

*Fitz - Oswald  
as Sole Suspect*

*Key  
McDonald<sup>15</sup>  
Swain account*

**3**

December 3, 1963

Mr. J.E. Curry  
Chief of Police

Subject: The Arrest of  
Lee Harvey Oswald.

Sir:

At approximately 2:00 PM, November 22, 1963, I entered the rear exit door of the Texas Theatre, 231 West Jefferson Boulevard, with three other uniformed police officers. We were met by a man dressed in civilian clothes, who told us that the suspect, that had acted suspicious as he ran into the theatre, was sitting at the rear alone, wearing a brown shirt. I noticed that there were only 10 or 15 people sitting in the theatre. The house lights became dim and I walked into the row of seats directly behind two men seated in the center and made a quick search of their persons and found no weapon. I then walked out of the row and up the rear towards the suspect. When I got within one foot of him, I told the suspect to get on his feet. He stood up immediately, bringing his hands up about shoulder high and saying, "Well, it's all over now." I was reaching for his waist and he struck me on the nose with his left hand. With his right hand, he reached to his waist and both of our hands were on a pistol that was stuck in his belt under his shirt. We both fell into the seats struggling for the pistol. At this time I yelled, "I've got him." Three uniformed officers came to my aid immediately. One on the suspect's left, one to the rear in the row behind and one to the front in the row directly in front of the suspect and I. I managed to get my right hand on the pistol over the suspect's hand. I could feel his hand on the trigger. I then got a secure grip on the butt of the pistol. I jerked the pistol and as it was clearing the suspect's clothing and grip I heard the snap of the hammer and the pistol crossed over my left cheek, causing a four inch scratch.

**15**

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*Not a  
For other  
policies  
not copied*

I brought the pistol away still holding the butt and pointing it to the floor at arms length away from anyone. By this time there were 7 or 8 officers around the scene including Detectives in plain clothes. I recognized Officer Bob Carroll and handed the pistol to him. I was holding the suspect with my left arm. The suspect was then taken out of the theatre by the assisting officers.

This was the last contact I had with the suspect. I marked the pistol and six rounds at Central Station. The primer of one round was dented on misfire at the time of the struggle with the suspect.

Respectfully Submitted,

*M. J. McDonald*  
Mark McDonald  
Patrolman # 1178  
Patrol Division

MJM/bbd

Dallas, Texas.  
Police Dept

(16)

Paul Bentley

62-109060-2074 EFB-13

H. H. Springer 2074-17

Westbrooke 62-109060-2074 EFB-18

~~No other names taken~~

Davidson Hutson 62-109060-2074 EFB-25