

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.

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?

Chief CURRY. Sure.

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

Chief CURRY. I do.

Mr. HUBERT. Chief Curry, your deposition has already been taken by me some months ago, and also you have appeared before the Commission.

The purpose of this deposition is simply to clarify a few points that have come up in studying those depositions and the statements.

We have information of which you are aware that Chief Talbert—

Chief CURRY. That is Captain Talbert.

Mr. HUBERT. Captain Talbert initiated certain security measures on the morning of November 24. Is it your understanding that he was given any specific instructions, or was he just following the normal security precautions?

Chief CURRY. Chief Batchelor and Chief Stevenson went down for the purpose of giving specific instructions, but when they arrived in the basement, he had already begun to set up security, so they didn't just say "hold everything and let me give you this order." They saw it was being taken care of.

He had assumed command of the security and they just discussed with him then what was being done, but no specific order was issued to Captain Talbert "you go set up security in the basement."

Mr. HUBERT. Do I understand from that, that you had a conversation with Stevenson and Batchelor concerning the overall security problem?

Chief CURRY. Up in the office, in the administrative office we had been talking, and Chief Batchelor or Chief Stevenson—one, I don't recall which, said "Let's go check the basement", which I took to mean check the security of the basement.

Mr. HUBERT. Was there a general discussion about the overall plan of the transfer, or who was it that worked it out?

Chief CURRY. In general, it was worked out between myself, Chief Stevenson, Chief Batchelor, and Captain Fritz. Now I mean all of us discussed this. Not together, but I don't recall who was present at each time something was mentioned, but I think that Chief Stevenson and Chief Batchelor were present, and I think in discussing it with Captain Fritz I was alone—that is, no other chief was present.

Mr. HUBERT. When were the details of the transfer worked out? I mean the plan of transfer, how did it come about?

Chief CURRY. What part exactly do you refer to?

Mr. HUBERT. For instance, a decision as to when and how and who would be involved?

Chief CURRY. As to when, would be made by Captain Fritz, because he was questioning the suspect and it was up to him to determine when he was ready to transfer Oswald.

He had told me the day before that probably by 10 o'clock on this morning he would finish questioning Oswald and would be ready for a transfer.

However, as you know, he was not ready at 10 o'clock, and we didn't try to rush him or encourage him to speed it up. But on Sunday morning after the threats against Oswald's life had been received, Chief Stevenson, Batchelor and myself decided that for security purposes it would be advisable to transfer Oswald in an armored truck.

However, after these were obtained and provisions made to get, that is to get the armored car, and discussing it with Captain Fritz, he proposed to transfer him in a car with himself and some detectives for the purpose of maneuverability in the event that someone did try to get the prisoner from them.

It was then decided that the armored car would still be used, the same route followed by the armored car and the escort vehicles, but that the prisoner Oswald would be placed in a plain detective car with Captain Fritz and two other detectives, and with a car of detectives following.

They would cut out of the group of vehicles as we crossed Main Street, and would proceed west on Main to the county jail. They would proceed west on Main to Houston Street, make a right turn and go into the county jail.

The rest of the vehicles, including the armored cars, would proceed west on

Elm Street to Houston Street, and turn south, but they would not go into the county jail building.

Mr. HUBERT. Were any of those plans such as the route that would be used and the method discussed or formalized in any way at all prior to Sunday morning?

Chief CURRY. No.

Mr. HUBERT. I think you had a conversation with Sheriff Decker on Sunday morning. Do you remember the time of that, approximately?

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

Mr. HUBERT. As I recall it, at that time it was not yet determined who was going to move him, is that correct?

Chief CURRY. That's right.

Mr. HUBERT. In the conversation with Decker, or during that conversation, it was decided that it would be your responsibility to move him, is that correct?

Chief CURRY. As I recall the conversation, I told Sheriff Decker that we were ready for him to have the prisoner, that you can come after him when you want to.

And at that time he said, "I thought you were going to bring him to me."

And I said, "Well, either way you want it." I said, "If you want us to bring him, we will bring him to you." This is not an unusual procedure at all.

Mr. HUBERT. So it was after that then, and it could not have been before that, that any plans of your own began to take shape?

Chief CURRY. Security of the basement could; yes, because regardless of who took the man, the basement had to be secured. The particular route that would be followed would not be decided upon until that time, but this is no problem.

We knew we had to go west on Main Street or Elm Street to get to the county jail, but we did, after it was decided that we would transfer him, make that plan to place more men on the Elm Street route to be sure that the convoy that would be en route would not in any way be hindered.

Mr. HUBERT. In other words, you considered it your responsibility to secure the basement, irrespective of who actually moved him, you or the sheriff?

Chief CURRY. That is true; yes.

Mr. HUBERT. Was consideration ever given to any other route than through the basement?

Chief CURRY. Not through the basement?

Mr. HUBERT. Yes.

Chief CURRY. Not that I recall.

Mr. HUBERT. Do you remember visiting the basement with Chief Batchelor and Chief Stevenson?

Chief CURRY. I seem to recall that one time we were there together, but as I remember they were in the basement as I drove in coming to work.

Mr. HUBERT. That would have been before you called Decker?

Chief CURRY. Yes.

Mr. HUBERT. I think at that time you or perhaps Chief Batchelor ordered certain cameras to be removed that were in the hallway. Do you recall that?

Chief CURRY. I told Chief Batchelor or Stevenson or someone that those cameras will have to be moved.

Mr. HUBERT. They were in the hallway leading from the jail office down into the basement?

Chief CURRY. Yes.

Mr. HUBERT. Did you direct where they should be moved to?

Chief CURRY. Yes.

Mr. HUBERT. Where was that?

Chief CURRY. Well, if you are familiar with the basement, there is a driveway entering from Main Street. You would be traveling south. As you near the end of the ramp where you would make a turn to the left and go east to go into the parking area, there are some guardrails that would protect people from stepping off of the ramp into the basement.

Mr. HUBERT. They separate the ramp from the basement?

Chief CURRY. From the parking area; yes, sir, and I instructed, I believe it was Lieutenant Wiggins, who was standing there, to have a patrol car and

a patrol wagon, which might be referred to as a paddy wagon, moved from the first two spaces, and have the television cameras set up there. If they, the news media, wanted to set them up, they would have to be set up there.

Mr. HUBERT. At that time it had not been decided whether Oswald would be transferred by armored car or by your police car, or for that matter, by the sheriff?

Chief CURRY. That's correct.

Mr. HUBERT. Do you remember whether anyone gave any orders to the effect that press media and all authorized persons there should be kept on the east side of the rail that you just described, and not in the ramp area?

Chief CURRY. That's right.

Mr. HUBERT. That order was given, do you remember?

Chief CURRY. At the time, I instructed that all the press would be behind the guardrail—all the news media.

Mr. HUBERT. Was any request made by anybody that they should be allowed to stand on the west side of the rail?

Chief CURRY. Not to me.

Mr. HUBERT. Was it your thought all the way through that they were being kept on the other side?

Chief CURRY. Yes.

Mr. HUBERT. Now, as I understand it, of course, the plans were formulated by yourself and Batchelor and perhaps Stevenson, and after you learned that Sheriff Decker was agreeable to your bringing the prisoner over, or it was agreed that you would, the plan of carrying him there by armored truck was first discussed, and later that was changed. That was the plan. Who was in charge of actually executing the plan?

Chief CURRY. I don't suppose any one particular man would have been charged with the responsibility of the entire movement.

Chief Stevenson and Chief Batchelor and Chief Lumpkin, all of these men went into the basement immediately prior to the transfer, and each would have had responsibility to correct anything that was amiss.

Mr. HUBERT. All were aware of the plan?

Chief CURRY. Yes.

Mr. HUBERT. To use the armored truck which had meanwhile pulled up as a decoy and carried out as you described a few moments ago?

Chief CURRY. Yes.

Mr. HUBERT. I think there has been some testimony by other people prior that an attempt had been made to reach you early Sunday morning but that the line was reported busy.

Chief CURRY. The FBI asked me about that a few days ago, and I recall that the squad that came out, or that they actually called me and said they had been trying to get me and the squad was on the way out there; and discussing this with my wife, she said that she had taken the phone off the hook sometime during the night, and that the telephone company had made some kind of noise over the phone that woke her up and told her that something was wrong with the line, and the phone was off the hook, and she replaced it on the hook.

But when I was talking to the FBI Agent Vince Drain, about this, I didn't remember just what was wrong with the telephone.

At the time, I had been up for quite awhile, and it was not my instructions to her to take it off the hook. She took it off sometime on her own initiative, she said, so we could get some sleep. That was the trouble with the phone.

Mr. HUBERT. Chief, is it possible to comment upon this? To what extent was the failure of security caused by the presence of news media in the basement?

Chief CURRY. Well, in my opinion, it afforded some concealment for Ruby after he entered the basement, the presence of these news media people.

Mr. HUBERT. You mean by that, that it was difficult to distinguish him from news people?

Chief CURRY. Yes; looking back now, I can see that, had they all been excluded, that he would have immediately been seen as an unauthorized person in the basement, and that some action would have been taken to remove him.

Mr. HUBERT. Was any consideration given to the action of the single individual in the security precautions discussed?

Chief CURRY. Was what?

Mr. HUBERT. Was any consideration given to the possible action of a single man in setting up the security measures that you did, as opposed to mob action, as I understand it?

Chief CURRY. Oh, no.

Mr. HUBERT. Your security was really directed toward mob action more than to a single-man action?

Chief CURRY. That's right. We felt that if an attempt was made on him, that it would be made by a group of people. Some of the threats that had been made during the night was, "this is a group of one hundred and we will take the prisoner before you get him to the county jail," so we really expected trouble, if we had trouble, from a group of people and not an individual.

Mr. HUBERT. Is it fair to state then that there was not any consideration given to the probability of a one-man action?

Chief CURRY. It was not discussed at all, that I know of, in our discussions of security. It was based on the fact that we thought a group of people might try to take action.

Mr. HUBERT. What I wanted to get at is this. Actually, a single-man action would, or rather protection or security against a single-man action would be virtually impossible with a mass of people around even if they were news media?

Chief CURRY. That's right.

Mr. HUBERT. Is it then that there was simply no consideration of single-man action, or that it was a calculated risk?

Chief CURRY. Well, it would have been a calculated risk, because actually we discussed the possibility of even some detective or some police officer that might be so emotionally aroused that he might try to take some action against the man, and we tried to be sure that the men we put there were emotionally stable men.

Mr. HUBERT. Who did you discuss that with?

Chief CURRY. I think it was with Chief Batchelor, and Chief Stevenson perhaps. I don't recall exactly who I discussed all of these things with.

Mr. HUBERT. Were there any pressures imposed upon you by anyone to allow the press covering of the matter that did in fact occur?

Chief CURRY. Not any particular person, but by the news media that was present.

Mr. HUBERT. Do you remember whether anyone advised against allowing the news media in the basement?

Chief CURRY. Not that I recall.

Mr. HUBERT. Was there any reason, Chief, why the plans for the transfer of Oswald were not made prior to Sunday morning?

Chief CURRY. Because we didn't particularly know when he would be transferred, and we knew that it wouldn't take a great deal of time to set up security, so we didn't see any particular need for doing this prior to the time that we did it.

Mr. HUBERT. Do you recall any conversation with Captain Fritz just prior to the move as to whether the security precautions were set up?

Chief CURRY. I can't recall. He tells me that he asked if everything was ready in the basement, and I believe that is the words he used, and he says that I said "Yes." I am sure that I told him this if he says I did, because prior to this, I had sent Chief Batchelor down to be sure that everything was ready.

Mr. HUBERT. These various officers that you mentioned would be responsible for carrying out the plan? I think you mentioned Stevenson and Batchelor particularly? They were all briefed as to the overall plan, were they not?

Chief CURRY. Yes.

Mr. HUBERT. So everyone in control knew what was going to happen?

Chief CURRY. Yes; except I believe Lumpkin. Now he didn't know until Chief Batchelor and Stevenson came to the basement that the change had been made, but Chief Batchelor and Chief Stevenson were aware of the change and Chief Stevenson told Chief Lumpkin about the change when he got to the basement. The only thing that would affect him was the fact they were going to put the prisoner in a squad car instead of the armored car, because that was the only change in the plans.

Mr. HUBERT. Do you recall the conversation with Fritz to the general effect that he did not like the idea of all the news people being in the basement?

Chief CURRY. I don't recall it.

Mr. HUBERT. There was some indication, I guess from him, that there was such a conversation, but you say you don't remember it?

Chief CURRY. I don't recall it.

Mr. HUBERT. Did you get any written reports from Archer, Clardy and McMillon in February prior to the Ruby trial, which were supplementary to the original report given to you, do you remember?

Chief CURRY. I don't recall. I would have to check my records on it.

Mr. HUBERT. I wonder if you could do that?

Chief CURRY. If you will give me their names, write them down for me.

Mr. HUBERT. Yes, sir; my handwriting is reputed to be very bad. Let's see, it is A-r-c-h-e-r, C-l-a-r-d-y, and M-c-M-i-l-l-o-n.

Chief CURRY. Now if this is in regard to a conversation that they overheard up in the jail between Ruby and a Secret Service agent, well, I remember getting something about that. I know someone came back and asked for some additional reports on this. Do you know what this is in regard to, this supplemental report?

Mr. HUBERT. I think they were in regard to what Ruby told them.

Chief CURRY. Down in the basement?

Mr. HUBERT. Either that, or immediately after having been brought upstairs.

Chief CURRY. Yes, sir; that is true. This was in the presence of Secret Service Agent Sorrels; yes.

Mr. HUBERT. The statements we would like to have are any other written statements made by them probably in February, but in any case prior to the Ruby trial and after their original statements were made in connection with the general order that everyone should make a statement to you. Do you remember that that was done? Do you recall the message from Mr. J. Edgar Hoover asking that the police not disclose the results of the FBI investigation with reference to Oswald?

Chief CURRY. I don't recall ever having received a direct communication from Hoover.

Mr. HUBERT. Do you remember anything about any FBI request coming to your attention indirectly that the FBI investigation would not be revealed?

Chief CURRY. What part of the investigation?

Mr. HUBERT. Any part. I mean was there any such communication, that you remember, at all from the FBI?

Chief CURRY. I had a lot of communications from local FBI who inferred that these orders were coming out of Washington, or the questions were coming out of Washington about various things, insisting that the evidence be shipped up there immediately, and the fact that we shouldn't show anything on television.

Several things of that nature, but I don't recall specifically saying that the results of this investigation should not be revealed. They did reveal a part of it, you know, about the rifle.

As you recall it, there was no evidence—pardon me. There was no part of their investigation revealed until they revealed it as I recall. I never had any contact with Hoover.

Mr. HUBERT. Do you know yourself as to what food was made available to Oswald during the time he was in the custody of the police department?

Chief CURRY. Not exactly. Our jail meals usually consist of breakfast and dinner. They usually have a cooked cereal of some kind, some stewed fruit, bread, and coffee for breakfast. For their other meal, they usually have beans cooked with some kind of meat, some kind of vegetables served, and bread and coffee.

Mr. HUBERT. Then at night?

Chief CURRY. They serve two meals a day.

Mr. HUBERT. He was treated, so far as you know, as every other prisoner?

Chief CURRY. Yes.

Mr. HUBERT. Insofar as the physical comforts were concerned, there was no distinction made between him and any other prisoner?

Chief CURRY. Except that he was placed in a cell alone, and in many cases we are not able to do this for every prisoner.

Mr. HUBERT. For the record, what is the official name of the police part of the building there? Is it called the city jail building?

Chief CURRY. The police and courts building.

Mr. HUBERT. The police and courts building?

Chief CURRY. Yes.

Mr. HUBERT. And the other building that is adjacent to it?

Chief CURRY. It is referred to as the city hall or municipal building.

Mr. HUBERT. Municipal building?

Chief CURRY. Yes.

Mr. HUBERT. Actually, they join together by a hallway?

Chief CURRY. Yes.

Mr. HUBERT. That parking area is under the municipal building, whereas the ramp is under the police building?

Chief CURRY. Yes.

Mr. HUBERT. Under the municipal building also?

Chief CURRY. Yes, sir.

Mr. HUBERT. In any case, the way these buildings are, one is the municipal building and the other is the police department building?

Chief CURRY. They refer to one as the municipal building and the other as the police and courts building. Sometimes both are referred to as "city hall."

Mr. HUBERT. Police and courts building. Let me go off the record for a moment.

(Discussion off the record.)

Mr. HUBERT. Chief, while we were off the record, I spoke to you about the police department records concerning the log made of the time when Oswald was taken from the custody of the jail personnel in your department to, say, Captain Fritz' office or somewhere else, and as I understand it, a log is kept to record the transfers in custody of prisoners, is that correct, sir?

And if a prisoner is turned over to another branch of the police department, a document called a Tempo is issued which shows the time of release, to whom released, and the time returned?

Chief CURRY. This is the procedure where the prisoner, generally speaking, leaves the security of the jail area. A Tempo is made. As long as he is in the custody of the jailers, perhaps for a visitor or for perhaps into the identification bureau, which is a part of the jail, there would be no Tempo made.

But when he leaves the jail in the custody of some other bureau, this Tempo is made.

Mr. HUBERT. Let me ask you this then. Would a Tempo be made if he had a visit with, say, his wife, his mother, or his brother?

Chief CURRY. No; but there should be a visitor's record made of this.

Mr. HUBERT. However, under those circumstances as you have described, he would still be in the custody of the jailer, and therefore there would be no occasion to have a Tempo?

Chief CURRY. Right.

Mr. HUBERT. Would that be true also when the identification bureau people took fingernail scrapings and hair specimens?

Chief CURRY. True. It would not be necessary to get a Tempo.

Mr. HUBERT. He would still be in the custody of the jail people and no Tempo would be necessary?

Chief CURRY. Right.

Mr. HUBERT. Also if Oswald made any telephone calls, would there be occasion for a Tempo on that?

Chief CURRY. No.

Mr. HUBERT. That is because the phone is in the jail area and no necessity for a Tempo?

Chief CURRY. That's right. On his arrest card there would be a record kept of any phone calls that were made. It would be entered on the card, the fact that he did go in to use the phone, and it usually shows on the card whether or not contact was made.

Mr. HUBERT. That card would also show any visits?

Chief CURRY. Yes.

Mr. HUBERT. Now if he were taken to a lineup or showup, would a Tempo be made there?

Chief CURRY. No, sir; because let me put it this way. If he was brought from the jail to go to the showup, a Tempo would be probably issued then.

Mr. HUBERT. If custody were transferred?

Chief CURRY. Pardon me, let me restate this. In a general showup, the bureau that wants a person shown up notifies the jail personnel. The jail personnel gets the people together, the wanted person and two or three others similarly dressed, or people of the same nature and general build and so forth, out of the jail and takes them to the showup and then returns them to the jail. All this time they are in the custody of the jail personnel, so it would not be necessary to make out a Tempo on it.

Now at other times the prisoner could be in custody of a certain bureau and they could decide to show him up and they could have some detectives stand in with him, and there would be no need for the jail personnel to handle it at all on this basis, nor would it be necessary to get a Tempo, because he would already be out on a Tempo.

Mr. HUBERT. Do you recall at any time that you told the news media that the basement route would be used specifically?

Chief CURRY. Not specifically.

Mr. HUBERT. Do you remember that, I think it was late on the night of the 22d or early on the morning of the 23d, there was a conversation with the press and yourself and the district attorney and Oswald in the assembly room?

As I recall it, the press had asked you "when can we see him" and so forth, and there was some discussion of how it would be done, and there was a great crowd around, and someone suggested another place. And I think you conferred with Mr. Wade, and it was decided to comply with this press request by using a larger room, to wit, the assembly room, and they all went down to it and subsequently you all came in. Was any kind of control or identification system used for entry into the assembly room?

Chief CURRY. Not into that room; no, sir.

Mr. HUBERT. In other words, all those who were within the building or within the third floor went in?

Chief CURRY. That is where this discussion was held or where the announcement was made that there would be a showup in the police assembly room. It was made up on the third floor.

Mr. HUBERT. That was made at the request of the press?

Chief CURRY. Yes.

Mr. HUBERT. It was held really at the request of the press?

Chief CURRY. Yes, sir; I remember that I asked Mr. Wade if he thought it would be all right, and he said he didn't see anything wrong with it.

Mr. HUBERT. I understand also that you told the press that—

Chief CURRY. They must not ask any questions and try to interview him in any way.

Mr. HUBERT. Or you would terminate?

Chief CURRY. And I did terminate it very quickly, because when Oswald was brought into the room, immediately they began to shoot questions at him and shove microphones into his face, and we kept him there a very short time, and I told them to take him away, take him back up to the jail, and they did. Mr. Wade remained in the room with the reporters after that. I left when the prisoner left.

Mr. HUBERT. Now do you know of the fact that a tape recording device was placed on the telephone of Mayor Cabell to pick up really any threatening calls that might be received by him? Are you aware of that?

Chief CURRY. I believe that we did that. I think our special services bureau went to his house.

Mr. HUBERT. Is that tape recording of those calls still in existence?

Chief CURRY. I suppose it is, sure. It wouldn't be destroyed.

Mr. HUBERT. I suppose we may assume also that had there been anything of significance, it would have been reported?

Chief CURRY. Yes; I do think he had some threatening calls, but had there been something that we thought we could probably take some action on, we would have done it.

Mr. HUBERT. Now I understand that the police department got a long distance call, or what was thought to be a long distance call, on November 24, threatening Mayor Cabell, and that in fact you transmitted that information to him when you talked to him on the morning before the shooting of Oswald. Do you recall that?

Chief CURRY. I recall that there were several calls that came to our attention, but I don't remember each one of them.

Mr. HUBERT. What I was interested in, Mayor Cabell indicated that they thought that it was a long distance call, and I think they got that impression from you. Probably you got it from the operator, whoever got the call. You didn't get the call yourself? You say if it were a long distance call, it might have been possible to trace it down?

Chief CURRY. Yes.

Mr. HUBERT. But you didn't get the call yourself?

Chief CURRY. No, sir; not that I recall.

Mr. HUBERT. I wonder if you could—who would have gotten it, do you know? Chief CURRY. I don't know. Anyone that is in the administrative office or any other part of the police department could have gotten it.

Mr. HUBERT. Do you remember who you got the information from?

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

Mr. HUBERT. Was any consideration, Chief, given to putting all the press people out of the building or out of the basement altogether?

Chief CURRY. No, sir.

Mr. HUBERT. Was any consideration given to moving Oswald by a route other than the basement route?

Chief CURRY. I think you asked me that once, and I don't recall it. There may have been some discussion, but he could have been moved in another way by getting off on another floor. As I recall it, there was some brief discussion about it, but I think, as I recall it, Fritz didn't want to move him other than in a routine manner.

Mr. HUBERT. Do you know why?

Chief CURRY. Because, as I recall it, he felt like this was the best way to do it, because if he got off on another floor, he wouldn't be protected. He wouldn't have much protection. You can't take very many men with you on a small jail elevator. I believe it was Fritz I was discussing this with; I couldn't be positive on that. As I recall it, there was some mention made of perhaps taking him out on the first floor and trying to get him outside that way, but it was decided that the best way would be to handle him through the basement.

Mr. HUBERT. What was the reason for the suggestion that he be taken through another floor?

Chief CURRY. I don't recall other than someone perhaps thought we could slip him out and it might be better to slip him out rather than to move him according to normal procedures.

Mr. HUBERT. Well, did the fact that there were so many members of the press present in the basement bear upon that question, or do you recall whether that was the reasoning that Fritz suggested?

Chief CURRY. I don't recall; no. I don't believe it was Fritz that suggested he be taken out through the first floor. I think he was opposed to it. Anyway, it was not discussed in great detail.

Mr. HUBERT. I understand there was some discussion of not going through the basement area, but using another way, and what I wanted to know was what was the reason given for that, whoever gave it?

Chief CURRY. Because of the press, I am sure.

Mr. HUBERT. And the danger that would exist from a one-man attack?

Chief CURRY. Perhaps that was in the mind of whoever suggested this. But their main thought was to avoid these reporters.

Mr. HUBERT. Chief, I don't think we have discussed anything off the record that has not been covered on the record, and it is necessary for me to close this deposition by asking you if there has been anything off the record that was

not subsequently brought on the record? My reaction is that there has not been, and I ask you if you agree with that?

Chief CURRY. I agree with that.

Mr. HUBERT. All right, do you have anything else?

Chief CURRY. Not that I know of.

Mr. HUBERT. Thank you very much, Chief.

Chief CURRY. Yes, Sir.

TESTIMONY OF M. W. STEVENSON

The testimony of M. W. Stevenson was taken at 2:15 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. This is the deposition of Deputy Chief M. W. Stevenson. Chief Stevenson, 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.

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 Stevenson, 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 Stevenson, 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. In fact, under the rules adopted by the Commission, you are entitled to a 3-day written notice prior to the taking of this deposition, but the rules adopted by the Commission also provide that a witness may waive this 3-day written notice if he so wishes.

Since you have not received the actual individual 3-day written notice, I ask you if you are now willing to waive that notice and proceed with the taking of this deposition?

Chief STEVENSON. I do.

Mr. HUBERT. Would you stand so I may administer the oath? Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Chief STEVENSON. I do.

Mr. HUBERT. Chief Stevenson, you were here and previously deposed, in fact by me, on the night of March 23, 1964, at which time your personal identification and other matters of this sort were recorded, so that it is not necessary to go into that at the present time.

I merely wish to clarify certain areas and perhaps develop others which were found to need clarification or development.

Do you recall what time it was on the 24th of November, 1963, that you reported for duty at the Dallas Police Department?

Chief STEVENSON. I believe around 8 to 8:30. I wouldn't say exactly, Mr. Hubert.

Mr. HUBERT. Did you at that time meet or see Chief Batchelor?

Chief STEVENSON. Yes, sir; I saw Chief Batchelor when I arrived. I believe I was in the basement at that time. I had just driven in shortly before, or he had driven in right behind me, one of the two.

Mr. HUBERT. What occurred then between the two of you and with respect to others?