

Mr. MURPHY. Well, sir, I think any violation of the law is a dangerous situation because—

Mr. ABERNETHY. Well, a trespass is an offense. We are not just speaking of any violation. We are talking of arson, looters, rock throwers and thieves.

Mr. O'KONSKI. And snipers.

Mr. ABERNETHY. And snipers.

Mr. MURPHY. Well, in law enforcement, I am happy to say, Mr. Congressman, that sniping was not a problem here of any significance. We have been unable to confirm an actual sniping incident in accordance with the definition of sniping.

Mr. ABERNETHY. Well, your position on that is a rather soft one, isn't it?

Mr. MURPHY. No, sir.

Mr. ABERNETHY. Haven't you stated that before these people would be directed or authorized, or before you would direct or authorize an end to this sort of thing by shooting, that you will resign your office?

Mr. MURPHY. No, sir. I did not say that. I would like to explain my position.

Mr. ABERNETHY. The law of lawful use of force by a police officer is not a simple law. It is one of the most difficult subjects we have to teach police officers.

Mr. ABERNETHY. Well, they are familiar with the law. We are all familiar with that. We are familiar with it. What was your policy and what did you say?

Mr. MURPHY. My policy was a confirmation of Chief Layton's policy. The law and the policy of the Metropolitan Police Department on lawful use of force has been well established, has been in writing at least since 1954. I have reviewed that policy, Mr. ABERNETHY, and it is a sound policy it seems to me. It corresponds very closely with the policy of the Federal Bureau of Investigation.

I think it provides for our police officers the kind of guidelines that can be of most assistance to them in a difficult situation, for use of force, of deadly force; and in those situations, I must make clear, Mr. ABERNETHY, that we cannot remove the discretion of the police officer.

It is important that we create policy and give him guidelines, but the ultimate decision to take a human life is that police officer's.

Mr. ABERNETHY. Now, I want to ask you this question: do you think that all that was done—you are listening to me, aren't you?

Mr. MURPHY. Yes, sir.

Mr. ABERNETHY. Do you think that all that was done was all that could have been done and should have been done during the recent troublesome riots and burning they had in this town?

Mr. MURPHY. Some mistakes were made, but I am generally satisfied—

Mr. ABERNETHY. You are satisfied?

Mr. MURPHY. That the response of the Police Department in those difficult circumstances was a good response.

Mr. ABERNETHY. So you are satisfied with the horror left in this city and the loss all of the merchandise that was carried off and the destruction? You are satisfied with the way it was all handled?

Mr. MURPHY. No, sir. I am terribly dissatisfied with the destruction.