

Senator COOPER. Did you notice whether the rifle that you discovered had a telescopic sight?

Mr. BOONE. Yes, it did.

Senator COOPER. Did it have a sling?

Mr. BOONE. Yes, it did. Because Captain Fritz picked it up by the sling when he removed it from its resting place.

Senator COOPER. Looking at Exhibit 483, which represents the floor plan of the sixth floor, you have marked on there the place where you found the rifle. Is that near the stairwell?

Mr. BOONE. Yes, sir; this is the stairwell right here in the northeast corner.

Senator COOPER. Also near the elevators?

Mr. BOONE. Yes, sir.

Mr. BELIN. Pardon me, Senator Cooper, I think you said northeast.

Mr. BOONE. Northwest—I beg your pardon.

Senator COOPER. Do you remember whether Officer Mooney came up after you found the rifle?

Mr. BOONE. I don't recall. There were officers, both city and county officers, and constables officers up in the area on the floor. Now, whether he was among the crowd there, I do not know.

Senator COOPER. When you climbed over the retaining wall at the railroad yard, can you describe what the situation in the railroad yard was at that time? Were there railroad cars in the area?

Mr. BOONE. There were four railroad cars down approximately 100 yards from the retaining wall, right over the Elm Street tunnel, or portion of the triple underpass. Then there were some people down to the south of the triple underpass which had viewed the parade, or were viewing the parade—I don't know. The city officer went back south, as I recall, and I went off to the north, northwest.

Senator COOPER. Thank you.

The CHAIRMAN. Sheriff, thank you very much.

Mr. BALL. There is one question. Did you hear anybody refer to this rifle as a Mauser that day?

Mr. BOONE. Yes, I did. And at first, not knowing what it was, I thought it was 7.65 Mauser.

Mr. BALL. Who referred to it as a Mauser that day?

Mr. BOONE. I believe Captain Fritz. He had knelt down there to look at it, and before he removed it, not knowing what it was, he said that is what it looks like. This is when Lieutenant Day, I believe his name is, the ID man was getting ready to photograph it.

We were just discussing it back and forth. And he said it looks like a 7.65 Mauser.

Mr. BALL. Thank you.

The CHAIRMAN. Thank you very much, Sheriff. You have been very helpful.

Mr. BALL. Call Officer McDonald.

TESTIMONY OF M. N. McDONALD

Senator COOPER. Will you stand up and be sworn? Do you swear that the testimony you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McDONALD. I do.

Senator COOPER. You understand that the purpose of this inquiry is to inquire into the circumstances surrounding the assassination of the late President Kennedy?

Mr. McDONALD. Yes, sir; I do.

Senator COOPER. Today's hearings are to hear testimony of various witnesses, including yourself, who were in the vicinity of the Texas School Book Depository Building at the time of the assassination, and because it is reported you apprehended Lee Harvey Oswald in the Texas theatre.

Mr. McDONALD. Yes, sir.

Senator COOPER. Do you testify here voluntarily?

Mr. McDONALD. Yes, sir.

Senator COOPER. Do you have counsel with you?

Mr. McDONALD. No, sir.

Senator COOPER. Do you desire counsel?

Mr. McDONALD. No, sir.

Mr. BALL. Mr. McDonald, where do you live?

Mr. McDONALD. 530 South Port Drive.

Mr. BALL. In Dallas?

Mr. McDONALD. Yes, sir.

Mr. BALL. Where were you born?

Mr. McDONALD. Camden, Ark.

Mr. BALL. Did you go to school in Arkansas?

Mr. McDONALD. Yes, sir.

Mr. BALL. How far through school did you go?

Mr. McDONALD. Well, I finished through the 11th grade, took an equivalent for a high school diploma, and I attended 1 year at Arkansas State Teachers College in Conway.

Mr. BALL. What year was that?

Mr. McDONALD. 1948 and 1949.

Mr. BALL. What did you do after that?

Mr. McDONALD. Well, worked in a printing firm for awhile, after getting out of college a year. Then I joined the Air Force. But in a break between high school and college, I entered the Navy, in January 1946. I served 22 months in the Navy, active duty.

Mr. BALL. Then you say in the 1950's you joined the Air Force?

Mr. McDONALD. Yes, sir; December 29, 1950.

Mr. BALL. How long were you in the Air Force?

Mr. McDONALD. Four years.

Mr. BALL. What work did you do in the Air Force?

Mr. McDONALD. I was a supply sergeant.

Mr. BALL. After that, what did you do?

Mr. McDONALD. I became a policeman in the Dallas Police Department.

Mr. BALL. That was in 1956?

Mr. McDONALD. March 3, 1955.

Mr. BALL. And you have been a police officer ever since?

Mr. McDONALD. Yes, sir.

Mr. BALL. Were you on duty on March—November 22, 1963?

Mr. McDONALD. Yes, sir.

Mr. BALL. What was your job that day?

Mr. McDONALD. Radio patrol.

Mr. BALL. What were your hours of duty?

Mr. McDONALD. From 7:30 a.m. to 3:30 p.m.

Mr. BALL. Did you ride alone or have a partner?

Mr. McDONALD. No, sir; I had a partner.

Mr. BALL. What is his name?

Mr. McDONALD. T. R. Gregory.

Mr. BALL. Were you cruising about 12:30 that day?

Mr. McDONALD. Yes, sir.

Mr. BALL. In what area?

Mr. McDONALD. On the Westmoreland Avenue and Falls Drive intersection.

Mr. BALL. Was your area, an area close to downtown Dallas or outside?

Mr. McDONALD. Outside, approximately 8 miles.

Mr. BALL. Did you get an order over the radio about that time to move your car?

Mr. McDONALD. Yes, sir.

Mr. BALL. What was the order?

Mr. McDONALD. Report to the vicinity of Elm and Houston Streets, code 3.

Mr. BALL. And did you know Officer Tippit?

Mr. McDONALD. Yes, sir.

Mr. BALL. Was he also a radio patrol officer?

Mr. McDONALD. Yes, sir; he was.

Mr. BALL. Did he cruise alone or with a partner?

Mr. McDONALD. He was cruising alone.

Mr. BALL. Do you know what his area—the area assigned to him on that day?

Mr. McDONALD. The southern part of Oak Cliff, nearing the city limits.

Mr. BALL. Was that farther out from the center of town than you?

Mr. McDONALD. Yes, sir; approximately 10 to 12 miles.

Mr. BALL. Did Tippit usually cruise alone, or did he ever have a partner sometimes?

Mr. McDONALD. Well, working in the daylight hours, which we were assigned that month, it is a custom to work alone—unless he had a trainee, such as I. I don't believe he was a trainer.

Mr. BALL. In other words, you had a trainee with you, and that is the reason you were not alone?

Mr. McDONALD. Yes, sir.

Mr. BALL. Did you hear an order over the radio for cars in the outlying district near the city limits, what they were to do?

Mr. McDONALD. They were to move in closer to the downtown area, but not directly to the area.

Mr. BALL. You were ordered to move into the downtown area?

Mr. McDONALD. Yes, sir.

Mr. BALL. And the cars that were cruising farther out were ordered to move closer to the downtown area?

Mr. McDONALD. Yes, sir.

Mr. BALL. Did you hear any other specific orders over the radio that day—that morning, or about 12:30, 1 o'clock?

Mr. McDONALD. No, sir.

Mr. BALL. What did you do after you received those orders?

Mr. McDONALD. I applied my red lights and sirens, and went code 32, Elm and Houston Streets.

Mr. BALL. About what time did you get there?

Mr. McDONALD. Approximately 10 minutes later.

Mr. BALL. What time would that be?

Mr. McDONALD. Approximately 12:40.

Mr. BALL. Where did you park your car?

Mr. McDONALD. On the right curb, Elm Street, before you enter the triple underpass.

Mr. BALL. And how long did you stay there?

Mr. McDONALD. Approximately 35 minutes.

Mr. BALL. What were you doing there?

Mr. McDONALD. Well, after I left the car, my partner and I reported to a supervisor, and he directed us to patrol the crowd and move the crowd around Elm Street, and rope off the area.

Mr. BALL. Now, was your radio on?

Mr. McDONALD. Yes, sir. There were several police units around the intersection, and all the radios were on. And after I had moved the crowd around, went back to the entrance of the Texas School Book Depository, I heard this over the police radio, of—the first thing I heard was that President Kennedy had expired at Parkland Hospital.

And the next thing I heard was a voice over the radio that was not familiar to police procedure. He was saying that an officer had been shot, and that he was using car No. 10 radio. Of my own knowledge, I knew that car was driven by Officer Tippit, and that that car was assigned to his district.

Mr. BALL. Did he give you a location?

Mr. McDONALD. Yes, sir; 400 block of East 10th Street.

Mr. BALL. What did you do?

Mr. McDONALD. I told my partner we were not doing much good here, to go to Oak Cliff, and see if we could help out over there, try to apprehend the person that shot Tippit.

Mr. BALL. Did you?

Mr. McDONALD. Yes, sir.

Mr. BALL. Where did you go in Oak Cliff?

Mr. McDONALD. Well, we got in the car and went underneath the triple underpass and got on the Stemmons Expressway, which leads into the R. L. Thornton

Expressway. I believe we took the Jefferson exit and drove up to the 400 block of East Jefferson.

Mr. BALL. Patton is about a block to the north of Jefferson?

Mr. McDONALD. Patton runs across Jefferson. Tenth and Patton.

Mr. BALL. Patton runs north and south?

Mr. McDONALD. Yes, sir.

Mr. BALL. Tenth Street is a block north of Jefferson?

Mr. McDONALD. Yes, sir.

Mr. BALL. How did you happen to go to the 400 block on Jefferson?

Mr. McDONALD. I was stopped by other officers there. They wanted to search a house. So I relieved my partner to go to help the supervisors search this house, in the 400 block of East Jefferson. Then I went around to the alleys, and started cruising the alley in my squad car.

Mr. BALL. And did you get a call over your radio to go to a certain place?

Mr. McDONALD. Well, there was a report from the dispatcher that a suspect was seen running into the public library at Marsalis and Jefferson.

Mr. BALL. You went down there?

Mr. McDONALD. Yes, sir. I went directly to Denver Street, which is an alley at that point. It is still designated as Denver Street. I parked the squad car, took my shotgun, and went to the west basement entrance to the public library, and ordered the people in the basement, in the library outside. They came out with their hands up.

The boy immediately said that he had just run into the library to tell the people that the President had been shot. He was a much younger person than what was broadcast on description on the radio.

Mr. BALL. You had heard a broadcast?

Mr. McDONALD. Yes.

Mr. BALL. Of a description, of someone to look for?

Mr. McDONALD. Yes, sir.

Mr. BALL. What did you hear?

Mr. McDONALD. White male, approximately 27 years old, 5 foot 10, weight about 145 pounds, wearing light clothing.

Mr. BALL. When did you hear that? About what time?

Mr. McDONALD. It came out on the radio as I was coming to Oak Cliff. There was another general description given on the way to the Texas School Book Depository at Elm and Houston Streets. But it was a vague description.

Mr. BALL. The first description that you heard of a man to look for was on the way downtown to the Texas School Book Depository?

Mr. McDONALD. Yes, sir.

Mr. BALL. What was that description?

Mr. McDONALD. White male, approximately 27, 29 years old, and he had a white shirt on, weighed about 160 pounds.

Mr. BALL. And that was about 12:40 you got that?

Mr. McDONALD. Yes, sir.

Mr. BALL. Now, this later description you got was what point in your travel to Oak Cliff?

Mr. McDONALD. This was approximately 1:20, or 1:17.

Mr. BALL. That was after you had heard that Tippit—that the officer had been shot?

Mr. McDONALD. Yes, sir.

Mr. BALL. And what was that description?

Mr. McDONALD. Well, it was 5 foot 10, white male, 27 years old, wearing a white shirt.

Mr. BALL. Now, as you were cruising the alleys, you had gone into the library basement, and gone to cruising the alleys, did you hear something else over the radio that drew your attention to another part—

Mr. McDONALD. Just to report to the public library.

Mr. BALL. After that. Did you receive a report?

Mr. McDONALD. After I was satisfied that this teenager that had run into the library didn't fit the description, I went back to my squad car, put my shotgun back in the rack. Just as I got into the squad car, it was reported that a suspect was seen running into the Texas Theatre, 231 West Jefferson.

So I reported to that location Code 3. This is approximately seven blocks from the library, seven blocks west.

Mr. BALL. Did you go down there with your partner?

Mr. McDONALD. No, sir; I had let my partner out on arrival; my first arrival in the 400 block.

Mr. BALL. He was on foot?

Mr. McDONALD. Yes, sir; I didn't see him any more that day.

Mr. BALL. You went down to the Texas Theatre?

Mr. McDONALD. Yes, sir.

Mr. BALL. And that is what address?

Mr. McDONALD. 231 West Jefferson.

Mr. BALL. What did you do?

Mr. McDONALD. Well, when I got to the front of the theater there was several police cars already at the scene, and I surmised that officers were already inside the theater.

So I decided to go to the rear, in the alley, and seal off the rear. I parked my squad car. I noticed there were three or four other officers standing outside with shotguns guarding the rear exits. There were three other officers at the rear door. I joined them. We walked into the rear exit door over the alley.

Mr. BALL. What were their names?

Mr. McDONALD. Officer Hawkins, T. A. Hutson, and C. T. Walker. And as we got inside the door, we were met by a man that was in civilian clothes, a suit, and he told us that the man that acted suspiciously as he ran into the theater was sitting downstairs in the orchestra seats, and not in the balcony. He was sitting at the rear of the theater alone.

Officer Walker and I went to the exit curtains that is to the left of the movie screen. I looked into the audience. I saw the person that the shoe store salesman had pointed out to us.

Mr. BALL. Were the lights on or off?

Mr. McDONALD. The lights were up, and the movie was playing at this time.

Mr. BALL. And could you see to the rear of the theater?

Mr. McDONALD. Yes, sir.

Mr. BALL. You could see the man. Did the civilian point out to you the man in one of the rear seats?

Mr. McDONALD. He didn't point out personally. He was pointing out the suspect to another officer with him on the right of the stage, just right of the movie screen.

Mr. BALL. What did you do then?

Mr. McDONALD. Well, after seeing him, I noticed the other people in the theater—there was approximately 10 or 15 other people seated throughout the theater. There were two men sitting in the center, about 10 rows from the front.

I walked up the left center aisle into the row behind these two men, and Officer C. T. Walker was behind me. When I got to these two men, I told them to get on their feet. They got up. I searched them for a weapon.

I looked over my shoulder and the suspect that had been pointed out to me. He remained seated without moving, just looking at me.

Mr. BALL. Why did you frisk these two men in the center of the theater?

Mr. McDONALD. I wanted to make sure that I didn't pass anything or miss anybody. I wanted to make sure I didn't overlook anybody or anything.

Mr. BALL. And you still kept your eye on the suspect?

Mr. McDONALD. Yes, sir. He was to my back. I was looking over my shoulder at him.

Mr. BALL. Was he sitting nearest the right or the left aisle as you came in?

Mr. McDONALD. The right center aisle. He was in the second seat.

Mr. BALL. What did you do then?

Mr. McDONALD. After I was satisfied that these two men were not armed or had a weapon on them, I walked out of this row, up to the right center aisle toward the suspect. And as I walked up there, just at a normal gait, I didn't look directly at him, but I kept my eye on him and any other persons. And to my left was another man and I believe a woman was with him. But he was further back than the suspect.

And just as I got to the row where the suspect was sitting, I stopped abruptly, and turned in and told him to get on his feet. He rose immediately, bringing up both hands. He got this hand about shoulder high, his left hand shoulder high, and he got his right hand about breast high. He said, "Well, it is all over now."

As he said this, I put my left hand on his waist and then his hand went to the waist. And this hand struck me between the eyes on the bridge of the nose.

Mr. BALL. Did he cock his fist?

Mr. McDONALD. Yes, sir; knocking my cap off.

Mr. BALL. Which fist did he hit you with?

Mr. McDONALD. His left fist.

Mr. BALL. What happened then?

Mr. McDONALD. Well, whenever he knocked my hat off, any normal reaction was for me to go at him with this hand.

Mr. BALL. Right hand?

Mr. McDONALD. Yes. I went at him with this hand, and I believe I struck him on the face, but I don't know where. And with my hand, that was on his hand over the pistol.

Mr. BALL. Did you feel the pistol?

Mr. McDONALD. Yes, sir.

Mr. BALL. Which hand was—was his right hand or his left hand on the pistol?

Mr. McDONALD. His right hand was on the pistol.

Mr. BALL. And which of your hands?

Mr. McDONALD. My left hand, at this point.

Mr. BALL. And had he withdrawn the pistol—

Mr. McDONALD. He was drawing it as I put my hand.

Mr. BALL. From his waist?

Mr. McDONALD. Yes, sir.

Mr. BALL. What happened then?

Mr. McDONALD. Well, whenever I hit him, we both fell into the seats. While we were struggling around there, with this hand on the gun—

Mr. BALL. Your left hand?

Mr. McDONALD. Yes, sir. Somehow I managed to get this hand in the action also.

Mr. BALL. Your right hand?

Mr. McDONALD. Yes, sir. Now, as we fell into the seats, I called out, "I have got him," and Officer T. A. Hutson, he came to the row behind us and grabbed Oswald around the neck. And then Officer C. T. Walker came into the row that we were in and grabbed his left arm. And Officer Ray Hawkins came to the row in front of us and grabbed him from the front.

By the time all three of these officers had got there, I had gotten my right hand on the butt of the pistol and jerked it free.

Mr. BALL. Had you felt any movement of the hammer?

Mr. McDONALD. Yes, sir. When this hand—we went down into the seats.

Mr. BALL. When your left hand went into the seats, what happened?

Mr. McDONALD. It felt like something had grazed across my hand. I felt movement there. And that was the only movement I felt. And I heard a snap. I didn't know what it was at the time.

Mr. BALL. Was the pistol out of his waist at that time?

Mr. McDONALD. Yes, sir.

Mr. BALL. Do you know any way it was pointed?

Mr. McDONALD. Well, I believe the muzzle was toward me, because the sensation came across this way. To make a movement like that, it would have to be the cylinder or the hammer.

Mr. BALL. Across your left palm?

Mr. McDONALD. Yes, sir. And my hand was directly over the pistol in this manner. More or less the butt. But not on the butt.

Mr. BALL. What happened when you jerked the pistol free?

Mr. McDONALD. When I jerked it free, I was down in the seats with him, with my head, some reason or other, I don't know why, and when I brought the pistol out, it grazed me across the cheek here, and I put it all the way out to

the aisle, holding it by the butt. I gave the pistol to Detective Bob Carroll at that point.

Mr. BALL. Grazed your left cheek?

Mr. McDONALD. Yes, sir.

Mr. BALL. Scratched—noticeable scratch?

Mr. McDONALD. Yes, sir; about a 4-inch scratch just above the eye to just above the lip.

Mr. BALL. Then what happened after that?

Mr. McDONALD. Well, the officers that had come to my aid started handcuffing him and taking him out of the theater.

Mr. BALL. What did he say—anything?

Mr. McDONALD. Well, he was cursing a little bit and hollering police brutality, for one thing.

Mr. BALL. What words did he use?

Mr. McDONALD. I couldn't recall the exact words. It was just mixed up words, people hollering and screaming when they get arrested.

Mr. BALL. What did he say about police brutality?

Mr. McDONALD. One thing, "Don't hit me any more." I remember that.

Mr. BALL. Did somebody hit him?

Mr. McDONALD. Yes, sir; I guess they did.

Mr. BALL. Who hit him, do you know?

Mr. McDONALD. No, sir; I don't, other than myself.

Mr. BALL. You know you hit him?

Mr. McDONALD. Yes, sir.

Mr. BALL. Now, did you go with them outside?

Mr. McDONALD. No, sir.

Mr. BALL. What did you do?

Mr. McDONALD. I was looking for my hat and flashlight.

Mr. BALL. Did you go downtown with them?

Mr. McDONALD. No, sir.

Mr. BALL. Later you went downtown?

Mr. McDONALD. Yes, sir.

Mr. BALL. And did you put a mark on the revolver?

Mr. McDONALD. Yes, sir; I did.

Mr. BALL. And did you look at the ammunition in the revolver, the six rounds in the cylinder?

Mr. McDONALD. Yes, sir.

Mr. BALL. Did you notice anything unusual about any one of them?

Mr. McDONALD. I noticed on the primer of one of the shells it had an indentation on it, but not one that had been fired or anything—not that strong of an indentation.

Mr. BALL. We have here Exhibit 143 for identification. Do you know whether or not this is the revolver that you took from the man that you arrested?

Mr. McDONALD. Yes, sir; this is it. I found the mark here.

Mr. BALL. You found your mark?

Mr. McDONALD. Yes, sir.

Senator COOPER. What mark is it?

Mr. McDONALD. I marked the initial "M".

Mr. BALL. Where?

Mr. McDONALD. Right here, on this steel plate.

Mr. BALL. Of the butt?

Mr. McDONALD. Yes, sir.

Mr. BELIN. Let the record show the witness is pointing to a point on the steel plate directly below the screw on the butt.

Mr. BALL. How many cartridges were in the cylinder?

Mr. McDONALD. Six, fully loaded.

Mr. BALL. I will show you four that are marked as—we will give these four an exhibit number. Do you know whether or not they were shells similar to that?

Mr. McDONALD. Yes, sir; they were .38 caliber. Now, I didn't mark all of these shells, myself.

Mr. BALL. Did you mark any of them?

Mr. McDONALD. I recall marking one.

Mr. BALL. The four cartridges, the witness is examining now we will mark collectively as Commission Exhibit 518.

(The articles referred to were marked Commission Exhibit No. 518 for identification.)

Mr. BALL. And there are two cartridges that have been marked as Commission Exhibit 145 that the witness is also examining. Now, on one of the cartridges that have come from Commission's Exhibit 145, consisting of two cartridges, one of these you identify as a cartridge with a dent in it?

Mr. McDONALD. Yes, sir.

Mr. BALL. How can you tell this?

Mr. McDONALD. From the center of this—of the primer there—it is a small indentation, and some of the metal is blurred or not polished.

Mr. BALL. And your mark is on one of these cartridges?

Mr. McDONALD. Yes, sir.

Mr. BALL. I will show you an Exhibit 519.

(The document referred to was marked Commission Exhibit No. 519 for identification.)

Mr. BALL. Is that a picture of the theatre?

Mr. McDONALD. Yes, sir.

Mr. BALL. And can you mark on there the seat in which the man was seated who was the suspect?

Mr. McDONALD. Yes, sir.

Mr. BALL. Put an arrow down to that seat. Did you see Oswald later that evening?

Mr. McDONALD. No, sir.

Mr. BALL. Did you ever see him again?

Mr. McDONALD. No, sir.

Mr. BALL. When you saw Oswald, was he bloody any?

Mr. McDONALD. Afterwards?

Mr. BALL. Well, when he was being taken from the theatre. Was he bloody?

Mr. McDONALD. No, sir; I didn't see any blood.

Mr. BALL. You didn't?

Mr. McDONALD. Because whenever they took him, they took him directly out.

Mr. BALL. And you never saw him again?

Mr. McDONALD. No, sir.

Mr. BALL. What was he wearing at that time?

Mr. McDONALD. At the time he was wearing a dark brown shirt and a T-shirt and dark trousers.

Mr. BALL. A dark brown shirt, a T-shirt, and dark trousers?

Mr. McDONALD. Yes, sir.

Mr. BALL. I will show you Commission 150. Does that look anything like the color of the shirt he was wearing?

Mr. McDONALD. Yes, sir.

Mr. BALL. I would like to at this time offer all exhibits up to 519 in evidence. Senator COOPER. They will be admitted in evidence.

(The documents heretofore marked for identification as Commission Exhibits Nos. 518 and 519 were received in evidence.)

Mr. BALL. Did you notice where the pistol was concealed on this man's person?

Mr. McDONALD. Yes, sir. It was under his right waist band, right side.

Mr. BALL. Was it under the shirt?

Mr. McDONALD. Yes, sir; it was underneath the shirt.

Mr. BALL. Underneath the shirt?

Mr. McDONALD. Yes, sir. I would like to correct that, and say it was underneath the brown shirt that he had on. Not underneath the T-shirt.

The CHAIRMAN. It was not in a holster?

Mr. McDONALD. No, sir; no holster at all.

Mr. BALL. Were—was there an FBI agent there?

Mr. McDONALD. I don't know, sir. I was told he was there, but I don't know.

Mr. BALL. The only people that you saw were—

Mr. McDONALD. The ones I named there.

Mr. BALL. Dallas Police Department men?

Mr. McDONALD. Yes, sir.

Mr. BALL. I have no further questions.

Senator COOPER. Who was it that pointed out to you the suspect when you entered the theatre?

Mr. McDONALD. I learned his name later.

Senator COOPER. Did some person there point out to you, though, this man sitting in the row whom you later arrested?

Mr. McDONALD. Yes, sir. He was a shoestore salesman. His name was Brewer. He was the one that met us at the rear exit door and said that he saw this person run into the Texas Theatre.

Senator COOPER. Did you hear him say that?

Mr. McDONALD. Yes, sir.

Senator COOPER. And have you seen him since?

Mr. McDONALD. No, sir.

Senator COOPER. But somebody has identified him to you?

Mr. McDONALD. Yes, sir.

Mr. BALL. We will examine him next week, sir.

Senator COOPER. May I ask—if the suspect was pointed out to you, why was it you did not go directly to him, but you searched other persons?

Mr. McDONALD. Well, usually on information of that sort, you have to weigh it a little bit to make sure you get the right person. He could have been mistaken. If a suspect was in that theatre, I wanted to make sure I got him, and not overlook him.

Senator COOPER. You said, though, that before you went into the theatre, where the seats were located, that a man pointed out to you a person who he claimed was the suspect.

Mr. McDONALD. Yes, sir; he said that that was the man that had acted suspiciously in running into the theatre.

Senator COOPER. That was the man that was identified to you?

Mr. McDONALD. Yes, sir.

Senator COOPER. Then, if he was the man identified to you, why did you stop and search these two men before you got to the man you later arrested?

Mr. McDONALD. Well, I wanted to make sure he was right.

Senator COOPER. Was it your purpose to search everybody in there?

Mr. McDONALD. It was my intention—everybody I came to.

Senator COOPER. Were these the first two that you did search?

Mr. McDONALD. Yes, sir; they were the closest ones to me.

Senator COOPER. They were sitting in front of the man you later arrested?

Mr. McDONALD. Yes, sir; they were sitting about 10 rows in front of him.

Senator COOPER. At the time you were searching them, you could see the other man that you later arrested?

Mr. McDONALD. Yes, sir.

Senator COOPER. What did he do?

Mr. McDONALD. Just sat in his seat, with his hands in his lap, watching me.

Senator COOPER. Were there any other police officers in his vicinity?

Mr. McDONALD. There were police officers in the balcony, and police officers in the aisle, or in the lobby, you might call it—not in the theatre, except for the other three that I named.

Senator COOPER. You are the only one in the theatre?

Mr. McDONALD. Well, there was the other three officers that accompanied me through the rear exit door. Officer Walker went through the curtains with me, and Officers Hawkins and Hutson was on the stage with the man that was identifying the suspect.

Senator COOPER. Then when you told the man you arrested to stand up did he immediately pull his pistol out?

Mr. McDONALD. No, sir; he stood up and started raising his hands, "Well, it is all over now." But in my opinion, it was an act of giving up or surrendering. It was just natural that my hand went to his waist for a weapon, which was my intent anyway, whether he raised his hands or not. I didn't command him to raise his hands or anything. It was just a reaction of his.

Senator COOPER. Did he hit you with the pistol?
Mr. McDONALD. No, sir.
Senator COOPER. Did he point it towards you?
Mr. McDONALD. I don't know what position the gun was pointed out, whenever my hand was on it, because we were both grappling around there. But, as I say, the top of my hand was over on top of the pistol.
Senator COOPER. To whom did you turn over the possession of the pistol?
Mr. McDONALD. Detective Bob Carroll. He had come into the aisle. Whenever I hollered, "I got him" immediately I was swarmed by officers.
Senator COOPER. Did you mark the pistol at that time before you turned it over?
Mr. McDONALD. No, sir; I marked it at the police station.
Senator COOPER. But you recognized it then as the same pistol you had identified today?
Mr. McDONALD. Yes, sir.
Senator COOPER. That is all.
The CHAIRMAN. Officer, you were in uniform that day?
Mr. McDONALD. Yes, sir.
The CHAIRMAN. Did the blow he gave you on your nose leave any mark?
Mr. McDONALD. Well, for 2 days I had some swelling. It didn't break the skin or anything. Some of the force was taken by my top. It hit the bill of my cap and my nose.
The CHAIRMAN. And the scratch from the corner of your eye down to the corner of your mouth came from the pistol?
Mr. McDONALD. Yes, sir. As I was taking the pistol away, clearing it from his body. Yes, sir.
The CHAIRMAN. I think that is all. We are very glad you are able to be with us today.
Mr. BALL. There is one thing.
I have marked an exhibit, 520.
(The document referred to was marked Commission Exhibit No. 520 for identification and received in evidence.)
Mr. BALL. As he said he had not seen Oswald since, and I know this was taken—but I would like to ask him one question with reference to 520 for identification, and we will later provide an identification, proper identification for it.
Does that look like the man that you arrested in the Texas Theatre that day?
Mr. McDONALD. Yes, sir.
Mr. BALL. And does it look like—well, of course, he had a shirt over that T-shirt.
Mr. McDONALD. Yes, sir.
Mr. BALL. I have no further questions.
The CHAIRMAN. Thank you very much, officer. We are glad you were able to be with us.
(Whereupon, at 4:30 p.m., the President's Commission recessed.)

Thursday, March 26, 1964

**TESTIMONY OF MRS. HELEN MARKHAM, WILLIAM W. SCGGINS,
MRS. JEANETTE DAVIS, AND TED CALLAWAY**

The President's Commission met at 9:10 a.m. on March 26, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Representative Gerald R. Ford, and Allen W. Dulles, members.