

AT THE TEXAS THEATRE

Statements of Witnesses - M. N. McDONALD
Testimony -

March 25, 1964, 3 H 295-304

McDonald is the officer who took Oswald into custody in the Texas Theatre. He joined the Dallas police force March 3, 1955, and on the day of the assassination was on radio patrol with a trainee partner, T. R. Gregory. (p.296.)

He knew Tippit, who cruised alone, because Tippit did not have a trainee. He says the practice was for radio patrol cars to be single-man operated during daylight hours.

He responded to the emergency call of about 12:30 and went to the Book Depository building. He said he stayed there about 35 minutes. Prior to receiving the call, he had been about 8 miles from downtown. While at the Book Depository, he said that there were a number of police cars around "and all the radios were on." He was moving the crowd back from the entrance.

He heard Benavides call about the Tippit shooting, "Of my own knowledge, I knew that car was driven by Officer Tippit, and that that car was assigned to his district." Benavides had mentioned the number 10/

Again, entirely aside from the Commission's own proof that Tippit was assigned to that district, although he doesn't say how he knew, here is a police officer friend who said he was certain.

Without instructions, apparently, he and his partner proceeded to Oak Cliff. (p.297)

He stopped in the 400 block of Jefferson by other officers who ~~wanted to search a house.~~ "wanted to search a house. So I relieved my partner to go to help the supervisors search this house, ... Then I went around to the alleys, and started cruising the alley in my squad car."

There is no further reference to this, as to why, when on an emergency call, the police wanted to search a house in that area. There are no questions asked about it either. It seems as though the asking of the question

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"why" again is obviously called for.

He went into the basement of the library where a suspect had reportedly taken refuge, ordered the people out with his shotgun, and found the suspect was a boy who had just run into the library to announce the shooting of the President. McDonald said he "was a much younger person than what was broadcast on description on the radio." The broadcast he heard, he said, called for "white male, approximately 27 years old, 5 feet 10, weight about 145 pounds, wearing light clothing." In at least ² major respects, this is not the description broadcast. The weight was not 145 pounds, nor was the suspect wearing light clothing. On the other hand, if this description was broadcast for a man wearing black pants, a brown shirt and a jacket, then possibly there is a broadcast not in the log.

McDonald said he heard a broadcast on his way to the Texas School Brook Depository which he called "a vague description". Wherein it was any more vague than the one he paid attention to is not indicated nor is it ⁱⁿ any way clear to me. But this description he said was of a "white male, approximately 27, 29 years old, and he had a white shirt on, weighed about 160 pounds ." Ball said, "And that was about 12:40 you got that?"

Now McDonald had not said when; he had said only on the way to the Depository. Ball very well knew that the first description of the Presidential suspect was at 12:45. But Ball had to say this or confront McDonald with errors in his testimony which said that he heard a 12:30 broadcast to which he responded, getting to the Depository in 16 minutes. The arithmetic can't work.

When he repeats the alleged description of the alleged Tippit suspect, he changes it somewhat, omitting the weight and saying the man

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was "wearing a white shirt".

After satisfying himself the teenager at the library was not a suspect, he returned to his car and heard the report of the suspect at the Texas Theatre, 231 West Jefferson (p.298), approximately 7 blocks away. It was an emergency call. On arrival at the theatre, there were several cars in front so he went to the rear, parked his car where several officers were standing guarding the rear exits. He and they went inside. He names them as Officers/ Hawkins, T. A. Hutson, and G. T. Walker. They were met by a civilian inside who told them of the suspect and where he was sitting. The suspect was pointed out personally, not to McDonald but to one of the other officers. He said there were 10 ~~or~~ 15 people scattered throughout the theatre. About 10 rows from the front were 2 men sitting together who he searched. He said he kept an eye "over my shoulder" on the suspect who remained seated without moving. Ball asked why he frisked those men and McDonald said, "I wanted to make sure that I didn't pass anything or miss anybody." Ball doesn't ask him why, had the suspect not been the man sought, he couldn't have returned to the men who he had not had pointed out as suspects. Ball asked if he still "kept your eye on the suspect", and McDonald said, "Yes, sir. He was to my back. I was looking over my shoulder at him." I suppose this might be described as a prudent police method in dealing with a man suspected of being armed and suspected of being a killer, but then, maybe Dallas has special methods. (p.299)

When he got abreast of the suspect, he ordered him to his feet, and "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.'"

McDonald said, "As he said this, I put my left hand on his waist

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and then his hand went to the waist." ~~And this is how~~ The man at that point struck McDonald between the eyes on the bridge of the nose, knocking off his cap. McDonald says he then struck the man.

No questions are asked about why it was necessary for McDonald, presumably at the moment all alone, to do anything to a man who was obviously in the act of raising his hands in surrender.

The officer then declared that he gripped the suspect's right hand with his left and at that time felt the pistol. He said of the suspect, "He was drawing it as I put my hand." (sic) Ball does not comment on the clear discrepancy between McDonald's two versions, the earlier one of which had the suspect with his left hand shoulder high and his right hand breast high, with the suspect standing. McDonald further said of the encounter, in which they both fell after McDonald hit him again, "Somehow I managed to get this hand in the action also." In this case, he was talking about his right hand. When McDonald called out, "I have got him," the other officers came running to his assistance.

McDonald testified he had felt the motion of the hammer and "I heard a snap."

When McDonald jerked the pistol free, it grazed his face. (p.300) McDonald said, "I gave the pistol to Detective Bob Carroll at that point." The suspect was removed and McDonald did not go with him. Ball prompted him, "Later you went downtown?" But Ball did not ask and McDonald did not say when he went downtown. This conceivably could be quite important from what follows:

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

Mr. McDonald. Yes, sir; I did."

Although this follows the question about going downtown later, the inference is that he put the mark on the revolver at the theatre. On p.304, however, McDonald said it was when he was downtown that he put

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his mark on the revolver. Note that neither here nor anywhere else is there any question of ~~what~~ McDonald's searching the revolver for a serial number, nor is there any reference to a serial number subsequently located on the pistol. There is no question of McDonald as to why he hadn't looked for a serial number.

They then go into the ammunition, of which three rounds were discovered in the cylinder. The manufacture is not asked nor offered. McDonald at first evades but finally said he marked one of the bullets. He also describes the point at which he marked the pistol as "right here, on this steel plate." Four of the bullets are entered into evidence as one exhibit (p.301) and two are entered as another exhibit. McDonald identifies the one on which he said the primer had a small indentation and "some of the metal is blurred or not polished." Ball merely asks, "And your mark is on one of these cartridges?" to which McDonald replies, "Yes, sir."

There is no indication of when McDonald put his mark on the single bullet. Therefore, there is no manner in which McDonald can swear that these were the bullets he removed from the pistol. He did not testify that he had them in his possession until he went downtown. With respect to the pistol, in the absence of any other such identification as a serial number, McDonald might have put his mark on a pistol, but he had no way, unless there was something not in his testimony, of swearing that that particular pistol was the one he took from Oswald.

Note that he is not asked here nor at any other point in his testimony whether or not the pistol was in operating condition. (p.302)

Senator Cooper wasn't satisfied with McDonald's explanation of the order in which he searched people:

"Senator Cooper. May I ask - if the suspect was pointed out to you,

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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 ⁱh~~im~~.

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." (p.303)

Of course, this is no explanation, but Senator Cooper carried it no further. Senator Cooper returned to the question of the possession of the pistol, and McDonald repeats he had given it to Detective Carroll:

"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." (p.304)