

fair to describe it that way—more restrictive upon the police than the law in most States and perhaps all other States. And there was a negative reaction to that change.

That law has now moved back somewhat to where it was previously.

Mr. WHITENER. Which gives the citizen a greater right to protect his property and himself without accountability to the criminal courts, doesn't it?

Mr. MURPHY. Yes.

Mr. WHITENER. Well, I have a copy of that law in my office. If you haven't seen it, I would be glad for you to have a copy of it.

Let me ask you this question: what would be your comment about this statement, which I will read to you?

Contemporariness says that police leniency during mass riots and destruction in the city saves lives and keeps communication open between authority and protestors. History says ponder this carefully, because if the leniency leads to even greater riots, far more lives will be lost in the end, the communication will cease altogether, and authority will be forced to use the iron hand. History is pretty certain that any given community will prefer tyranny to anarchy if it comes to that choice, because in a state of anarchy, everyone is helpless.

What would be your comment on that thesis?

Mr. MURPHY. I really would like to take more time to think about it, Congressman.

Mr. WHITENER. Well, he is saying that if you enforce the law laxly at the outset of the disturbances that you are likely to have more disturbances and more lives lost in the end, and that the public may well be forced to decide between tyranny and anarchy, and they will always go to the side of tyranny because in anarchy everybody is helpless.

Mr. MURPHY. I would like to say this: I am opposed to laxity in the enforcement of law, and disorders otherwise.

Mr. WHITENER. Well, was the statement in the Washington Post of Friday, April 5th, an accurate statement when it said this:

"Police initially stayed clear of the immediate area, following Public Safety Director Patrick V. Murphy's 'on the street' order, 'Keep cool and pull away from any imminent confrontation.'"

Mr. MURPHY. That's not accurate. For a period of a very few minutes I personally directed officers to leave one intersection, but I am happy to report, Congressman, that within a very short period of time—14th and U, sir—

Mr. WHITENER. What was going on at the time?

Mr. MURPHY. The policeman by radio reported to me, I was a block away, that rocks and bottles were being thrown at them and hundreds of people were in the street behaving violently. I directed them to meet me one block away, and within a very short period of time, sir, we were able to muster sufficient strength to move properly into that area again.

Mr. WHITENER. Well, at any time during your radio communication, did one of the police officers ask you to please get off the air so he could get a message through?

Mr. MURPHY. No, sir. I never heard such a message, sir.