

them in suppressing such violence and enforcing the laws; the commander-in-chief shall thereupon order out so much and such portion of the militia as he may deem necessary to suppress the same, and no member thereof who shall be thus ordered out by proper authority for any such duty shall be liable to civil or criminal prosecution for any act done in the discharge of his military duty. (Mar. 1, 1889, 25 Stat. 778, ch. 328 § 45; Feb. 18, 1909, 35 Stat. 634, ch. 146, § 48.) (See also United States Code, Title 32.)

The CHAIRMAN. Mr. Harsha.

ARRESTS

Mr. HARSHA. Mr. Murphy, you seem to take great stock in the fact that 8,000 arrests were made over a 10- or 11-day period. I am not going to debate that issue with you. Some of us think maybe 18,000 arrests should have been made, but I just want to point out that from April 4 through April 12, you made 3,155 arrests, which were for curfew violations, and only 40 arrests for larceny. (See tabulation, p. 14.)

Mr. MURPHY. Might I check that figure, please? What period, sir?

Mr. HARSHA. April 4 through April 12.

Mr. MURPHY. Well, larceny arrests—but there were many house-breaking arrests.

Mr. HARSHA. I am getting to that next. And less than 1,000 for housebreaking. But I would hazard a guess that I personally saw 48 instances of larceny on TV, and in newspaper pictures. So I don't think you had such an outstanding record in that particular field.

In this 8,000, how many traffic violations have you brought in—parking tickets?

Mr. MURPHY. We are not including traffic violations.

Mr. HARSHA. You are not excluding or including?

Mr. MURPHY. No. We are not including traffic violations, sir. These are all felonies, misdemeanors, curfew violations.

Mr. HARSHA. The great bulk of your arrests were curfew violations?

Mr. MURPHY. Yes, sir.

Mr. HARSHA. Now, did you have any indication at all that this riot was going to transpire?

Mr. MURPHY. This riot?

Mr. HARSHA. Yes.

Mr. MURPHY. No, sir.

Mr. HARSHA. No advance notice of any kind?

Mr. MURPHY. The death of Dr. King, of course, alerted us to the possibility of a problem. We had no advance notice prior to that time.

Mr. HARSHA. You assured this Committee sometime earlier this year that the city was prepared for any eventuality.

Mr. MURPHY. Yes, sir. I hope that I did not create the impression that I was assuring this Committee or anybody that there would be no riot. Sir, I cannot assure you whether you will be protected as you leave this room.

Mr. HARSHA. Well, I understand that. But the point is this: you assured this Committee that the City was prepared for any eventuality; and I am just wondering if there was a large number in the Police Department off-duty when the rioting commenced—or recommenced—on Friday?

Mr. MURPHY. The number of officers on duty Thursday night, as far as I know, Congressman, was the normal number we would have on