cars of detectives and to be followed by myself and Chief Stevenson in the rear car, but of course this never developed.

Mr. HUBERT. Do you remember whether Captain Fritz or anyone else made any inquiry of you or of anyone else, to your knowledge, prior to the movement as to whether things were ready to go in the basement area before starting from the third floor?

Chief BATCHELOR. I am told that he called Lieutenant Wiggins in the basement and asked him if he was ready. He called him, I think, from the jail floor, not from his office. He called him when Oswald was up in the jail.

Mr. HUBERT. Now when the transfer party did appear, you were actually moving toward the armored car, as I recall it, then weren't you, to close the door?

Chief BATCHELOR. No; I actually saw Oswald come through the door. Someone shouted "Here he comes." I looked over and saw him come out the door, and then I turned and started up the ramp. I didn't see the shooting. I turned before.

Mr. HUBERT. Do you recall if Captain Fritz or anyone else called to find out if the situation was all right securitywise?

Chief BATCHELOR. I don't know, because I wasn't in the jail office. I was out. I am told that he called down and Lieutenant Wiggins said that almost immediately the elevator came down. And he said, "Is everything all right?" And started walking with the prisoner. And Wiggins said that he doesn't recall whether he answered him or whether—I mean it just happened so quickly, or whether he went out ahead of him.

Mr. HUBERT. Were the armored car people told of the change of plans?

Chief BATCHELOR. No, sir.

Mr. HUBERT. Do you know what was proposed to get the truck out of the way?

Chief BATCHELOR. The driver was in the truck. I would have shouted to him.

Mr. HUBERT. That was the plan, that you were to call to him?

Chief BATCHELOR. This wasn't a plan. This is what I would have done. He was there. I knew he was there. And as soon as I ran up to close the thing, why I would have shouted. But after the shooting, I didn't shout, and the truck wasn't even moved. We had to move it to let the ambulance out.

Mr. HUBERT. But your thought was that since the plans had been changed, the truck had to be gotten out of the way, and since you were the only one down there who knew other than Stevenson, you would have gotten the truck out of the way?

Chief BATCHELOR. I would have gotten the truck out, just like I would have told him to close the door and let's go.

Mr. HUBERT. Now do you recall whether immediately prior to the shooting the detectives and other police officers in the basement had side arms, pistols drawn? Did you see anybody with a drawn gun?

Chief BATCHELOR. The only person I saw with a drawn gun was after the shooting. I looked up. There was a great deal of confusion and a lot of shouting immediately after the shooting, and a group of these reporters started to run up the Main Street ramp, and the officer at the top of that ramp, I recall

very vividly him pulling his gun and waving it across this way and saying, "Get back down that ramp."

Mr. HUBERT. That was Vaughn, was it not?

Chief BATCHELOR. Yes; and they turned around and came back down.

Mr. HUBERT. Did any of the police personnel in the basement area have any shotguns?

Chief BATCHELOR. Not visible. The homicide cars had shotguns.

Mr. HUBERT. But they weren't visible?

Chief BATCHELOR. No.

Mr. HUBERT. So far as you know, Sheriff Decker did not know that there was a change of plan from the use of the armored car to the use of the homicide car?

Chief BATCHELOR. I don't know whether he was called after the change of plans or not.

Mr. HUBERT. This was not announced?

Chief BATCHELOR. He knew he was to have some men at the gate to open the gate to the jail driveways of the county to let this armored car in, and the instructions were for Lieutenant Pierce, who drove the car out, was to get out around in front, to take this truck on beyond and not go in, drive right on down Houston Street with it. And whether Sheriff Decker was ever told of the change of plans or not, I don't know, but I kind of doubt it.

Mr. HUBERT. Chief, do you know of any type of pressure of any sort whatsoever which was put upon the police department or any member of it to allow free press coverage of the transfer?

Chief BATCHELOR. If you mean that any individual or any press group came and pressured anyone into that, I don't know of any. Just the general pressure of the whole press barging in there and being in there was about the only thing.

Mr. HUBERT. Do you know of any pressure put upon you or anyone else by officers or officials of the city higher than you to allow the press to be present in the way they were?

Chief BATCHELOR. No, sir.

Mr. HUBERT. What is your estimate of what the number of press people and the general condition created by their presence, contributed to the failure of security? Of what the presence of the news media and the number of them contributed to the failure of security?

Chief BATCHELOR. Of course if we had taken him out in secret without anyone knowing about it, including the press, it is possible that this might not have happened. But I can't say that the press caused any breakdown in security. From what we know now, believing that Oswald came in the Main Street entrance—

Mr. HUBERT. You mean Ruby?

Chief BATCHELOR. I mean Ruby came in the Main Street entrance, our weakness in security lay in allowing him to come down that ramp in the first place.

Had the press not been in the basement at all, and assuming that Ruby slipped into the basement, then he might have been detected more readily.

If people had not been standing across the Main Street ramp, there would have been no place for him to screen himself. But the actual fact of the press being there is hard to say that this caused the breakdown in the security, in my opinion.

Mr. HUBERT. As I understand it, you were—when I say you, I mean the police department and of course including you—you were aware of threats being made or having been made toward Oswald, isn't that correct?

Chief BATCHELOR. Yes; I was aware of it.

Mr. HUBERT. As I understand it, the threats were in the nature of mass action rather than single-man action?

Chief BATCHELOR. Yes; that was what the anonymous report was, and it is my opinion that a hundred men, as suggested by the threats, could not have gotten into the basement, whereas one person slipping in there accomplished it.

Mr. HUBERT. Do you remember any conversation with Chief Curry or others at which you were present or took part, in which the subject was raised that the number of people there in the basement made single action, or action by a single man more difficult to deal with than otherwise?

Chief BATCHELOR. I think it is logical to assume that.

Mr. HUBERT. Well, more specifically, do you remember a discussion of the possibility that some member even of the police department who was unsteady might, as a single-man action, take some such action?

Chief BATCHELOR. I don't recall a discussion about that.

Mr. HUBERT. Do you remember whether you yourself or anyone else that you know of adverted to the possibility that the number of people involved increased the risk of single-man action, but that the plan went ahead as a calculated risk?

Chief BATCHELOR. I don't recall that that was discussed. I am sure that we all assumed that there is a risk in such matters, because we could have possibly taken him out in secret and avoided the press.

Mr. HUBERT. Was that considered at all, taking him out in secret?

Chief BATCHELOR. I don't recall a discussion of it myself. I am sure that Chief Curry and the rest of us possibly felt that the press had been allowed in the quarters and they got in there quite by, or were in there long before we got back from the President's assassination. They were there when we got there, when we returned to the office.

Mr. HUBERT. That is on November 22?

Chief BATCHELOR. Yes; and we had gone that far with them, and I suppose it was a matter of tacit understanding that they had been allowed to report the news as it developed, and in keeping the public aware, perhaps it was felt that they should be allowed to complete, if that is the word to use, their reporting on the actual transfer. This, however, was never discussed. This is just a little mental browsing on my own. I don't know that that is the way everybody felt, but it is the way it was done at any rate.

Mr. HUBERT. You were aware, of course, of, I think it is called General Order No. 81 and a supplement concerning press releases?

Chief BATCHELOR. Yes; I am aware of that.

Mr. HUBERT. I think that the general tenor of those directives is that they shall cooperate with the press to the extent that such does not interfere with police operations?

Chief BATCHELOR. Yes.

Mr. HUBERT. Did you ever consider that the chaotic condition, that I understand existed from what I have learned, constituted interference, or did you think so?

Chief BATCHELOR. It wasn't for me to say, Mr. Hubert, whether they should or should not be there. They were kept, as far as possible, out of the bureaus in which the investigation was going on. They were in the hallways.

We have never thought it wise to try to hide from the press the course of investigation except as it might interfere with the further investigation of a crime.

We have at the end of the hallway in the CID, the pressroom. When we remodeled the city hall, we purposely had glass doors put in all the bureaus and in the offices so that there could be no accusations that unscrupulous or unlawful force or intimidations were used against these people.

We have always considered that the press was entitled to know the news, and that as long as it didn't interfere with the course of an investigation, we have allowed them out at the scene of crimes, but have kept them back from places where they might disturb evidence and this sort of thing. But have never tried to exclude them from knowledge of what was going on.

We make offense reports on every crime that is committed, and these offense reports are subject to being looked at by the press. They go over them nearly every morning looking for stories.

Sometimes they will find one that they want to ask someone about. We have always tried to cooperate with the press.

Mr. HUBERT. It is your thought then that the mass confusion which has been described, which existed in the hallway of the third floor at least, did not actually interfere with Captain Fritz' investigative steps excepting insofar as it made it difficult to move Oswald?

Chief BATCHELOR. Well, it increased the difficulties; yes, but it didn't actually interfere with the investigation. It added to the confusion, but as far as

the press, some of the things that added to the confusion were all of the various agencies that had an interest and all trying to carry on a simultaneous investigation. This within itself added to the confusion.

This was a highly unusual type of crime and we are really not set up for procedures whereby you allow every other agency to come in and go through all of your evidence in the fashion that it was here, because of the press of time and so on.

It was a most difficult investigation, but I don't think the press materially interfered with the investigation itself. They made things difficult by asking a lot of questions and taking up a lot of people's time and this sort of thing, but they were not allowed in the homicide bureau.

Mr. HUBERT. All right, Chief Batchelor, I don't believe that there has been any conversation between us which has not become the subject of the actual recorded transcript here, and the rules of the Commission require that I get your concurrence in that.

That is to say, that we have not discussed anything, have we, off the record that has not become a part of the record?

Chief BATCHELOR. No, sir; not that I know of.

Mr. HUBERT. All right, sir, have you anything else to comment upon or add in any way?

Chief BATCHELOR. No, actually the things that we discussed today were pretty much along the lines of the things that I gave a previous deposition on. There may be some little variance in exact times or exact sequence, but it is pretty hard to remember all those.

Mr. HUBERT. Well, thank you very much. I appreciate your coming in.

Chief BATCHELOR. Thank you, sir.

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### TESTIMONY OF JESSE E. CURRY

The testimony of Jesse E. Curry was taken at 11:15 a.m., on July 13, 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. Sam Kelley, assistant attorney general of Texas and Dean Robert G. Storey, special counsel to the attorney general of Texas were present.

Mr. HUBERT. This is the deposition of Chief of Police Jesse E. Curry. Chief Curry, 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 Executive Order 11130 dated November 29, 1963, and the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, among others.

I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate and report upon the facts relevant to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald.

In particular as to you, Chief Curry, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry, and I understand you have appeared here by virtue of a letter received from Mr. J. Lee Rankin, general counsel of the staff of the President's Commission, and I think that was received by you sometime last week?

Chief CURRY. Friday.

Mr. HUBERT. Friday. Do you remember what date it had on it?

Chief CURRY. No; I don't.

Mr. HUBERT. Well, as you know, every witness is entitled to a 3-day written notice from the date of notice, which in this case is very probably more than 3 days, but the rules also provide for a waiver of that notice, and I take it you are willing to testify without it?