

and order, and in accomplishing that mission, to do so with the use of minimum force.

The individual soldier on the street carried a card giving him instructions. Among those instructions were two that are perhaps pertinent to your question: one was that the soldier could not load or fire his weapon without the permission of an officer, or in order to save his life.

The other one was that he had the authority to detain and then to turn over to the police for arrest individuals who were breaking the law.

The CHAIRMAN. I had one complaint that I recall from a friend of mine. This man is the owner of one of the most popular restaurants in the City of Washington. He tells me that he was driving his car, going to the bank, and three or four men held him up, threw brickbats through the glasses of the car, and pulled him out and beat him up to such extent that he had to go to the hospital. He said that there were four or five troopers from the Army standing by and didn't touch them. I am wondering if the troops had orders to not participate in incidents of that nature.

Mr. McGIFFERT. Mr. Chairman, I am not familiar with that particular incident. I do know there were occasions when some of the soldiers were faced with the same problem which Mr. Murphy referred to in the case of police officers, namely, the soldier or soldiers had been given an assignment to guard, let's say, a store or something of that kind and could not, without violating his orders, move away from his post in order to accomplish some other mission.

The CHAIRMAN. Mr. Murphy, during the past three weeks I have a group of people, tax payers and property owners, who have been trying to get me to permit them to testify. Each one of these property owners states that a policeman was stationed outside their doors and they asked them to help and they weren't permitted to touch the looters or the people setting fires.

What answer do you have for that?

POLICY IN EFFECT

Mr. MURPHY. Well, Mr. Chairman, those instructions would not be in accordance with the policy of the Department. I was hoping, Mr. Chairman, that after Mr. McGiffert and Chief Layton had an opportunity to express some of the thoughts he has about the problem, he has been closer than I have to the police side of the problem because I have had the Fire Department as a responsibility and the Office of Civil Defense, as well; but I can say to you, Mr. Chairman, that there is no policy in the Police Department, and there was not during the disorder any policy, about not interfering with looting.

There was no policy of leniency. There was no policy of permitting this thing to blow itself out for a few hours. That was not the policy, sir. The policy very clearly was that all arrests that were humanly possible to be made would be made.

I think the tremendous number of arrests is some evidence of that.

Now, this policy was a policy developed by Chief Layton, and I would like, with your indulgence, Mr. Chairman, to give him an opportunity to explain what instructions had been given to his staff and personnel, even before my coming into the present position.