

Mr. BROYHILL. Well now, in a case of looting—

Mr. MURPHY. If that were the only way to stop him, the ultimate force would certainly be warranted.

Mr. BROYHILL. You would shoot him.

Now, I am glad you said that, because recently when other public officials make reference to the fact that it may be necessary to shoot a person who takes the law into his own hands, he is promptly charged by the bleeding hearts of this nation with being callous and reckless insofar as human life is concerned. I don't think we have to choose sides here among civilized people in the matter of regard for human life. But some of us feel, Mr. Murphy—getting back to this word "restraint"—that in regard to persons committing or about to commit an act of arson, looting, or the destruction of property—and I agree with you that this is a rather sensitive area as far as the judgment of the policeman at that particular time is concerned—if that person knew that there was a pretty good chance of being shot on the spot, it seems to me that that would go further in the exercise of "restraint" on the part of such people than would any other type of scientific approach we could use.

Mr. MURPHY. Well, the Police Department here used a great deal of force during the disorder, Congressman. They used tear gas most effectively. Many arrests were able to be made as a result of that tactic. The men had gone through a considerable amount of training with the use of it, and they used it most effectively.

I agree with you that we cannot, we just cannot permit the impression to get about that there is leniency or that any of these things are condoned. That is the reason why I referred earlier to the fact that we are pleased that we made so many arrests and that it is with Mr. Bress' cooperation that we are going to get convictions.

Mr. BROYHILL. Mr. Murphy, I hope that the press will let it be known that you, as the Commissioner of Public Safety, have stated to this Committee this morning that in the event a person is in the act of committing or about to commit an act of arson, looting, or stealing, and is ordered by an officer to cease at the moment, he can and probably will be shot if he does not comply.

I think that if they know this could happen, it might go a long way toward making some of these people behave.

Mr. ABERNETHY. He hadn't said he would so instruct them.

Mr. BROYHILL. That is the reason I am repeating the statement. I don't want to draw an inference, but he told me that if a person is about to commit an act of arson, or is in the process of committing such an act, and ignores an officer's command to stop, the officer could shoot him. The same thing would apply to an act of looting or any action of destruction of property.

Mr. MURPHY. Well, again, the judgment of the officer would have to come to bear on these facts, Mr. Congressman. Arson is a vicious crime. We lost lives of innocent people who lived above stores in this city because a vicious arsonist had thrown a fire bomb into a store. Whatever his motive may have been, if only to loot, still elderly people lived in apartments above those stores.

I am sure no policeman—I wouldn't have to give any credit or instructions—I am sure that no policeman would hesitate if an arsonist stood in front of a store with an apartment over it and a fire bomb poised in his hand, and that officer said, "Drop it," and the officer was