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96TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 96-284

DESIGNATE THE BIRTHDAY OF MARTIN LUTHER KING, JUNIOR, A LEGAL PUBLIC HOLIDAY

AUGUST 1 (legislative day JUNE 21), 1979.—Ordered to be Printed

Mr. KENNEDY, from the Committee on the Judiciary,
submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 25]

The Committee on the Judiciary, to which was referred the bill (S. 25) to designate the birthday of Martin Luther King, Junior, a legal public holiday, having considered same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE

The purpose of this legislation, S. 25, is to designate the birthday of Martin Luther King, Junior, January 15, as a legal public holiday.

TEXT OF LEGISLATION

The text of the bill, as amended by the committee, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below "New Year's Day, January 1." the following:
"Martin Luther King, Junior's Birthday, January 15."

HOLIDAYS IN EXISTING FEDERAL LAW

Existing Federal law (5 U.S.C. 6103(a)) provides for nine legal public holidays:

- (1) New Year's Day, January 1.
- (2) Washington's Birthday, the third Monday in February.

- (3) Memorial Day, the last Monday in May.
- (4) Independence Day, July 4.
- (5) Labor Day, the first Monday in September.
- (6) Columbus Day, the second Monday in October.
- (7) Veterans Day, November 11.
- (8) Thanksgiving Day, the fourth Thursday in November.
- (9) Christmas Day, December 25.

In addition, January 20, Inauguration Day in each fourth year, is also a legal public holiday.

LEGISLATIVE HISTORY

Since the death of Dr. King in 1968, legislation has been introduced in each Congress to commemorate the anniversary of his birth. In the 96th Congress S. 25 was introduced in the Senate by Senators Bayh, Kennedy, Glenn, Dole, and Percy on the first day of the new Congress, which was January 15, the 50th anniversary of Dr. King's birth. An identical companion bill, H.R. 15, has been introduced in the House of Representatives. The legislation has now been sponsored by 37 Members of the Senate and 124 Members of the House of Representatives.

In his state of the Union message to the Congress on January 25, 1979, President Carter stated:

Dr. Martin Luther King, Jr., led this Nation's effort to provide all its citizens with civil rights and equal opportunities. His commitment to human rights, peace and non-violence stands as a monument to his humanity and courage. As one of our Nation's most outstanding leaders, it is appropriate that his birthday be commemorated as a national holiday, and I will strongly support legislation to achieve this.

On March 27, 1979, a joint hearing on S. 25 and H.R. 15 was held by the Senate Committee on the Judiciary with the House Subcommittee on Census and Population of the House Committee on Post Office and Civil Service. The witnesses at that hearing included Andrew Young, U.S. Ambassador to the United Nations; Congressman John Conyers; Mrs. Coretta Scott King, widow of Dr. King; Rev. Joseph Lowery, president of the Southern Christian Leadership Conference; Ms. Pat Brown, chairperson, National Education Association Black Caucus; and Stanley Rittenhouse, legislative aide, Liberty Lobby.

At the request of the minority members an additional day of hearings was held on June 21, 1979. The witnesses were Congressman Larry McDonald, accompanied by Alan Stang, Julia Brown, and Karl Prussion; Clifford J. White II, national director, Young Americans for Freedom; Kenneth White, president, Virginia Taxpayers' Association; and Wallace D. Barlow, Calendar Reform Political Action Group.

SUMMARY OF LEGISLATION

The legislation recommended by the committee would amend subsection (a) of section 6103 of title 5 of the U.S. Code. The amendment

would add January 15, the birthday of Martin Luther King, Junior, as a legal public holiday.

Current Federal law contains nine public holidays. These holidays affect only Federal employees and the District of Columbia, not employees of States or local governments or private sector employees. In practice, however, States and local governments and private employers extend the benefits of the Federal holidays to their citizens and employees.

The committee strongly recommends this legislation to the Senate. Dr. King's career is well known in the United States and throughout the world. Winner of the Nobel Peace Prize, advocate of nonviolence and peaceful change, his leadership in the struggle for equality and civil rights in the decades of the 1950's and 1960's is especially familiar to the Congress of the United States; many Members serving now knew Dr. King personally and worked with him to achieve his goals.

By his efforts, his speeches and his dreams, the injustice and tragedy of racial prejudice in America were impressed upon the conscience of all citizens. At the March 27 hearing, Senator Bayh made the following statement:

He taught us that our democratic principles were seriously impaired if they did not apply equally to all Americans. He reminded us that the values of freedom, equality and liberty could not justly be denied to any group of Americans lest we all lose a degree of the same values.

At that same hearing Senator Kennedy said:

Above all, he was an apostle of nonviolence—he taught the nation that change could be achieved without resorting to violence, that the promise of America could be redeemed by peaceful means.

The committee believes that Dr. King's unique accomplishments entitle him to the honor which this legislation would bestow.

Dr King's legacy to America is that persons of all colors can strive to attain the universal goals of freedom and equality. Because he lived, millions of Americans were released from segregation and discrimination. Because he dreamed, millions continue to find hope today that their own dreams of a better life can be achieved. The committee believes that a day set aside in the annual life of the Nation to honor Dr. King will enhance the effort he made and bring us closer to the goals we share together for the future of this country.

APPROPRIATENESS OF THE LEGISLATION

Since 1968 there has been strong public sentiment in support of creating the holiday recommended by the committee. The designation of a holiday honoring Dr. King's birth would symbolize for all Americans a national commitment to the humanitarian goals to which he dedicated his life. Dr. King's efforts have raised the consciousness of all men and women, at home and abroad, to the problems of injustice and discrimination. His efforts culminated in the enactment of the landmark civil rights legislation and voting rights legislation of the past quarter century. His unique contributions helped the Nation to

breathe new life into the constitutional promise of equal protection of the laws for all Americans.

At the March 27th hearing, Ambassador Young noted that:

Dr. King exercised very freely, perhaps more freely than any other American, the privileges and responsibilities of the first amendment and never has our court system been put to such dramatic and productive use as it was during the sixties.

Dr. King insisted that the Nation must confront the evils of racism and discrimination. The nonviolent methods he employed strengthened the American ideal of Government responsive to its people and able to correct serious legal and social inequities within a democratic framework. For these reasons his struggle was ultimately on behalf of all Americans. Dr. King's struggle has come to symbolize this unique chapter in our Nation's history. It has come to represent the commitment to brotherhood and equality and to the principle that injustices, no matter how deeply engrained can be peacefully overcome.

Reverend Lowery of the SCLC said in his testimony that:

His leadership personified the spirit of a people whose historic dedication to liberty caused them to tread the unknown, dare to do the dangerous, pioneer into the perilous knowing that the reward of liberty is more precious than the price the struggle compels us to pay.

Therefore, commemoration of Dr. King's birthday as a national holiday would not only honor his contribution to America; it would also symbolize, for all Americans, regardless of race, color, or national origin, our continuing dedication to these great goals.

Some opponents of this legislation have suggested that Dr. King's efforts and accomplishments were part of an insidious or subversive conspiracy. The committee believes that such accusations are neither supported by facts, nor worthy of extended comment. Such charges have already been exhaustingly reviewed by several Congressional investigations and found meritless.

Others have suggested that there may be other distinguished Americans who are also deserving of this honor. The committee supports this legislation honoring Dr. King on the basis of the committee's assessment of his unique contributions to the Nation and its history. The committee's action is without prejudice to the consideration of future legislation with respect to other persons.

COST OF THE LEGISLATION

By letter of June 25, 1979, the Congressional Budget Office has advised the committee that the "only clearly definable budget impact" of the legislation is the amount of premium pay for Federal employees who would be required to be at work on the holiday. Based on information obtained from the Office of Personnel Management in the Office of Management and Budget, CBO estimated that the amount of premium pay for each current Federal holiday is approximately \$22 million. Taking into account the anticipated October 1979 Federal pay raise, CBO also estimated that the additional payroll cost for observance of Dr. King's birthday as a holiday in January 1980 would be approximately \$23.2 million.

These amounts, however, are likely to be offset to some extent by other savings. CBO advised the committee that "some savings may result due to decreased utility or other services costs on the holiday."

CBO also advised the committee that the normal daily Federal payroll—approximately \$173 million, calculated by dividing the annual payroll by the number of working days in the year—would be spent, whether or not the proposed holiday is in effect. With respect to this figure, the Office of Management and Budget advised the committee by letter of March 22, 1979, that "work not performed on a holiday, represented by the \$173 million in basic pay, is normally made up to some extent during the remainder of the year."

In commenting on the pending legislation, OMB stated:

S. 25 would carry out the President's policy and we urge the committee to give the bill its early and favorable consideration. Enactment of S. 25 would be in accord with the program of the President.

The letters received by the committee from CBO and OMB are printed in the appendix to this report.

REGULATORY IMPACT OF THE BILL

In compliance with paragraph 5 of rule XXIX of the Standing Rules of the United States Senate, the committee states that the bill will provide an additional annual holiday for an estimated 4.9 million Federal employees. The committee believes it would be impracticable to attempt to estimate the economic impact of the legislation on individuals and businesses in the private sector, because such impact will depend on the extent to which States and local governments and private employers extend the holiday to their employees; such impact would also be influenced by the estimate of increased or decreased economic activity in various sectors of the economy as a result of the holiday. The legislation will have no impact on the personal privacy of individuals and will impose no significant recordkeeping requirements.

COMMITTEE VOTES

On July 17, 1979, a quorum being present the committee defeated an amendment offered by Senator Thurmond to substitute a "National Day of Recognition" in lieu of a legal public holiday in honor of Dr. King by a vote of 10 to 6. The rollcall vote was as follows:

<i>Yeas</i>	<i>Nays</i>
Kennedy	Thurmond
Bayh	Hatch
Biden	Laxalt
Culver	Cochran
Metzenbaum	Simpson
Leahy	DeConcini
Baucus	
Heflin	
Dole	
Mathias	

The committee agreed to a motion to report S. 25 by a vote of 10 to 6. The rollcall vote on the motion was as follows:

<i>Yeas</i>	<i>Nays</i>
Kennedy	Thurmond
Bayh	Hatch
Biden	Laxalt
Culver	Cochran
Metzenbaum	Simpson
Leahy	DeConcini
Baucus	
Heflin	
Dole	
Mathias	

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 4 of rule XXIX of the Standing Rules of the United States Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman):

TITLE V, UNITED STATES CODE—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * *

PART III—EMPLOYEES

* * * * *

SUBPART E—Attendance and Leave

CHAPTER 61—HOURS OF WORK

* * * * *

§ 1603. Holidays

(a) The following are legal public holidays:

New Year's Day, January 1.

Martin Luther King, Junior's Birthday, January 15.

Washington's Birthday, the third Monday in February.

Memorial Day, the last Monday in May.

Independence Day, July 4.

Labor Day, the first Monday in September.

Columbus Day, the first Monday in October.

Veterans Day, November 11.

Thanksgiving Day, the fourth Thursday in November.

Christmas Day, December 25.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., June 25, 1979.

HON. EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary,
U.S. Senate,
2226 Dirksen Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: At the request of the committee staff, the Congressional Budget Office has reviewed S. 25, a bill to designate the birthday of Martin Luther King, Junior, a legal public holiday, as introduced and referred to the Senate Committee on the Judiciary, January 15, 1979.

The only clearly definable budget impact from the establishment of an additional Federal holiday is the amount of premium pay for employees who work on the holiday, since the normal daily payroll (approximately \$173 million) would be spent whether the employees work or not. Based on information obtained from the Office of Personnel Management, the average premium pay on a Federal holiday is currently estimated to be approximately \$22 million. There may be additional expenditures for overtime pay on days before or after the holiday, but the amount attributable to the holiday cannot be distinguished from overtime pay resulting from other causes. On the other hand, some savings may result due to decreased utility or other service costs on the holiday.

Since the first holiday observance of Martin Luther King, Junior's birthday would not occur until after the October 1979 pay raise, the additional payroll cost in January 1980 would be approximately \$23.2 million, increasing thereafter at the rate of each year's pay raise.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ROBERT D. REISCHAUER
(For Alice M. Rivlin, Director).

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 22, 1979.

HON. EDWARD M. KENNEDY, *Chairman,*
Senate Judiciary Committee, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the committee's request for the views of this Office on S. 25, to designate the birthday of Martin Luther King, Junior, a legal public holiday.

S. 25 accords with the President's remarks in Atlanta on January 14, 1979, when he expressed the hope that he would be able to sign such a bill this year in honor of Dr. King's principles and accomplishments. Further, in his state of the Union message to the Congress on January 25, 1979, the President stated:

‘Dr. Martin Luther King, Jr. led this Nation’s effort to provide all its citizens with civil rights and equal opportunities. His commitment to human rights, peace and nonviolence stands as a monument to his humanity and courage. As one of our Nation’s most outstanding leaders, it is appropriate that his birthday be commemorated as a national holiday, and I will strongly support legislation to achieve this.’

With regard to the cost to the Federal Government of the holiday, the Office of Personnel Management has advised us that the daily Federal payroll outlay on a regular workday is \$173 million in basic pay, which continues on any holiday. Employees who are required to work receive an additional day’s pay, estimated by OPM to be \$22 million in this fiscal year for each holiday worked, in the form of premium holiday pay.

OPM advises that this premium pay is the only identifiable additional budgetary outlay resulting from a holiday. We should also note that work not performed on a holiday, represented by the \$173 million in basic pay, is normally made up to some extent during the remainder of the year.

S. 25 would carry out the President’s policy and we urge the Committee to give the bill its early and favorable consideration. Enactment of S. 25 would be in accord with the program of the President.

Sincerely,

JAMES M. FREY,
*Assistant Director for
Legislative Reference.*

MINORITY VIEWS OF SENATORS THURMOND, LAXALT, HATCH AND SIMPSON

The efforts to honor Dr. Martin Luther King, Jr. through congressional approval of another legal, Federal holiday did not begin with the introduction of S. 25 on January 15, 1979. As the majority report states: "Since the death of Dr. King in 1968, legislation has been introduced in each Congress to commemorate the anniversary of his birth."

There must be good reason why this proposal has not been acted on in previous Congresses, even though the majority argues: "Since 1968 there has been strong public sentiment in support of creating the holiday recommended by the committee." If this support has been so strong, one must ask: Why has the Congress refused to act on this legislation during the past decade? Without equivocation, there are no less than five major reasons that explain why the Congress has been reluctant to act on legislation to make Dr. Martin Luther King, Jr.'s birthday a Federal holiday.

I. COST OF ANOTHER FEDERAL HOLIDAY

Of all the reasons that a Dr. Martin Luther King, Jr., holiday should be opposed, the high cost associated with such legislation is the most objective and persuasive one. The creation of a Federal, legal holiday will cost according to the Office of Personnel Management approximately \$195 million. That figure is calculated by adding the normal daily payroll of approximately \$173 million which would be spent whether the employees work or not, to the average premium pay estimated to be \$22 million.

Proponents of this legislation argue that a new, Federal holiday will only cost an additional \$22 million since the daily payroll figure of \$173 million will be charged to the Federal Government regardless of whether the employees show up for work or not. The logic of that argument seems defensible if one looks at it through the eyes of a budget analyst. The majority has used as its authority the Congressional Budget Office for the argument that the "only clearly definable budget impact" of the legislation is the amount of premium pay, for example, overtime, and other benefit expenses. True, that would be an additional budgetary consideration, but that begs the question.

The fundamental question to be decided in the consideration of a Federal holiday, aside from who or what is to be honored, is should Federal employees be given another day off. That is the question, plain and simple. Nor is it novel to the committee's consideration of S. 25.

During debate on the House floor in 1920 on a proposal to honor Abraham Lincoln with a Federal holiday, the following exchange took place:

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WILLIAMS) is recognized for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, intending as I do to vote against this measure, I feel I should say a word in explanation of my vote. Coming as I do from the great State of Illinois, I yield to no one in love and veneration of the great name and fame of Abraham Lincoln. I was taught from childhood to worship Lincoln.

But it seems to me that this measure will add nothing to his honor or to his great fame and place in history. It simply creates another legal holiday in the District of Columbia on which the employees of the Government will receive full pay without performing service to the Government.

Mr. HUSTED. Mr. Speaker, will the gentleman yield for just one question?

Mr. WILLIAMS. Yes.

Mr. HUSTED. Does not the gentleman think we had better abolish some holidays already existing rather than prevent the enactment of this?

Mr. WILLIAMS. I do not know that I would object to that, and certainly not if other holidays are to be created. We now have six legal holidays in the District of Columbia, days on which no one works except Members of the two Houses of Congress. Employees of the Government have received full pay and render no service of any kind on these days. In addition to the six legal holidays, employees of the Government have 30 days leave of absence each year with full pay, and are allowed 30 days sick leave with pay.

This measure adds one more holiday. I am not in favor of doing that, even if the name of the great Lincoln is used in support of the measure.

Making Lincoln's birthday a legal holiday in the District of Columbia and closing all the departments of the Government on that day will not add additional honor or fame to that immortal character. His name and fame fills the whole Earth. We cannot add to that fame by closing the departments of the Government on his birthday and giving the employees a holiday at an expense of six or seven hundred thousand dollars each year to the taxpayers of the Country. (Congressional Record, March 17, 1920 at H. 4478).

The matter of extending to Federal employees another paid day of vacation cannot be ignored in regard to S. 25. This is not a "smoke-screen" as the Majority would have us believe. It is a straightforward, factual issue that must be kept in the forefront of the debate on this legislation. It was a debatable issue in 1920 and it is as valid an issue today.

The economy in 1979 is not what most observers would call healthy. Taxpayers are being pinched by runaway inflation. One of the chief causes of inflation is increased Government spending. Most American

taxpayers do not mind having their taxes spent if they know that something productive will result. But how can anything productive be done by the Federal Government when the majority of its employees stay home. S. 25 would authorize 1 additional day of leave, with full pay and benefits, and an accompanying loss of productivity.

In addition to the nine legal holidays Federal employees now enjoy, they also accrue annual leave of up to 26 days a year and annual sick leave with pay at the optimum rate of 13 days a year which, if not used by an employee accumulates for use in future years. Thus, not counting sick leave, a Federal employee is now eligible for 35 days of paid leave a year. This does not count "snow" days or other paid leave days authorized by Executive order or administrative order. Needless to say, Federal employees are not denied a fair amount of leave time.

II. HISTORY OF TWO EXISTING HOLIDAYS

The existing Federal law provides for the observance of nine days during the year as legal, public holidays. Among those are two which honor the birthdays of persons unquestionably linked to the discovery and founding of America—Christopher Columbus and George Washington. These two men are alone in the long history of our Nation as being honored with the designation of a Federal, legal holiday. Except for Christmas Day, which many religions accept as the date of the birth of Christ, the other days are observed in recognition of events in America's history of such magnitude that they transcend regionalism and special groups or cultures. These days have received universal recognition by all Americans and have been celebrated over the years as national holidays even though they were created only to give Federal workers time off from their jobs.

An example of the treatment of past efforts to designate a new, Federal holiday was the debate in the House on March 17, 1920, to make Abraham Lincoln's birthday a Federal holiday. A bill was brought up to make February 12 a legal holiday in the District of Columbia. During the debate on that measure, Representative Cannon of Illinois made the following statement:

Lincoln has crossed over. We can add nothing to his fame. Thomas Jefferson was a great man and a great President and author of the Declaration of Independence. There is no legal holiday for him. There is none for Hamilton, and for other great men of the Revolution by which our liberties were acquired, save alone for Washington. (Congressional Record, March 17, 1920, at H. 4468).

Indeed, there is none for Abraham Lincoln today. Although the House passed the pending measure, the Senate did not act on it. Subsequent efforts to honor great American heroes and patriots have been made, but without success.

III. PLACE IN HISTORY NOT PRESERVED

One of the greatest tributes that can be paid an individual after his or her death is a recognition earned through widespread and unanimous acclamation by all of the people of a Nation or the world. Few living persons achieve such status. There are many who receive the plaudits

of their peers while they are alive, and also shortly after their death. But it is a true honor to be appropriately recognized long after history has had the opportunity to test the contributions of an individual to his world.

In the view of some, Dr. Martin Luther King, Jr., has not preserved beyond reproach his place in history. Although a dynamic and charismatic personage of our time, Dr. King's place in history has not been permanently established. His career, which the history books have yet to treat in any comprehensive manner, was under any circumstance a controversial one. That is not to derogate or belittle the outstanding contribution that he made to the cause of civil rights for black Americans. His record is well documented in that area. But Dr. King's record also reveals other activities which extend beyond his work in the civil rights area making his career controversial to many Americans.

Dr. King was involved in antiwar activities during the Vietnam War. He endorsed Lyndon B. Johnson and spoke out actively against candidate Barry Goldwater. He advocated Communist China's membership in the United Nations. He was a sponsor of the National Committee for a Sane Nuclear Policy. These are just a few of Dr. King's activities while he was in a leadership role in the civil rights movement of the 1960's.

Let it be stated at the outset, there is absolutely nothing wrong with any person taking a position or expressing oneself on the events of the day. The first amendment is our precious protector of that right, and as Ambassador Young noted at the March 29th hearing, which is also astutely quoted in the majority report :

Dr. King exercised very freely, perhaps more freely than any other American, the privileges and responsibilities of the first amendment and never has our court system been put to such dramatic and productive use as it was during the sixties.

It was this quality of Dr. King that has aroused the emotions of the American people. He has ardent followers and vicious attackers. Few persons on the recent American scene have brought out such strong feelings. Only the passage of time can temper those emotions and possibly reserve in history Dr. King's place as an American figure worthy of a Federal, legal holiday.

IV. STATE OPTION APPROACH

Most people are unaware that technically there are no national holidays in the United States. Each State has jurisdiction over its holidays which are determined by either legislative enactment or Executive proclamation. The President and the Congress can only legally designate holidays for the District of Columbia and for Federal employees. As a practical matter, however, most States observe the Federal, legal holidays enumerated in 5 U.S.C. 6103 (a).

Since public holidays are the primary responsibility of the States, there are a great number of legal and public holidays that are observed throughout America. Below is a listing according to World Almanac (1979), of the holidays celebrated and observed in the United States:

LEGAL OR PUBLIC HOLIDAYS, 1979

Technically there are no national holidays in the United States, each state has jurisdiction over its holidays, which are designated by legislative enactment or executive proclamation. In practice, however, most states observe the federal legal public holidays even though the President and Congress can legally designate holidays only for the District of Columbia and for federal employees.

Federal legal public holidays are New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas.

CHIEF LEGAL OR PUBLIC HOLIDAYS

When a holiday falls on a Sunday or a Saturday it is usually observed on the following Monday or preceding Friday. For some holidays, government and business closing practices vary. In most states, the office of the Secretary of State can provide details of holiday closings.

Jan. 1 (Monday)—New Year's Day. All the states.

Feb. 12 (Monday)—Lincoln's Birthday. Ariz., Cal., Col., Conn., Ill., Ind., La., Kan., Md., Mich., Mo., Mont., Neb., N.H., N.J., N.Y., Pa., Tenn., Ut., Vt., Wash., W. Va., In., Del., and Ore., celebrated Feb. 5 in 1979.

Feb. 19 (3rd Monday in Feb.)—Washington's Birthday. All states except N.C. In several states, the holiday is called Presidents' Day or Washington-Lincoln Day.

Apr. 13—Good Friday. Observed in all the states. A legal or public holiday in Conn., Del., Fla., Ha., Ind., Ky., La., Md., Mich., N.J., N.D., Tenn., W. Va. Partial holiday in N.M. and Wis.

May 28 (last Monday in May)—Memorial Day. All the states except Ala., Miss., S.C. (Confederate Memorial Day in Va.). Observed May 30 in Del., Ill., Md., N.H., N.M., N.Y., Vt., W. Va.

July 4 (Wednesday)—Independence Day. All the States. (July 3 in Nev.).

Sept. 3 (1st Monday in Sept.)—Labor Day. All the states.

Oct. 8 (2nd Monday in Oct.)—Columbus Day. Ala., Ariz., Cal., Col., Conn., Del., Fla., Ga., Ida., Ill., Ind., Kan., Ky., Me., Mass., Mich., Minn., Mo., Mont., Neb., N.H., N.J., N.M., N.Y., Oh., Okla., Pa., R.I., Tenn., Tex., Ut., Vt., Va., W. Va., Wis., Wy. Observed Oct. 12 in Md. (Discoverer's Day in Hawaii, Pioneer's Day in S.D.).

Nov. 6 (1st Tuesday after 1st Monday in Nov.)—General Election Day. Ind., N.J., N.Y., Va., W. Va. (Observed only when presidential or general elections are held. Primary election days are observed as holidays or part holidays in some states.).

Nov. 11 (Sunday observed No. 12)—Armistice Day (Veterans Day). All the states.

Nov. 22 (4th Thursday in Nov.)—Thanksgiving Day. All the states. The day after Thanksgiving is observed as a full or partial holiday in several states.

Dec. 25 (Tuesday)—Christmas. All the states.

OTHER LEGAL OR PUBLIC HOLIDAYS

Dates are for 1979 observance, when known.

Jan. 8—Battle of New Orleans. In La.

Jan. 15—Martin Luther King Birthday. Conn., Fla., Ill., Ky., La. (some years), Md., Mass., Mich., N.J., N.Y. Oh. Many schools and black groups in other states also observe the day.

Jan. 15 (3rd Monday in Jan.)—Robert E. Lee's Birthday. Ala., Miss., Lee-Jackson Day in Va.

Jan. 19—Robert E. Lee's Birthday, Ark., Fla., Ga., Ky., La., N.C., S.C., Tenn. (special observance); Confederate Heroes' Day in Tex.

Jan. 20—Inauguration Day. In the District of Columbia; observed every fourth year.

Jan. 30—Franklin D. Roosevelt's Birthday. In Ky.

Feb. 2—Arbor Day. In Ariz. (Most counties).

Feb. 14—Admission Day. In Ariz.

Feb. 27—Mardi Gras (Shrove Tuesday). Ala., La.

Mar. 2—Texas Independence Day. In that state.

Mar. 6—Town Meeting Day (1st Tuesday in Mar.). In Vt.

Mar. 15—Andrew Jackson Day. In Tenn. (special observance.).

Mar. 17—Evacuation Day. In Boston and Suffolk County, Mass.

Mar. 25—Maryland Day. In that state.

Mar. 26—Kuhio Day. In Ha.

Mar. 28—Seward's Day. In Alas.

Apr. 2—Pascua Florida Day. In Fla.

Apr. 6—Arbor Day. In Ariz. (5 counties).

Apr. 12—Halifax Independence Day. In N.C.

Apr. 13—Thomas Jefferson's Birthday. In Ala.

Apr. 16—Easter Monday. In N.C.

Apr. 17—Patriot's Day (3rd Monday in Apr.). Me., Mass.

Apr. 21—San Jacinto Day. In Tex.

Apr. 22—Arbor Day in Neb.

Apr. 23—Fast Day (4th Monday in Apr.). In Ala.

Apr. 26—Confederate Memorial Day. Fla., Ga.

Apr. 27—Arbor Day (last Friday in Apr.) in Ut.

Apr. 30 (last Monday in Apr.)—Confederate Memorial Day. In Miss.

May 8—Harry Truman's Birthday. In Mo.

May 10—Confederate Memorial Day. In N.C., S.C.

May 20—Mecklenburg Day. In N.C.

May 28—(last Monday in May)—Confederate Memorial Day in Va.

June 3—Confederate Memorial Day. In Ky., La. (some years). Tenn. (special observance).

- June 4 (first Monday in June)—Birthday of Jefferson Davis. Ala., Fla., Ga., Ky., Miss.
- June 11—Kamehameha Day. In Ha.
- June 14—Flag Day. Observed in all states; a legal holiday in Pa. Observed June 10 in N.Y.
- June 18—Bunker Hill Day. In Boston and Suffolk County, Mass.
- June 20—West Virginia Day. In W. Va.
- July 24—Pioneer Day. In Ut.
- Aug. 6—Colorado Day (1st Monday in Aug.). In that state.
- Aug. 13—Victory Day (2nd Monday in Aug.). In that state.
- Aug. 13—Bennington Battle Day. In Vt.
- Aug. 17—Admission Day (3rd Friday in Aug.). In Ha.
- Aug. 27—Lyndon Johnson's Birthday. In Tex.
- Aug. 30—Huey Long's Birthday. In La. (some years).
- Sept. 9—Admission Day. In Cal.
- Sept. 12—Defender's Day. In Md.
- Oct. 8—Alaska Day. In that state.
- Oct. 31—Nevada Day. In that state.
- Dec. 10—Wyoming Day. Commemorates woman's suffrage in that state.
- Dec. 24—Christmas Eve. In Ark.
- Dec. 26—Day after Christmas. In S.C.

DAYS USUALLY OBSERVED

- All Saints' Day, Nov. 1. A public holiday in Louisiana.
- American Indian Day (Sept. 28 in 1979). Always fourth Friday in September.
- Arbor Day. Tree-planting day. First observed April 10, 1672, in Nebraska. Now observed in every state in the Union except Alaska (often on the last Friday in April). A legal holiday in Utah (always last Friday in April), and in Nebraska (April 22).
- Armed Forces Day (May 19 in 1979). Always third Saturday that month by presidential proclamation. Replaced Army, Navy and Air Force Days.
- Bill of Rights Day. Dec. 15. By Act of Congress. Bill of Rights took effect Dec. 15, 1791.
- Bird Day. Often observed with Arbor Day.
- Child Health Day. (Oct. 1 in 1979). Always first Monday in October by presidential proclamation.
- Citizenship Day. Sept. 17. President Truman. Feb. 29, 1952, signed bill designating Sept. 17 as annual Citizenship Day. It replaced "I Am An American Day," formerly 3rd Sunday in May and Constitution Day, formerly Sept. 17.
- Easter Monday. (Apr. 16 in 1979). A statutory day in Canada.
- Easter Sunday. (April 15 in 1979).
- Elizabeth Cady Stanton Day, Nov. 12. Birthday of pioneer leader for equal rights for women.

Farmer's Day. (Oct. 8 in 1979). Florida.

Father's Day. (June 17 in 1979). Always third Sunday in that month.

Flag Day, June 14. By presidential proclamation. It is a legal holiday in Pennsylvania. Observed June 10 in N.Y. in 1979.

Forefathers' Day, Dec. 21. Landing on Plymouth Rock, in 1620. Is celebrated with dinners by New England societies especially "Down East".

Nathan Bedford Forrest's Birthday, July 13. Observed in Tennessee to honor the Civil War general.

Four Chaplains Memorial Day, Feb. 3.

Gen. Douglas MacArthur Day, Jan. 26. A memorial day in Arkansas.

Gen. Pulaski Memorial Day. Oct. 11. Native of Poland and Revolutionary War hero, died (Oct. 11, 1779) from wounds incurred at the siege of Savannah, Ga. Observed officially in Indiana.

Gen. von. Steuben Memorial Day, Sept. 17. By presidential proclamation.

Georgia Day, Feb. 12. Observed in that state. Commemorates landing of first colonists in 1733.

Groundhog Day, Feb. 2. A popular belief is that if the groundhog sees his shadow this day, he returns to his burrow and winter continues 6 weeks longer.

Halloween, Oct. 31. The evening before All Saints of All Hallows Day. Informally observed in the U.S. with masquerading and pumpkin-decorations. Traditionally an occasion for children to play pranks.

Leif Ericsson Day, Oct. 9. Observed in Minnesota, Wisconsin.

Loyalty Day, May 1. By act of Congress.

May Day. Name popularly give to May 1st. Celebrated as Labor Day in most of the world, and by some groups in the U.S. Observed in many schools as a Spring Festival.

Minnesota Day. May 11. In that state.

Mother's Day. (May 13 in 1979). Always second Sunday in that month. First celebrated in Philadelphia in 1908. Mother's Day has become an international holiday.

National Aviation Day, Aug. 19. By presidential proclamation.

National Day of Prayer. By presidential proclamation each year on a day other than a Sunday.

National Freedom Day, Feb. 1. To commemorate the signing of the Thirteenth amendment, abolishing slavery. Feb. 1, 1865. By presidential proclamation.

National Maritime Day, May 22. First proclaimed 1935 in commemoration of the departure of the SS Savannah, from Savannah Ga., on May 22, 1819, on the first successful transatlantic voyage under steam propulsion. By presidential proclamation.

Pan American Day, Apr. 14. In 1890 the First International Conference of American States, meeting in Washing-

ton, was held on that date. A resolution was adopted which resulted in the creation of the organization known today as the Pan American Union. By presidential proclamation.

Primary Election Day. Observed usually only when presidential or general elections are held.

Reformation Day, Oct. 13. Observed by Protestant groups.

Sadie Hawkins Day (Nov. 17 in 1979). First Saturday after November 11.

St. Patrick's Day. Mar. 17. Observed by Irish Societies, especially with parades.

St. Valentine's Day, Feb. 14. Festival of a martyr beheaded at Rome under Emperor Claudius. Association of the day with lovers has no connection with the saint and probably had its origin in an old belief that on this day birds begin to choose their mates.

Senior Citizens' Day. (Sept. 23 in 1979). Celebrated in Indiana on the fourth Sunday in September.

Susan B. Anthony Day, Feb. 15. Birthday of a pioneer crusader for equal rights for women.

United Nations Day, Oct. 24. By presidential proclamation to commemorate founding of United Nations.

Verrazano Day, Apr. 7. Observed by New York State to commemorate the probable discovery of New York harbor by Giovanni da Verrazano in April 1524.

Victoria Day (May 21 in 1979). Birthday of Queen Victoria, a statutory day in Canada, celebrated the first Monday before May 25.

Francis Willard Day, Sept. 28. Observed in Minnesota to honor the educator and temperance leader.

Will Rogers Day, Nov. 4. In Oklahoma.

Wright Brothers Day, Dec. 17. By presidential designation to commemorate first successful flight by Orville and Wilbur Wright, Dec. 17, 1903).

Youth Honor Day, Oct. 31. Iowa day of observance.

Other Holidays, Anniversaries, Events—1979

Jan. 5, 1979—Zebulon Pike born.

Jan. 15, 1929—Martin Luther King born.

Jan. 21 (Sun.)—Superbowl game.

Feb. 1 (Thurs.)—Robinson Crusoe Day.

Feb. 14 (Wed.)—St. Valentine's Day.

Mar. 14, 1629—Massachusetts Bay Co. chartered.

Mar. 14, 1879—Albert Einstein born.

Mar. 21 (Wed.)—Spring begins, 12:22 a.m. EST

Mar. 27, 1879—Edward Steichen born.

Apr. 1 (Sun.)—April Fool's Day.

Apr. 16 (Mon.)—Boston Marathon.

May 1 (Tues.)—Law Day.

May 5 (Sat.)—Kentucky Derby.

May 17, 1954—Supreme Court outlaws school segregation.

May 24, 1879—William Lloyd Garrison dies.

May 27, 1679—Parliament passes Habeas Corpus Act.

May 27 (Sun.)—Indianapolis 500 auto race.

June 21 (Thurs.)—Summer begins, 6:56 P.M. EST.

- June 24 (Sun.)—San Juan Day in Puerto Rico St.
 July 1 (Sun.)—Jean Day in Quebec. Dominion Day or
 Canada Day.
 July 14 (Sat.)—Bastille Day in France.
 July 20, 1969—U.S. astronauts land on moon.
 Aug. 1, 1779—Francis Scott Key born.
 Aug. 14, 1879—Ethel Barrymore born.
 Sept. 16 (Sat.)—Mexican Independence Day.
 Sept. 23 (Sun.)—Autumn begins, 10:17 A.M. EST.
 Sept. 28, 1779—John Paul Jones captures *Serapis*.
 Oct. 15 (Mon.)—World Poetry Day.
 Oct. 23 (Tues.)—Swallows return to Capistrano.
 Oct. 29, 1929—Stock Market crashes.
 Nov. 2, 1879—Wallace Stevens born.
 Nov. 4, 1879—Will Rogers born.
 Nov. 5 (Mon.)—Guy Fawkes Day in England.
 Nov. 10, 1879—Vachel Lindsay born.
 Dec. 7 (Fri.)—Pearl Harbor Day.
 Dec. 18, 1879—Paul Klee born.
 Dec. 22 (Sun.)—Winter begins, 6:10 A.M. EST.
 Dec. 29, 1879—Billy Mitchell born.

It is clear, when one reviews the variety and nature of holidays observed in this country, why a congressional decision to add another Federal holiday has been avoided in recent years. America is a kaleidoscope of regions, cultures, ethnic backgrounds and values. Historical events, though common to the history of America in a larger context, have special and particular meaning to certain parts of the country. Certain individuals have special meaning to particular groups of people and to particular regions. Surely, these groups argue, this person or this event is important enough to merit recognition as a Federal holiday. Surely, everyone shares their enthusiasm for observing and commemorating a day to honor this or that. But Congress, in its wisdom has refused, and, with good reason, to succumb to these pleas. Thus, a proliferation of days to observe, at local option, those special Americans and events has emerged.

Dr. Martin Luther King, Jr.'s birthday has not been ignored in this process. His birthday, January 15, is observed in the States of Connecticut, Florida, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, South Carolina, and to some degree in other States throughout the Nation. These States have recognized the principle of Federalism that leaves to the States matters that are not necessarily the province of the Federal Government. Local option by the States with regard to holidays should be upheld.

V. A NATIONAL DAY OF OBSERVANCE

The most reasonable and forceful alternative to the designation of Dr. Martin Luther King, Jr.'s birthday as a Federal, legal holiday, is an annual day of observance for the same purpose. Such a day would achieve the purposes sought by the proponents of S. 25, the setting aside of a day to memorialize Dr. King and his achievements. It would also avoid many of the problems that the creation of a new, Federal holiday entails.

There is ample precedence for the designation of days as National days of observance. The Committee considers dozens of them each year. That is not meant to downplay the importance of a day of national observance. On the contrary, January 15 is already recognized as Dr. King's birthday throughout many parts of the country. Moreover, although legislation before the committee designating national holidays is only considered for an annual observance, any legislation considered for Dr. King should make January 15 of each year a national day of recognition.

OPPOSITION TO S. 25

Two days of hearings on this legislation were held. The first day, March 27, 1979, consisted of witnesses who testified in favor of S. 25. The majority report summarizes their testimony and highlights the arguments in support of this legislation.

On June 21, 1979, a second day of hearings was held and included several witnesses who testified in opposition to S. 25. The hearing record of this day has been dismissed out of hand by the majority. Although there were charges made during the June 21 hearing that are not necessarily shared by members of the committee, it would not be fair to the legislative process to not present some of the arguments made in opposition to S. 25.

Several witnesses, representing conservative groups like the Young Americans for Freedom and the Virginia Taxpayers' Association opposed S. 25 because of the costs involved to such legislation and because Dr. King's place in history was not without controversy. Clifford J. White III, National Director of Young Americans for Freedom, stated:

In conclusion, I ask the Committee to reject S. 25. Please do not tell young Americans that Martin Luther King's memory—as it is construed by many to mean antidefense, pro-Government spending and other political positions—is beyond reproach.

It should be pointed out that even though one may not be persuaded by the testimony presented during the second day of hearings, the fact that people still consider Dr. King a controversial figure argues against the creation of a Federal holiday at this time. The Judiciary Committee should weigh carefully the burden of creating a new, Federal holiday when so many arguments in opposition to it have been made. A simple majority is not sufficient in this case; near unanimity should be required on an issue of such national impact. This legislation is as controversial now as it has been in the past. Until Dr. King's place in history is sufficiently preserved it will continue to be so. Therefore, the Committee should reject S. 25 as introduced.

STROM THURMOND.
PAUL LAXALT.
ORRIN G. HATCH.
A. K. SIMPSON.

INDIVIDUAL VIEWS OF THAD COCHRAN AND JOINED
IN BY SENATOR ALAN SIMPSON

The designation of a Federal legal holiday has been used to honor only two men, Christopher Columbus and George Washington. Accordingly, I supported the substitute proposal for a day of national observance to honor Dr. Martin Luther King, Jr. This would recognize Dr. King in the same way we honor other great Americans such as Abraham Lincoln and Thomas Jefferson.

THAD COCHRAN.
AL SIMPSON.

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