

STATE OF NEW YORK
—
PUBLIC PAPERS
≡
OF
THOMAS E. DEWEY
FIFTY-FIRST GOVERNOR
≡
OF THE
STATE OF NEW YORK
1944



ALBANY
WILLIAMS PRESS, INC.
1946



Thomas E. Dewey

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INTRODUCTORY STATEMENT

THE Public Papers in this volume constitute the history of the State of New York during the third and most crucial year of the most terrible war that ever afflicted mankind. It was the second year of the first Republican administration of the State in two decades, an administration pledged to maintain the strength and purpose of our State and its thirteen million people, wholeheartedly and effectively, in the war effort. These Papers are, accordingly, a record of continued progress in the keeping of that pledge.

With victory in sight we also instituted concrete and practical plans for meeting the inevitable post-war problems. As an example, New York took the lead in establishing a Post War Reconstruction Fund. By this measure we locked up the surplus that had accumulated in the State Treasury, to be held in trust for the people of the whole State as well as for the benefit of the men and women returning from our armed forces and for our war workers. As these Papers will show, this was only one of several measures to make New York ready for peace.

In the accomplishment of these things the high-minded cooperation of both houses of the Legislature was invaluable and beyond praise. Again, I record my profound appreciation of their patriotism and unselfishness, and of the magnificent teamwork contributed by my colleagues in the government, by Lieutenant Governor Hanley, by Comptroller Frank C. Moore, and Attorney-General Nathaniel L. Goldstein. They have all helped immeasurably to translate into action the fact that the government of New York State belongs to the people of New York State.

THOMAS E. DEWEY

I
MESSAGES TO THE LEGISLATURE

I

MESSAGES TO THE LEGISLATURE

Regular Session—Convened January 5—Adjourned March 18

ANNUAL MESSAGE

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *January 5, 1944*

To the Members of the Legislature of the State of New York:

Since we last met, the armed forces of our Country and our Allies have made great strides on the road toward victory. In that progress our State, with its 13,500,000 people, has taken a vital and increasing part. In every aspect of the relations between city and country, between capital and labor, between agriculture and business, between your State Government and its people, between men of good will in both great political parties there has been unity in the war effort in the State of New York. I have absolute confidence that this precious unity will continue and grow even stronger as we enter the final, desperate stages of this dreadful conflict and that victory will surely and before too long, rest on the arms of the free people of the world.

One year ago we pledged ourselves to a program of grave and formidable tasks. Thanks to the wholehearted and generous cooperation of your Honorable Bodies, every one of those pledges was fulfilled. But this is a continuing task. The end is not in sight. Since the bloodiest battles are still ahead on the fighting front we shall need to put forward even greater effort and sacrifice on the home front.

Moreover, the advances of our fighting forces have already brought closer the inevitable problems of a victorious peace. Some of those problems are not merely ahead of us; they are right here on our doorstep. We must proceed, forthwith, not merely to meet them, but to welcome them.

STATE FINANCES

Post-War Reconstruction Fund

In its finances our State is more happily situated than it has been at any time since the late 1920's. Every department of State Government has tightened its belt, worked harder, been more careful

in its handling of the public's funds. I can confidently report that good management has started to show up in better service to our people.

The financial position of the State has also been much aided by the full employment of men and of industries arising out of the war effort and by reduced expenditures resulting from the necessity of postponing normal purchases, repairs and new undertakings so as not to interfere with the war effort.

As a result, I am happy to report to you that I expect the cash balance in the General Fund on March 31, the end of this fiscal year to amount to some \$140 millions.

Naturally there have already been many helpful suggestions about how to use the State's surplus. In general they are of two kinds: some groups suggest that the surplus be used to reduce taxes; other groups are eager to see the surplus given away to aid them or their particular cause. Either tax reduction or increased spending at this time would, in my judgment, be unsound and irresponsible. We must never forget that this is not a normal surplus. It does not reflect either normal receipts or normal expenditures. It has come to us out of the hurricane of war. It can be, it must be safeguarded to meet post-war needs.

Too often, fiscal policy has followed the treacherous course of reducing taxes in relatively good times only to be confronted with the black necessity of increasing taxes in hard times. We must avoid that pitfall. The existing level of taxes can be borne more easily now than could higher taxes after the war. The incomes from which taxes must be paid are today at the highest point in our history. It is to be hoped that income after the war will continue favorable but that is something no one can know for sure. One thing we do know for sure. After the war the State will be called upon to meet many increased demands and the present tax structure will again be under the age-old pressure for expansion.

Even before this war the State's physical plant has been allowed to run down at the heel. The spectre of continually threatening deficits robbed our highways of proper maintenance and needed expansion. State buildings were not repaired to the extent demanded by the ravages of time. Too little equipment was replaced and too little new equipment was acquired. If men and materials were available today, we should have been busy repairing many of these deficiencies and the State would not have anything like so large a surplus. It would be spending the money that has gone into the surplus on the reconstruction and improvement of its wasting plant and equipment. When men and materials are again available the State's surplus will bring them together. It can and must be a vital factor in contributing to post-war employment in our State.

The highways are being taken care of on the surface but many of them are wholly inadequate to meet the demands of modern traffic. Steel structures and woodwork on State properties cannot be painted and floors and roofs are receiving only temporary

repairs. Many of these conditions had existed for years before we entered the war. Some we have improved for the efficient operation of the State Government but most remain to be done. If we seem, here and there, to be fighting a losing battle with wear and tear it is because we do not wish to use any of the men and materials needed to win the more important battles that are being fought around the world today.

Our mental hospitals, with more than 100,000 patients, are overcrowded by 20 per cent and the buildings and equipment are deteriorating at an accelerated pace. After the war we must expand the capacity of these institutions to provide more space for the care of patients and restore the physical plant on a broad basis. The shortage of manpower and other war conditions have prevented the opening of some new State facilities and have forced the closing of sections of other institutions. But these facilities are not idle. They are being used by the Federal Government. The War Department is using for hospitals, supply depots and training, three large State institutions and portions of others. When the war is over these properties will again have to be manned by the State.

All of this means that we are building a great backlog of construction, repair, deferred services and equipment purchases that must be financed after the war.

When the men in our armed forces and the workers in our war plants return to their peacetime occupations they have a right to expect that we, at least, shall have done our part to help create employment opportunities. The State can contribute to the creation of these jobs by having ready a substantial program of reconstruction. Through the Post-War Public Works Planning Commission, the Department of Public Works and other agencies the State has been preparing blueprints of necessary and worthwhile work. But it is not enough to prepare blueprints. We have seen too much blueprinting which involved, in effect, blue sky financing by government. We must prepare not only blueprints but also the means of soundly financing the works projected by the State.

Ordinarily it takes many months to perfect measures for financing capital outlay programs, to secure their adoption by the Legislature and, after that, actually to raise the needed funds. That is true whether the financing comes from taxation or from borrowing. But the State of New York is in the fortunate position of being able to face the responsibilities and the opportunities of the post-war period strengthened by a large accumulated surplus.

If we were to dissipate this money now we would be adding fuel to the threatened forces of inflation; we would be wilfully injuring the war effort; we would be contributing to the economic dislocations which may follow the war.

If, on the other hand, we husband these savings against the inevitable rainy day, we can help to finance out of them a post-war program of necessary deferred works. Let us not forget that the stimulus of public spending can be nullified by the burden of taxes and debt erected to finance it. But a post-war program of public works and of rehabilitation financed out of wartime savings can

be a real, a healthy and a sound stimulus to our economy. By the proper use of these funds at the proper time we can contribute to the economic and social rehabilitation of the men and women who will return from our armed forces, seeking once more to find their places in a going peacetime economy.

This State surplus is not ours to spend at this time or to give away in the remission of taxes. It has come to us out of savings and out of the war. As such we hold it only as trustees. It belongs as much, indeed more, to the men who are fighting this war. When they return it must be available to meet the needs of that critical period.

Accordingly, I recommend that your Honorable Bodies create a Post-War Reconstruction Fund, separate from the General Fund, and that you transfer to this Reconstruction Fund the entire surplus of \$140 millions. Appropriations should, of course, be made from this Reconstruction Fund as they are needed for the purposes for which it is created and temporary borrowing by the State during low income months within a fiscal year should be from this fund, and accordingly, without interest, rather than from private lenders at interest.

I earnestly hope that for the sake of the State's one million fighting men, for the sake of the working people of our State, for the sake of the safe financial future of the State itself, we can make this \$140 millions Reconstruction Fund, Chapter 1 of the Laws of 1944.

Most of this money will not be needed until peace comes. I therefore propose, further, that all the unappropriated balances in the Reconstruction Fund be made available for immediate investment in the securities of the United States Government.

Thus our State surplus will go to work at once to help our country finance the war and will then be available at once to help finance the peace.

Simplified Return for Personal Income Taxes

Over the years our income tax forms have become more and more complex. We have now reached a point where the burden of making out an income tax is often greater than the burden of the tax itself. The time has come to provide a simpler, less burdensome method of complying with the Income Tax Law.

Something like 80 per cent of our income taxpayers in this State pay an average tax of about \$15; yet many of them, fearful of errors, pay more than that for tax experts to assist them in making up their returns. The resulting expense is virtually an added tax, often bigger than the tax owed to the State.

We therefore find that accumulated, complicated legal provisions have created the spectacle of a citizen spending night after night struggling with a ten or twenty dollar tax return, or paying more than the tax to have it made out for him. This condition makes good citizenship an intolerable burden. It makes government itself onerous to its own people.

To correct this situation our able, progressive, newly constituted State Tax Commission has prepared a simplified form for the use of taxpayers whose income is derived from wages, salaries, commissions, pensions, interest, dividends, partnerships, estates or trusts. It is a simple one-page return, easily understood, and capable of being filled out by an average taxpayer in five or ten minutes. This form will permit all the usual deductions. It will be available for optional use in reporting the tax due on income earned during 1943.

25% Reduction for Personal Income Tax

As a further measure to relieve the taxpayers of the State, I recommend that the Legislature continue the 25 per cent reduction in the personal income tax for another year.

Business Corporation Tax

It is of paramount importance to the people of our State that it be made hospitable to business enterprise after the war. With great latitude of choice many companies will be facing a decision whether to continue peacetime conversion and operation of their New York factory or their Akron, Springfield or Dallas factory. The fairness and justice of the system of taxation of our State may vitally affect the lives and welfare of many of our people, as well as the future of our State for many years to come. Any step which will aid in the employment of our people is one to be studied with great care indeed.

The State Tax Commission has submitted to me and made public a report proposing a broad revision of the State business corporation tax structure. The report makes many specific recommendations for revising the Corporation Tax Law so as to provide a more equitable spread of business taxes and to encourage business and financial corporations to locate and carry on their functions in this State. The purpose of the proposed revision is not to increase revenues from existing corporate taxpayers but to distribute the burden of such taxes with greater fairness and to adopt a method of taxing business income which is in closer conformity with such taxation in other states.

It is expected that proposed legislation will be submitted by the Tax Commission for the consideration of the Legislature during the course of this session.

VETERANS' UNEMPLOYMENT INSURANCE

For many months now the leaders of the National Government have been talking about a program of assistance for discharged war veterans. Thus far exactly nothing has been done. Yet the returning veteran cannot wait for Washington. He is with us right now.

In this year 1944 it is expected that about 100,000 New York veterans will be released from service. Of this number about one in five is likely to be unemployed and in search of a job for varying periods of time.

Under our Unemployment Insurance Law, unemployment benefits depend on prior record of employment. Members of our armed forces who were covered by unemployment insurance prior to induction continue to be entitled to benefits. But, unfortunately, only about half of those in military service from this State have unemployment insurance. Half of the able-bodied veterans seeking work in 1944 will be without unemployment insurance protection as the law now stands.

To the limit of our capacity we should extend proper aid to them now. I respectfully submit that the Unemployment Insurance Law should be amended so as to grant equal protection to all unemployed veterans upon their release from service. Every veteran who lived in this State at the time of his induction should be entitled to the maximum benefits now provided by the law so long as he is seeking work in the State of New York or until the National Government acts to take over its proper responsibility for discharge allowances to all veterans.

The cost of this protection to unemployed veterans is not properly chargeable to the Unemployment Insurance Trust Fund because this fund was built up solely from contributions made by employers on behalf of their own employees. I recommend, therefore, that the cost be met out of general State revenue.

I suggest also, that legislation to carry out this proposal should, of course, be so framed as to permit the State to take advantage of any federal grant which the United States Congress may make to defray the cost of such extended benefits.

POST-WAR EDUCATION

The war has forced many young men and women to interrupt their education. The experiences of the war will have inspired in many others a new desire for additional education and training. Our State Educational System should be ready to meet the needs and aspirations of the men and women returning from the armed services and the munition plants.

The State Education Department is now completing an inventory of the facilities for higher education in the State and is surveying the plans of other institutions for meeting the veterans' requirements.

Many men and women, however, will not want the usual college and university courses. Some will be seeking courses to fit them for technical jobs or sub-professional work. Others will want vocational training to provide them with skill useful in peacetime occupation. Still others will require courses to round out gaps in their education left by the war-enforced interruption of their schooling or other work to increase their ability to obtain and hold employment.

The Board of Regents has submitted proposals for the establishment of new technical institutes for war service schools, for the increased use of existing vocational schools, and for the provision of counseling service. These measures for meeting the educational needs of the men and women returning from the armed services and from war industries are desirable, particularly if they can be conducted in existing school facilities and, so far as possible, with existing personnel. I commend them to you for your careful study.

Other portions of the program recently published by the Board of Regents will require more time for study and will, I am sure, receive careful consideration.

POST-WAR EMPLOYMENT

Government—federal, state and local—can do much to cushion the effects of post-war economic readjustment. It can help to stimulate the creation of job opportunities. But we must never forget that the heart of the economic life of America is business and industrial enterprise. It provides the great preponderance of employment opportunities for our people. We who are responsible for the governmental policy of New York State have an ever-present obligation to keep that concept in mind.

When the time comes for re-conversion to peacetime production our State will be in a strong position in two important respects. First, the construction of new war plants has been low in relation to the State's proportion of the national industrial plant. Thus the problem of converting war-designed factories to peacetime uses will not be as great in New York State as in some other industrial regions of the country. Second, much of the war production in our State and particularly in New York City has been of a type corresponding to the normal manufacturing activities of the State. Accordingly when the time comes for changing over to civilian production the operation will be that much smoother.

This does not mean that New York State will not have its post-war problems. A number of communities of our State have mushroomed into war boom towns. Many of these communities cannot expect to carry on at the same feverish pace. For many of them the end of the war will bring serious economic dislocations.

When the military war is over we will be confronted by a new war—a war against unemployment and economic dislocation. In shaping our battle lines for that war we shall be guided by two major principles: (1) we must be ready to cooperate through every legitimate branch of public effort with the people of the State in their business endeavor; (2) we must avoid any steps that interfere with or hinder the fullest possible productivity and employment of our people. In accordance with these principles the State Administration is already at work. The Division of Commerce is engaged upon a program to encourage business development, to stimulate job opportunities and to help create a sound, profitable, industrial climate in New York State.

DEPARTMENT OF COMMERCE

At the general election last November the people of the State adopted a constitutional amendment for the creation of a Department of Commerce in the State Government. This proposal, originating with the Joint Legislative Committee on Industrial and Labor conditions, was passed unanimously in both houses of the Legislature in the last two sessions. It is now our responsibility to create the Department of Commerce.

It is my hope that legislation to this end will be adopted at an early date so that the new department can carry forward the work successfully launched by the Division of Commerce.

ACQUISITION OF RIGHTS-OF-WAY

Even before the war our State system of roads and highways had been allowed to deteriorate. In terms of modern traffic requirements much of it had become obsolete. This condition has been aggravated by the curtailment of new construction during the war.

When the war is over and materials are again available the State must be prepared to undertake very extensive repairs, modernization and new construction. In so doing it will have an opportunity to contribute greatly to post-war reemployment and to the stimulation of industrial recovery. We must make ready now by clearing away some of the obstacles that have previously hampered the proper development of our highway system.

One of the most important of these obstacles has been the acquisition of rights-of-way. For this the State has hitherto been dependent upon the action of individual counties. As a result, a heavy burden was placed upon many counties and the State's program of highway development was defeated by the unwillingness or inability of some counties to acquire the necessary rights-of-way.

This question has been given careful study in recent months. I now recommend that the State be authorized to acquire and pay for necessary rights-of-way in order that the post-war program of highway construction may be carried out. In this connection I also recommend that the State should pay for the building of those parts of its arterial highways which are to pass through cities.

Thru-Ways

The Legislature has previously authorized the construction of a system of connected thru-ways intended to give our State the best highways in the world. The time has now come when funds should be appropriated to permit work to be started on these thru-ways as soon as men and material are available.

FLOOD CONTROL

The present system of cooperation with the Federal Government in flood control work has proved its value. It should be continued.

FOOD

One year ago our people were threatened with a grave shortage of food which might have had a dangerous repercussion upon the agriculture and the war industries of the State. With the approval of the leaders of the Legislature and the New York State War Council, the Emergency Food Commission was created. Working without any powers of compulsion or regulation the commission met one emergency after another and succeeded in removing obstacles in the path of maximum food production to an extraordinary extent. Its record of service to all the people of the State is a conspicuous example of patriotic effort, voluntarily made by a group of experts such as have rarely been gathered together in the service of the State or the Nation.

The State Office of Farm Manpower Service has been particularly helpful in giving New York a record outstanding among the states in dealing with the farm labor problem. That success was due to a combination of factors, principal of which was the teamwork among various agencies.

We must be sharply aware, however, that the success of 1943 will be more difficult of achievement in 1944. Deterioration of farm machinery will be still more acute. The shortage of farm manpower is likely to call for still greater volunteer and summer help. The feed shortage still threatens our dairy and poultry farms and the essential supply of milk, butter, eggs and cheese for our people. There is even more intensive work ahead.

The work of the Emergency Food Commission and of the Office of Farm Manpower must be continued.

PUBLIC WELFARE

Our present system of welfare services is a patchwork. Laws have been enacted through the years and programs introduced as the people of the State have come to recognize the needs of new groups of dependents or have found new devices for meeting old problems. The establishment of each new program has usually carried with it a new administrative unit or plan of operation. The financing of these services has developed without any over-all plan so that the variation in the cost borne by the localities and the State is a bewildering set of inconsistencies.

To show the confusion more graphically, I am presenting to you on page 14, a chart of the principal State programs of social insurance and welfare agencies. This shows the date of the establishment of each new activity, the date when State aid commenced, the number and variety of administrative units, and the proportionate share of the cost both for service and administration borne by the localities, the State and the Federal Government.

A more effective attack upon our present day and future responsibilities in the field of social security requires that we bring related activities into an effective working team and that we simplify our

administrative machinery. I commend to you for your earnest study and consideration the plain necessity of an integration of our social services.

MEDICAL CARE

Medical care for persons who cannot provide it for themselves and their families continues to be one of the chief areas of unmet human need. This calls for cooperative action on the part of public administrators and private physicians to bring about a high order of medical care for the needy sick by the judicious use of tax funds and medical facilities. Our own state-sponsored program of public medical care, operating through local welfare departments, has made great strides in this direction.

New York State's medical care program comprises a partnership of government and the medical profession, functioning cooperatively in the interest of public health and welfare, without endangering medical standards, threatening the professional interest of the practitioner or the financial capacity of our people.

The program is not a solution for all the weaknesses, flaws and defects of public and private medical services. It does have within it the elements of a pattern of adequate care, acceptable to the medical profession and local communities with benefit to the patient, the doctor, the community and the taxpayer.

I have spent many hours in the past year, conferring with leaders in the field of medical care, searching for the solution which will broaden the availability of medicine and hospitals and at the same time will preserve the integrity and the freedom of the medical profession. I believe the problem can and must be solved. There is a strong will to meet the needs of our people. There is an equally great need. The two must be brought together.

In the field of medical care I believe the State has an essential function. That we may soundly and promptly meet the need, I respectfully recommend the creation of a commission to propose a program at your next session. This commission shall consist of members from each of your Honorable Bodies, members of the medical profession, the Commissioners of Health and Social Welfare, a bed-side and a hospital nurse and a hospital administrator.

WORKMEN'S COMPENSATION

As you are well aware, the painstaking investigation into the administration of the Workmen's Compensation Law has brought to light the most widespread and shocking scandals from which the government of the State of New York has suffered in many years. It is not necessary to dwell upon them now nor to explain the methods by which workmen and their families were so cruelly cheated and by which millions of dollars that should have gone to them went into the pockets of the unscrupulous. All this was due to a condition of dry-rot inside the Department of Labor. I have been ridding that department of the remainder of those who shared the responsibility for these malefactions with past administrations of the State Government. We are taking steps to make sure that injured workers receive justice and the proper treatment that is due them.

PUBLIC WELFARE AND RELATED SERVICES IN NEW YORK STATE
BY PROGRAM, ADMINISTRATIVE UNIT AND FINANCIAL PARTICIPATION

Program	Initiated	State Aid Began	Federal Aid Began	Administered by	Percentage of Financial Participation *					
					Assistance or Service			Administrative Costs		
					Local	State	Federal	Local	State	Federal
Home Relief	Origin in "Poor Relief"	1931	1932-1935	11 counties, 46 other counties (non-settled only), 49 cities, 735 towns	57.6	42.4	0	60.0	40.0	0
Public Home Care	Origin in Alms-house Care	None	None	55 counties, 7 cities and towns maintain homes	100.0	0	0	100.0	0	0
Hospitalization — General	Origin in Alms-house Care	None	None	7 counties, 11 cities, 2 towns and 3 villages maintain public general hospitals	100.0	0	0	100.0	0	0
Child Welfare	1875	1937	None	55 county and 6 city departments of public welfare, 2 county boards of child welfare	100.0	0	0	60.0	40.0	0
Veteran Relief	1887	1931	None	Optional provision, follows home relief	Included in home relief					
Hospitalization — Tuberculosis	1900	1900	None	State, 25 counties, 3 cities maintain sanatoria	70.5	†29.5	0	†	†	0
Workmen's Compensation	1911	None	None	State, through local offices	Financed through premiums paid by employers					
Aid to Dependent Children	1915	1937	1937	36 county and 5 city departments of public welfare, 21 county boards of child welfare	48.1	27.5	24.4	50.0	0	50.0
Assistance to the Blind	1922	1937	1937	57 counties, 6 cities	24.8	29.6	45.6	50.0	0	50.0
Services for Crippled Children	1926	1926	None	57 counties and 1 city, through children's courts	27.0	61.0	12.0	†	†	†
Old Age Assistance	1931	1931	1936	57 counties, 24 cities	24.9	29.9	45.2	39.0	50.0	11.0
Unemployment Insurance	1938	1938	None	State, through local offices	0	100.0	0	0	0	100.0

* Figures for home relief, aid to dependent children, old age assistance and assistance to the blind represent composite rates of participation. Costs of 100% state charges are included in state share of public assistance only.

† No state participation in financing county sanatoria at present except in Cattaraugus and Columbia counties. Counties with less than 150,000 population may qualify for 50% state reimbursement of net operating costs if certain standards are met.

‡ Segregation of administrative costs impractical.

It will be my duty later to recommend to you methods of making any repetition of the conditions disclosed last year impossible in the future.

MORTGAGE MORATORIUM

To meet the emergency conditions during the economic collapse of the 1930's, a mortgage moratorium was put into effect. This has been renewed from year to year. In its present form it prevents the foreclosure of mortgages so long as the home owner pays his interest and 1 per cent of the principal each year. The conditions of unemployment and reduced income which called this legislation into being have long since passed. The present period of high employment and high income is one in which debts ought to be paid off. Accordingly, I believe that while the mortgage moratorium should be continued so as to avoid undue, sudden hardship, the bill should provide for reasonable payments upon the principal of these debts and require the owners to maintain the premises in good condition.

MUNICIPAL FINANCES

Certain of the municipalities of the State have for some time been experiencing increasing financial difficulties. To a degree these difficulties arise out of past mistakes and present administrative difficulties. But, broadly speaking, they reflect an inherent conflict between the demands for increased services by municipalities on the one hand and, on the other hand, inelastic taxing powers based largely on taxation of real estate.

At a later time I propose to submit to your Honorable Bodies recommendations for alleviating these conditions to the extent presently possible.

THE JUDICIAL SYSTEM

For many years now there has been frequent and very well-founded complaint in the City of New York against the present method for the selection of justices of the Supreme Court. The criticism against the system reached a culmination at the last election when a person, who owed his nomination to disreputable characters, was elected to the Bench. There is little question now in the mind of anyone that the system of selection of judges requires an overhauling.

It is my suggestion to your Honorable Bodies that a plan which has been successfully used in another state be considered in this State. It envisages a constitutional amendment giving each of the judicial districts in the State by their electorate the option to change the selection of judges from the present system and to provide an alternative method. Thus the voters of the two judicial districts which include the City of New York would have the right by referendum to provide a method for the selection of justices of the Supreme Court, different from the present party nomination by convention which exists. This method is known as the Missouri plan and has been widely approved.

As to the alternatives to be provided, they more properly should

be determined by your Honorable Bodies after appropriate discussion and the receipt of the views of all the many interested and respected groups which are seeking a change in the present system.

WAR EMERGENCY LEGISLATION

Many thousands of citizens of our State have given liberally of their time and effort during the past year in the gigantic labor of making New York a most effective part of the national war effort. I wish to acknowledge with deep gratitude the debt of the State and its people to those who have contributed so much through the many activities of civilian protection, and all of the services under the New York State War Council. I recommend that the existing war emergency legislation and the State War Council be continued for another year.

LIEUTENANT GOVERNOR WALLACE

On July 17th of the past year, the tragic death of Lieutenant Governor Thomas W. Wallace occurred. It was a great loss to the State administration and to the State itself. His charming personality and untiring energy quickly made him an integral and valued part of the administration. Although he had served in his office for less than seven months, his sudden passing was a shock and a loss to all of us.

SUCCESSION TO GOVERNORSHIP

Upon the death of Lieutenant Governor Wallace, issue was made in the courts whether an election of his successor was required at the next general election. The Court of Appeals, without opinion, decided that question in the affirmative. With the Administration less than one year old, with the Nation at war, and there being no other major contested candidacies or State issues, it became necessary for the people of the State to choose a successor to the Lieutenant Governor.

This is an unwholesome and unworkable system, whether the State administration be Republican or Democratic. Moreover, it violates the basic concept adopted by the people in 1937 when they approved the amendment making the term of office of the four state-wide elected officers four years and their election at a time when the attention of the people could be directed primarily to State affairs.

I therefore urge upon your Honorable Bodies the enactment of a constitutional amendment and appropriate legislation which will forever obviate such a situation. The person who succeeds to the office or the duties of the Lieutenant Governor should serve for the unexpired term. Thus, needless and burdensome elections in years in which a State administration is not to be elected will not be necessary.

I urge that such amendment permit and require that the successful candidates for Governor and for Lieutenant Governor be of the same party, elected together, exactly as in the case of the Presi-

dent and Vice-President of the United States. I also recommend that the Public Officers Law be immediately amended so as to dispense with an election prior to the expiration of the term in the event of a vacancy in the office of Lieutenant Governor between the quadrennial state-wide elections.

CONCLUSION

Finally, may I again say how deeply I appreciate the cooperation and good will which the executive branch of the State Government has received this past year from both houses of the Legislature. There has been a spirit of cordial understanding and of teamwork which has helped all of us to play our part in putting this State into the war effort. For myself I pledge you the same cooperation and good will in this coming session. There is much work to be done. Let us do it together.

Our meeting here today is a part of the process of free government. It is a sobering and humbling thought that men are laying down their lives all over the world that we may exercise those functions of government in freedom here at home.

Let us together ask God to give us the understanding and purpose to carry out this high trust. Let us resolve that we will labor together to fulfill our responsibilities as those who are now fighting to preserve free government would have us do. Then, just as we are proud of them they shall not be ashamed of us.

(Signed) THOMAS E. DEWEY

Transmitting Executive Budget for Fiscal Year Beginning April 1, 1944

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *January 31, 1944*

To the Legislature:

In compliance with the Constitution, I submit the Executive Budget for the fiscal year beginning April 1, 1944. It differs from previous plans in that it attempts not only to fit the expenditures and revenues of the State to the conditions of war, but also to provide for needs which will arise as the war nears its end. Accordingly, while again restricting expenditures to essentials, the budget includes substantial expenditures necessary to an instant expansion of State activities when war production falls off.

This budget provides for a distribution to the localities of the full proceeds of both the gross receipts tax on public utilities and the mortgage tax, aggregating \$19.3 million. This is a temporary measure designed to assist the municipalities pending a more satisfactory solution of their problems.

This budget plan takes account of the probable losses in some revenues and gains in others that will attend the possible termination of the European war. Finally, it contemplates that further transfers from the General Fund can be made to the newly created

Post-war Reconstruction Fund in coming years. This will insure the orderly unfolding of the State's reconstruction program at the proper time.

The European section of the war may well be ended within the next fiscal year. I cannot foresee that the war with Japan will be over so quickly. If that proves correct, the reconstruction of our domestic economy will be a gradual affair. This entire budget plan is predicated upon that possibility.

THE BUDGET IN BRIEF

1. Appropriations proposed total \$371.8 million, including \$366.8 million from the General Fund and \$5 million from the Post-war Reconstruction Fund. This compares with \$376.7 million for the fiscal year 1943-44, a reduction of \$4.9 million, excluding a \$1 million reserve for supplemental and special appropriations.

2. Estimated receipts come to \$398 million, after deducting the \$19.3 million to be diverted to the localities over and above their regular state-shared taxes. This compares with a revised estimate of \$443.1 million of revenue for the year ending March 31, 1944.

3. Surplus in the General Fund on March 31, 1944 is now estimated at \$148 million. This entire amount is to be transferred to the Post-war Reconstruction Fund on April 1, in accordance with the provisions of Chapter 1 of the Laws of 1944.

4. Operating surplus for 1944-45, it is estimated, will amount to \$17.6 million. This will constitute the entire General Fund surplus on March 31, 1945.

EXECUTION OF THE FINANCIAL PROGRAM, 1942-43

The transition from the old fiscal year ending on June 30 to the new one ending on March 31 was successfully carried through last year. This permitted the adoption of quarterly income tax payments without impairing the surplus position of the State. It also makes the task of estimating and planning both the revenue and the expenditures for ensuing years much easier. The benefits of this change will grow with time.

At the time of this transition, a year ago, the revenues for that abridged nine-month fiscal period ending March 31, 1943, were estimated at \$229 million. The cash expenditures were expected to be \$242.1 million. An operating deficit of \$13.1 million and an accumulated surplus of \$41 million were thus anticipated. Fortunately, the actual collections exceeded these estimates by \$15.4 million, while the expenditures fell \$12.5 million short of the estimates. As a result, the period ended with an operating surplus of \$14.8 million and an accumulated surplus of \$69 million. The details of the execution of the 1942-43 financial plan are set forth in Appendix 7.

REVISED FINANCIAL PROGRAM, 1943-44

A year ago in presenting to you the budget for 1943-44, I estimated revenue at \$379.6 million and cash expenditures at \$370.1

million, thus forecasting an operating surplus of \$9.6 million and an accumulated surplus of \$50.6 million. Actually, however, the revenue, as shown in Table 2, will probably reach \$443.1 million this year, while the cash expenditures will amount to only \$364.1 million. The revised program for 1943-44 and the proposed plan for 1944-45 are shown in Table 1.

This operating surplus at the end of this fiscal year will thus probably reach \$79 million. This, added to the aforementioned accumulated surplus of \$69 million at the beginning of the current fiscal year, will bring the accumulated surplus to the unprecedented sum of \$148 million. Your Honorable Bodies have already adopted plans for the preservation and ultimate disposition of this surplus.

TABLE 1

FINANCIAL PLAN FOR 1944-45, COMPARED WITH REVISED FINANCIAL PLAN FOR 1943-44 AND EXECUTED FINANCIAL PLAN FOR 1942-43

General Fund

	Actual 1942-1943 (9 months) July 1-Mar. 31	Estimated 1943-1944 Apr. 1-Mar. 31	Estimated 1944-1945 Apr. 1-Mar. 31
I. Income			
1. Revenue collections	\$244,478,693 40	\$443,120,500 00	\$398,020,000 00
II. Expenditures			
2. Appropriations recommended in this budget and actual in two preceding years	381,442,572 94	376,708,129 88	366,809,013 00
3. Estimate of appropriations by supplemental and special bills			1,000,000 00
4. Less: Appropriations repealed by 1943 Legislature	120,056,819 23		
5. Total appropriations for the year (2+3-4)	\$261,385,753 71	\$376,708,129 88	\$367,809,013 00
<i>Additions:</i>			
6. Unexpended appropriations and reappropriations carried forward from prior year	26,583,316 95	36,319,216 19	39,900,000 00
7. Deficiencies provided for in succeeding year's appropriations	3,503,896 76	2,600,000 00	
8. Interest on temporary debt	303,125 00		
9. Total appropriations before deductions (5+6+7+8)	\$291,776,092 42	\$415,627,346 07	\$407,709,013 00
<i>Deductions:</i>			
10. Prior years' deficiencies included in item 2 but spent in preceding year	19,275,516 63 a	2,369,195 14	2,300,000 00
11. Lapses of appropriations during the year	6,537,663 04	9,260,031 18	10,000,000 00
12. Unexpended appropriations and reappropriations carried forward to succeeding year	36,319,216 19	39,900,000 00	15,000,000 00
13. Total expenditures to be financed in fiscal year (9-10-11-12)	\$229,643,696 56	\$364,098,119 75	\$380,409,013 00
III. Surplus or Deficit			
14. Operating surplus for the year (1-13)	14,834,996 84	79,022,380 25	17,610,987 00
15. Accumulated surplus at beginning of year	54,127,419 81	68,962,416 65	
16. Accumulated surplus at end of year (14+15)	\$68,962,416 65	\$147,984,796 90 b	\$17,610,987 00

a Includes \$75,000 adjustment in the method of accounting for borrowings based on certificates of intent, which was made by the Comptroller subsequent to the submission of the Executive Budget of February 1, 1943.

b To be transferred to Post-war Reconstruction Fund on April 1, 1944.

FINANCIAL PROGRAM FOR 1944-45

I have already recommended the continuance for another year of the 25 per cent reduction in the personal income tax. I am recommending the re-enactment of the emergency tax levies for another year. These were first enacted during the period 1932 to 1939 and have been re-enacted periodically ever since. The final disposition of the question as to which of these levies should be incorporated permanently in our tax structure and which should be abandoned, must await a more complete overhauling of our tax system. One phase of this overhauling, the revision of our business taxes, is scheduled to come before you at this session of the Legislature.

TABLE 2
COMPARATIVE STATEMENT OF RECEIPTS
General Fund

	Actual 1942-1943 (9 months) July 1-Mar. 31	Estimated 1943-1944 Apr. 1-Mar. 31	Estimated 1944-1945 Apr. 1-Mar. 31
Personal income tax	\$19,024,058 22	\$85,000,000 00	\$88,000,000 00
Business taxes	77,847,506 17	156,685,000 00	134,900,000 00
Corporation tax (article 9)	19,664,365 29	29,450,000 00	29,600,000 00
Utilities tax (gross receipts)	12,740,123 34	17,700,000 00	38,000,000 00 ^a
Corporation franchise tax (Art. 9A)	34,247,349 72	85,000,000 00	78,000,000 00 ^b
Unincorporated business tax	2,334,994 20	14,000,000 00	17,000,000 00
Bank tax	7,291,849 91	7,060,000 00	7,700,000 00
Insurance premium tax	1,568,823 71	3,475,000 00	2,600,000 00
Excises on consumption	107,222,753 48	128,000,000 00	114,400,000 00
Motor vehicle tax	28,590,380 22	32,800,000 00	28,100,000 00
Motor fuel tax	31,830,693 71	38,000,000 00	38,000,000 00
Alcoholic beverage tax	21,208,466 82	23,000,000 00	18,000,000 00
Alcoholic beverage control licenses	7,678,305 45	9,000,000 00	7,800,000 00
Cigarette tax	17,914,907 28	25,200,000 00	22,500,000 00
Taxes on transfers and exchanges	25,168,662 31	54,397,000 00	41,000,000 00
Inheritance and estate tax	7,823,157 16	18,500,000 00	12,000,000 00
Stock transfer tax	9,626,928 00	16,000,000 00	14,000,000 00
Pari-mutuels tax	6,902,598 66	18,512,000 00	15,000,000 00
Mortgage tax	815,978 49	1,385,000 00	.....^a
Other taxes	1,565,324 85	2,506,500 00	2,425,000 00
Court and stenographers tax	530,321 86	1,060,000 00	1,100,000 00
Organization of corporations	108,910 82	300,000 00	350,000 00
Racing tax	387,981 00	692,500 00	600,000 00
Motion picture tax	219,657 00	280,000 00	250,000 00
Boxing exhibitions tax	73,052 20	90,000 00	125,000 00
Milk tax	244,608 98	81,000 00	.....
Arrears, tax sales, etc.	792 99	3,000 00	.....
Other receipts	13,650,388 37	16,532,000 00	17,295,000 00
Miscellaneous revenue	13,571,049 26	16,343,300 00	17,215,000 00
Transfers from other funds	79,339 11	188,700 00	80,000 00
Grand total, receipts	\$244,478,693 40	\$443,120,500 00	\$398,020,000 00

^a Revenue recommended to be relinquished to localities.

^b After deduction of \$15 million reserve against possible revenue loss from re-negotiation of war contracts.

The object of this proposed revision by the Tax Commission is to spread the burden of the taxes more equitably among business concerns and to make the conduct of business in the State more attractive. It is not intended to produce either more or less revenue for the State treasury.

The financial plan for 1944-45, set forth in Table 1, after allowing the aforementioned sum of \$19.3 million for additional aid to localities, contemplates collections aggregating \$398 million for the uses of the General Fund.

The income estimates, summarized in Table 2, are influenced by the possibility that the war in Europe will end in the next fiscal year. If it terminates earlier than generally anticipated, the revenue may turn out to be slightly larger than estimated. A full explanation of the basis for each item therein is given in Appendix 5.

RECOMMENDED APPROPRIATIONS FOR 1944-45

The appropriations proposed in this budget are \$4.9 million less than the appropriations for 1943-44. The purposes of these appropriations are reflected in Table 3.

The budget for current operations reflects a decrease from the current year of \$954,744, even though it includes a recommendation of \$1.7 million to supplement other personal service recommendations for war emergency compensation and salary adjustments discussed in a later section of this message. It is not possible to allocate this \$1.7 million directly to the items shown in the current operation budget.

War emergency compensation payable this year is being financed from the regular appropriations in the budget. The law authorizing war emergency compensation provided for its financing, first, from each department's total personal service appropriations, and then by permitting the Director of the Budget to make transfers from maintenance and operation to personal service or from department to department. The plan is working even better than we had reason to expect. It now appears that all war emergency compensation, except for possibly \$200,000, will be financed from regular personal service appropriations without any transfer. Many large items of savings exist in the current appropriations, and it will be a simple matter to effect the possible transfer of \$200,000.

Later in this message, I propose that we continue the war emergency compensation in a changed form. I expect much of the total cost to be paid from regular personal service appropriations, but reductions that have been affected in this budget make it necessary that a supplementary appropriation be made.

The net reduction of \$954,744 in the current operation budget does not reflect fully the many savings that have been made in its preparation. Increases totaling more than \$7 million have been made in major items alone. Countless other smaller increases are recommended. The increases are either mandatory or necessary. All of these increases will be financed by more efficient and less costly

operation of our existing services. I am happy to report that we can meet these increased costs and still operate the State Government on less appropriations.

TABLE 3
SUMMARY OF APPROPRIATIONS

General Fund and Post-war Reconstruction Fund

	Appropriations 1943-44	Recommendations 1944-45	Change from 1943-44
1. Current Operation Budget:			
General administration	\$52,574,042	\$48,857,612	—\$3,716,430
General state charges	11,592,251	11,576,932	—15,319
Legislature and judiciary	7,004,045	6,529,592	—474,453
Public works	21,051,417	22,055,863	+1,004,446
Schools and colleges	7,348,559	7,477,804	+129,245
Mental hygiene institutions	43,938,093	44,150,425	+212,330
Other institutions	15,887,374	16,092,811	+205,437
Total	\$159,395,783	\$156,741,039	—\$2,654,744
War emergency compensation and salary adjustments		1,700,000 ^a	+1,700,000
Total current operations	\$159,395,783	\$158,441,039	—\$954,744
1a. Appropriation for emergencies		\$2,500,000	+\$2,500,000
2. Debt Service Budget:			
Relief bonds	\$19,546,250	\$19,148,750	—\$397,500
All other	29,378,611	28,712,403	—666,208
Total debt service budget	\$48,924,861	\$47,861,153	—\$1,063,708
3. Local Assistance Budget:			
Education	\$117,390,690	\$109,560,000	—\$7,830,690
Health	977,000	1,058,000	+81,000
Housing	400,000	.....	—400,000
Public works	5,634,000	5,685,091	+51,091
Social welfare	17,039,000	19,350,000	+2,311,000
Home relief	19,800,000	20,175,000	+375,000
Veterans' relief	20,000	40,000	+20,000
Post-war planning, local projects....	1,263,000	1,500,000	+237,000
Total local assistance budget....	\$162,523,690	\$157,368,091	—\$5,155,599
4. Capital Outlay Budget:			
General fund	\$5,863,796	\$638,730	—\$5,225,666
Post-war reconstruction fund .....	.....	5,000,000	+5,000,000
Total capital outlay budget....	\$5,863,796	\$5,638,730	—\$225,066
Total, general fund	376,708,130	366,809,013	—9,899,117
Total, post-war reconstruction fund.	.....	5,000,000	+5,000,000
Grand total	\$376,708,130	\$371,809,013	—\$4,899,117

^a Regular personal service appropriations available for war emergency compensation are to be supplemented from this \$1.7 million.

APPROPRIATION FOR EMERGENCIES

Ever since the executive budget system was adopted in this State, it has had one important short-coming. No satisfactory method existed for financing emergency requirements which arose after the budget had been adopted and the Legislature had adjourned. To meet such emergencies it has been the practice for the Governor and the legislative leaders to sign certificates of intent signifying that they would recommend the passage of deficiency appropriations at the next session to cover such expenditures. The Comptroller then borrowed the money on the basis of these certificates. It has been impossible to conduct the State's business without using this procedure, and this Administration has had to follow the practice.

I propose that in the future this practice be avoided as far as possible. This should not be difficult. The budget should include an appropriation to be drawn upon to meet emergency expenditures vital to the carrying out of State services that could not be anticipated when the budget was adopted. Monies should not be spent for purposes other than emergencies, the causes of which were not anticipated when the budget was adopted.

I think that a Governmental Emergency Fund should be created. From this fund, appropriations would be made for emergency needs, such appropriations to become available to departments only upon a certificate of transfer executed by the Governor. I believe that the legislative majority leaders and the chairmen of the two legislative finance committees should certify to their intention of recommending at the ensuing session of the Legislature appropriations to replenish the Governmental Emergency Fund. Such certification would be necessary before the Governor could execute a certificate of transfer. The State Finance Law will have to be amended to set up the machinery for this method which I consider proper and essential to sound budgeting. I am submitting a budget bill to effect this change.

LOCAL ASSISTANCE

Assistance to local units of government comprises \$176.5 million of the \$371.8 million of appropriations recommended for 1944-45. This includes \$157.4 million of direct assistance and \$19.1 million debt service on relief bonds. Over and above this assistance, the localities have received from \$60 to \$85 million of state-collected taxes that are paid to them outside of the budget. Following the normal practice, the localities would receive some \$255 million from state-collected taxes for 1944-45.

Additional assistance has been proposed by the committee on municipal finances that I appointed last year under the chairmanship of Comptroller Moore. I have provided for the committee's plan in this budget and am submitting budget bills herewith to bring the plan into effect.

The mortgage tax should be given over entirely to the localities in which the mortgaged property is located. I estimate that the State's 50 per cent share being relinquished to the localities is \$1.6 million. I also propose that the State's 2 per cent tax on the gross receipts of utilities be turned over to the cities in 1944-45, to apply on their debt service. I estimate that this will amount to \$17.7 million. All told, the municipalities will probably receive \$275 million of the State collected taxes or revenue for 1944-45, or \$80 million more than the total cost of operating the State Government.

The recommendations for local assistance, summarized in Table 3, represent a decrease of slightly more than \$5 million. The recommendations for state-aid for schools are based on the estimates made by the Department of Education pursuant to formulae fixed by law. They are made on the basis of providing 100 per cent of the funds

required by the formulae. State-aid to common schools is decreased \$7.5 million. This is composed of a decrease of \$9.1 million for regular aid and an increase of \$1.6 million in aid for kindergartens.

State-aid for old-age assistance, aid to dependent children, and aid to the blind is estimated to cost \$50,000 more in the coming year than for the current year. But a deficiency appropriation of \$1,225,000 is required for the current year. The State has to meet a larger share of the increasing cost of old-age assistance, aid to dependent children, and aid to the blind. The reason for this is that the financial participation of the Federal Government is limited by actual dollar ceilings, while the share paid by localities is set at 50 per cent. Thus, both the amount and the percentage share contributed by the State must be raised to meet increased public assistance costs.

If we could count on the present downward trend in home relief case loads, I would estimate the State's share for home relief expenditures to be approximately \$17 million in the coming year. However, I recommend that we allow \$20 million. I believe that we should be fully prepared to meet the eventuality of an increased relief load during the coming year.

POST-WAR RECONSTRUCTION

I am sure the people of the State are grateful to your Honorable Bodies for your prompt action in bringing the Post-war Reconstruction Fund into being as Chapter 1 of the Laws of 1944. Since my message on January 5, we have gained one more month's revenue collection experience, and it now appears that the surplus to be transferred to this fund, on April 1, will be \$148 million as estimated in Table 1.

It is unnecessary to repeat the reasons for the existence of this fund—they are found both in the forces of the war that gave us the surplus and in the reconstruction problems that will come after the war. It does not appear necessary that large appropriations be made from the Reconstruction Fund for the coming year. I do propose that \$2 million be made available for thruway construction, but with the understanding that the entire sum would be for the acquisition of rights-of-way. It is essential that sections of rights-of-way be acquired before the roadbeds can even be cleared. It is not probable that actual thruway construction could commence before 1945. There will be \$12 million of general funds available for regular State highways in the reappropriation of prior years' construction and reconstruction money. I propose that present highway construction funds be made available also for the acquisition of rights-of-way to clear bottle-necks out of the State highway system. An appropriation from the General Fund of \$12.5 million for highway maintenance and repair, excluding administrative expenses, is recommended for the coming year. This is an increase of more than \$1.6 million over present appropriations available for this purpose. It is possible that men and materials will become available for this expanded program of highway preservation.

I propose that an appropriation of \$1 million be made from the Reconstruction Fund for acquiring urgently needed equipment that may possibly become available during the year. This is in addition to some \$600,000 recommended for equipment to be acquired through the General Fund. The State has a substantial backlog of equipment requirements, but I do not propose that we rush headlong into full replacement.

Recommended appropriations for capital outlays from the General Fund are still held at a minimum for the ensuing year. The recommendations total \$638,730. They constitute items necessary to protect life and property or to provide services urgently needed. A significant item covers the reconstruction of the Capitol steps. Unless immediate action is taken to replace the badly corroded steel work and deteriorated masonry, the Department of Public Works will be forced to barricade the steps.

One more recommendation is made for Reconstruction Fund appropriation. That is \$2 million for the Post-War Public Works Planning Commission, for state projects planning. This sum is comparable with \$1.7 million presently allocated from the \$3 million granted this year from the General Fund. I also propose that the Planning Commission receive \$1.5 million from the General Fund for the municipal planning program. A first instance appropriation of \$500,000 is also proposed for planning advances to State authorities.

Post-war public works are no substitute for private jobs. It is unsound for government to make useless work, but it is sound and wise for government to be prepared to put men to work on construction, repairs and improvements that are required. The Planning Commission is planning that money shall be spent wisely, and not just for the purpose of spending. It is our goal that a full work program be prepared in the light of needs, financing, the government's capacity to supervise, and industry's capacity to build.

The big post-war problem will be to keep our Nation at full production and full employment in peacetime endeavors. The newly created Department of Commerce is surveying manufacturing in the State and employment potentialities after the war. These post-war studies and research in industrial problems and employment will be continued by the Department of Commerce. I am recommending, in this budget, that you appropriate \$150,000 for advertising New York State recreational and industrial advantages. It is not only important that we maintain New York industry, but also that we attract new industries.

AGRICULTURE AND FOOD

All branches of the State Government connected with agriculture and food production have given their utmost in this vital war effort. The problem of food production is critical now and will carry over into the post-war period. The Emergency Food Commission, created early in 1943, has tied all State agriculture agencies into an effective machine that has overcome many obstacles impeding

food production. The State has been close to local problems. It has been able to discover the need for labor, transportation and equipment quickly. It has moved promptly to secure Federal cooperation where Federal controls prevented success of State efforts. The recommended appropriation for the War Council contemplates a continuance of the full operations of the Emergency Food Commission. We still have intensive work ahead in this field.

In addition to the regular Department of Agriculture recommendations, significant increases are made for bovine tuberculosis indemnities, calfhood vaccination against Bang's disease, and for pullorum disease testing. Funds for agricultural research are provided in the budgets of Geneva, the Colleges of Agriculture and Home Economics and the Veterinary College. Generally, I expect such research funds to be directed toward the expansion of essential and timely research and the contraction of less essential projects. Increased amounts are provided for certain research and extension that could not be arranged out of present funds. At the College of Agriculture, I recommend that we institute a broader program of research and extension to further the artificial insemination of cattle in this State. The practice is no longer in the experimental stage, but the improvement in the productive capacity of our herds can be raised to levels yet unrealized. The benefits will accrue to every person in the State. The losses of cattle, horses and sheep from parasitic diseases are increasing constantly, and I am also recommending that research and extension funds be made available to the State Veterinary College to stem this economic loss.

The State College of Home Economics is not essentially an agricultural institution, but its contributions to the grave food and nutrition problems we face warrant commendation. It is important that appropriations to this college be increased to permit a full enrollment of 600. The present enrollment is 520 and students seeking entrance exceed the institution's capacity. The college has not had research money in the past, and I believe that a modest appropriation should be granted.

The State's Agricultural and Technical Institutes have suffered marked decreases in their regular enrollments, but they have been adapted to war conditions and have made significant contributions in furthering farm production. The schools have also conducted valuable training programs for critical war-work vocations.

The many State institution farms will continue the expanded production program started last year. The extra \$170,000 that was appropriated last year has been incorporated in the several farm budgets. Over and above the continuation of this increase, additional allowances totaling \$278,000 are recommended. These increases are necessary to cover the increased cost of farm supplies, seed and feed.

PERSONNEL

In the past year much has been done to improve the status of the State's employees. The war emergency compensation should be

continued. The Administration has given the fullest consideration to plans proposed for increasing this emergency compensation. In the light of all pertinent facts, I propose that this emergency compensation be continued at the present rates. I do recommend, however, that its financing be changed from the present plan. The budget recommendations that I am making herein do not carry the potential savings that were unavoidably included in last year's appropriations. I propose that the war emergency compensation be financed first, from appropriations available for regular personal service, then from the \$1.7 million appropriation already recommended above, and finally if necessary, by transfer between departments of appropriations available for personal service that would otherwise lapse.

The beginning salary of \$1200 that was established for this fiscal year should be continued for another year. I recommend this continuation, and also that the employees who have received \$1200 during this year, and are otherwise eligible, should be given the regular increment for the next year.

The provision for paying overtime to institutional and certain other employees has worked well during the year. It was helped alleviate the manpower shortage. It should be continued for another year. I am asking that the continuation be only from year to year because I should not wish to see any permanency attached to hours of work in excess of eight per day.

Salary increases required by promotions or transfers are not always available under a line item budget set-up. To cover such salary adjustments required by law, I propose that a lump sum be appropriated to be used to increase line items.

Beyond this, I find that the employees and the administration have been plagued by the situation that arises when a salary paid is less than the minimum to which the title is allocated. When salary standardization was adopted, temporary provisions of the law precluded the bringing to minimum of salaries which were below minimum but, at the same time, permitted bringing to minimum all positions that became vacant. In line items, this can be done only once a year. In lump sums, it can be done any time. It is patently unfair that employees to be paid from lump sums should be so favored over employees working on line items.

Ever since salary standardization was adopted in 1937, the employees have been asking that this entire situation be corrected. I propose that the matter be rectified and that we bring all positions paying less than their appropriate minimum to the minimum allocated. So that all employees may be treated the same, I think these adjustments to minimum should be made at the beginning of each fiscal year. This change will go far to simplify civil service and budgetary administration.

I recommend that another inequality affecting civil service be eliminated. The President of the Civil Service Commission has received \$9,000 per year, and the other two commissioners \$7,000 each. Civil service has not been recognized as on a level with

other commissions or departments. But efficient administration requires sound personnel work and policy. It is time that civil service was recognized as a dynamic arm of State Government. The present commissioners will make it that. They are equal to the responsibility and should receive the same compensation as other department heads. I propose that the president be paid \$12,000 and the two commissioners \$10,000 each, in accordance with the standards in other departments.

LINE ITEM AND LUMP SUM APPROPRIATIONS

These recommendations incorporate both line item and lump sum appropriations. There is a tendency for a line item budget to become a frozen plan, frozen for an ensuing year, difficult to adjust to changing needs and changing conditions. Sound fiscal administration should not permit this tendency. The State Finance Law provides that appropriations shall be used only to the extent necessary to accomplish their full purposes. It is thus intended that over appropriations for specific purposes shall be corrected during a year.

One weakness still remains in our line item budget plan in that it is not possible, during a year, to provide for necessary administrative requirements that could not be anticipated when the budget was adopted. Elsewhere in this message, I have proposed that an appropriation for emergencies be made to obviate this shortcoming. I believe that this action would round out proper machinery for the execution of a sound line item budget.

There are conditions under which it is not only impracticable, but virtually impossible, to make line item appropriations. Where such conditions warrant, it is proper for me to recommend, and for your Honorable Bodies, to make lump sum appropriations. Once the necessity of a lump sum appropriation has passed, however, I believe that line item budget detail should be re-established. All lump sums recommended in this budget are built up from specific details in view of the conditions expected to obtain during the coming year. It is the changing character of these conditions that requires the lump sum appropriations.

The Division of the Budget has installed a current expenditure control which permits closer scrutiny of departmental expenditures after a budget plan has once been adopted. Month to month evaluation of actual expenditure experience has become an important tool for budget examination, and has put me in a better position to appraise departmental policies. Likewise, the expenditure control affords department heads themselves a means of keeping closely familiar with the financial record and needs of the different activities in their departments.

This budget examination throughout the year has also been improved by the creation of a management unit, in the Budget Division, concerned particularly with administrative management and procedure. It is important that this work be developed

further, and that it go forward on a basis of cooperation between the various departments and the Budget Division. Efficiency of operation is won or lost in the work of each department, and interference with departmental responsibilities must be avoided.

A number of lump sums were appropriated for the current year and have worked well in meeting the many changing conditions. For example, in the Division of Parks, the original appropriation represented a reduction of more than \$400,000 from the appropriation for the previous year. That recommendation had been made on the assumption that restrictions on the use of automobiles for pleasure purposes would continue about the same as they had been at the close of the 1942 season. The actual restrictions, during the 1943 season, were such that park expenditures were reduced even further. The Division of Parks and the Division of the Budget worked out together a program that saved, in addition, more than \$300,000.

The appropriation for the New York State College of Agriculture was made in lump sum last year. This permitted the College to adjust its teaching, research and extension work to the many changes caused by the war, following the adoption of the current budget. The dramatic work that the College has done in the field of food production could not have been achieved if its operations had been dictated by a line item budget. These lump sums should be continued in the coming year.

It has been possible to itemize some of the lump sums currently appropriated. A large part of the operations of the Division of Housing is presently financed by lump sum appropriations, and these are all itemized herein. During this year, the Department of Taxation and Finance had a large lump sum appropriation to cover the increased number of income tax returns. The expansion of staff permitted by this appropriation has been absorbed into the regular line item appropriations for the Department. Likewise, for the Geneva Experiment Station, lump sum appropriations have been itemized in these recommendations.

Other lump sums presently appropriated should be continued, and it is necessary that I recommend, in addition, three large lump sum appropriations. These will be for the Departments of Health, Labor and Social Welfare. These departments are in urgent need of reorganization. Over the years, they have been expanded, step by step, by the addition of new bureaus, divisions, and fields of operation until they have become unwieldy and very difficult to administer. The three commissioners involved have urged me to recommend a lump sum rather than a line item appropriation for their departments. War conditions have imposed particularly difficult tasks upon them. The post-war period will impose still greater responsibilities, and probably greater difficulties in their administration. These departments are close to the people of the State, and the Department of Labor is particularly close to the millions of wage earners. I am anxious that these departments function with the greatest possible efficiency, and that their services to the people be strengthened to meet post-war needs.

SUMMARY OF RECOMMENDATIONS

To summarize, I recommend:

1. The passage of appropriations aggregating \$371.8 million for the fiscal year 1944-45, or \$4.9 million less than granted for the curent fiscal year. Of this amount \$366.8 million would be from the General Fund and \$5 million from the newly established Post-war Reconstruction Fund.
2. Within this aggregate, a reduction in appropriations for state-aid to education by \$7.8 million, in accordance with the existing formulae.
3. The appropriation from the Post-war Reconstruction Fund of \$2 million for the acquisition of rights-of-way for thruways, \$2 million for planning state projects, and \$1 million for the acquisition of necessary equipment.
4. Reappropriation of \$12 million of prior years' highway construction and reconstruction grants from the General Fund, with a provision that this money may also be used for the acquisition of rights-of-way.
5. The continuation for another year of the existing war emergency compensation rates, the beginning salary of \$1200, and the existing provisions for overtime pay.
6. The continuation for another year of the 25 per cent reduction in the personal income tax and of the existing emergency levies expiring this year.
7. The relinquishment to the localities of the proceeds of the mortgage tax estimated to yield this year \$1.6 million; and the distribution to the cities during the next fiscal year, of the revenue from the 2 per cent tax on gross receipts of utilities, estimated at \$17.7 million. This latter tax return would be used to reduce debt service.
8. The passage of legislation obviating as far as possible the existing practice of authorizing deficiency expenditures through the issuance of certificates of intent and permitting instead the making of a special appropriation each year to take care of emergency expenditures, under proper safeguards.
9. The continuance of the present policy of careful husbanding of revenue, close control over expenditures, and fullest possible preparation for fiscal emergencies.

This program is conceived in the spirit of confidence in the future. It is moulded by our recognition of the great responsibility which the Empire State must bear in the economic reconstruction to follow the war. Our State still faces hard work before the war is won. But the efforts of our valiant soldiers and our Allies bring the beginnings of peace close at hand.

Respectfully submitted,
(Signed) THOMAS E. DEWEY

APPENDICES

1. Current Operation Budget.
2. Local Assistance Budget (State Aid).
3. Capital Outlay Budget.
4. Other Funds from which Appropriations are Made.
5. Explanation of Revenue Estimates.
6. Distribution of State-Collected, Locally-Shared Taxes.
7. Execution of Financial Plan for 1942-43.
8. The Financial Plan for 1943-44 as Originally Submitted to the 1943 Legislature and as it Stood at the Close of the Legislative Session.
9. State Debt Service—Sinking Funds.
10. State Debt Service—Serial Bonds.

APPENDIX 1

CURRENT OPERATION BUDGET

	Appropriations 1943-1944	Recommendations 1944-1945	Change from 1943-1944
Executive			
Executive Chamber	\$391,700 00	\$393,270 00	+\$1,570 00
Division of the Budget	510,451 00	246,730 00	—263,721 00
Division of Commerce	338,028 00	464,078 00	+126,050 00
Division of Housing	179,720 00	189,350 00	+9,630 00
Division of Alcoholic Beverage Control	686,486 00	687,760 00	+1,274 00
Local Alcoholic Beverage Control...	517,681 00	529,134 00	+11,453 00
Division of Military and Naval Affairs	5,147,252 00	3,967,269 00	—1,179,983 00
Division of Parole	633,640 00	655,161 00	+21,521 00
Division of Standards and Purchase	287,827 00	325,533 00	+37,706 00
Division of State Police	3,409,810 00	2,872,608 00	—537,202 00
Law	1,195,715 00	1,263,805 00	+68,090 00
Audit and Control.....	1,455,563 00	1,616,325 00	+160,762 00
Agriculture and Markets.....	2,650,638 00	2,614,580 00	—36,058 00
Banking	1,105,035 00	1,106,295 00	+1,260 00
Civil Service	598,305 00	601,995 00	+3,690 00
Conservation	4,061,912 00	3,613,956 00	—447,956 00
Correction, administration	415,902 00	454,295 00	+38,393 00
Institutions	11,223,265 00	11,346,913 00	+123,648 00
Education, administration	4,998,966 00	4,795,710 00	—203,256 00
Schools and colleges.....	7,348,559 00	7,477,804 00	+129,245 00
Health, administration	2,605,441 00	2,496,130 00	—109,311 00
Institutions	2,858,646 00	2,851,495 00	—7,151 00
Insurance	1,160,292 00	1,233,660 00	+73,368 00
Labor	4,597,966 00	4,686,979 00	+89,013 00
Mental Hygiene, administration.....	487,860 00	533,245 00	+45,385 00
Institutions	43,938,095 00	44,150,425 00	+212,330 00
Public Service	1,382,057 00	1,448,570 00	+66,513 00
Public Works	21,051,417 00	22,055,863 00	+1,004,446 00
Social Welfare, administration.....	1,310,361 00	1,178,498 00	—131,863 00
Institutions	1,805,463 00	1,894,403 00	+88,940 00
State	802,647 00	809,872 00	+7,225 00
Taxation and Finance.....	6,551,160 00	6,674,752 00	+123,592 00
Miscellaneous			
War Council	3,985,000 00	2,735,000 00	—1,250,000 00
Salaries, employees in U. S. service..	552,000 00	426,000 00	—126,000 00
Miscellaneous commissions	242,572 00	.....	—242,572 00
All other	312,055 00	237,052 00	—75,003 00
Legislature	2,827,430 00	2,608,503 00	—218,927 00
Judiciary	4,176,615 00	3,921,089 00	—255,526 00
Total	<u>147,803,532 00</u>	<u>145,164,107 00</u>	<u>—2,639,425 00</u>
General State Charges			
Executive	140,186 00	146,980 00	+6,794 00
Law	10,000 00	10,000 00	.....
Audit and control.....	7,203,555 00	8,114,617 00	+911,062 00
Correction	262,341 00	250,000 00	—12,341 00
Education	219,364 00	233,566 00	+14,202 00
Labor	1,332,784 00	948,273 00	—384,511 00
Mental Hygiene	670,452 00	670,452 00	.....
Social Welfare	3,069 00	2,544 00	—525 00
Miscellaneous	500 00	500 00	.....
Judiciary	1,750,000 00	1,200,000 00	—550,000 00
Total	<u>11,592,251 00</u>	<u>11,576,932 00</u>	<u>—15,319 00</u>
Grand total	<u>159,395,783 00</u>	<u>156,741,039 00</u>	<u>—2,654,744 00</u>

APPENDIX 2

LOCAL ASSISTANCE BUDGET (STATE AID)

	Appropriations 1943-1944	Recommendations 1944-1945	Change from 1943-1944
Executive			
Housing	\$400,000 00	.....	—\$400,000 00
Veterans' relief	20,000 00	\$40,000 00	+20,000 00
Education			
Support of common schools.....	113,890,000 00	106,400,000 00	—7,490,000 00
Non-resident tuition	3,044,100 00	2,625,000 00	—419,100 00
Attendance of academic pupils.....	50,000 00	35,000 00	—15,000 00
Physically handicapped children....	406,590 00	500,000 00	+93,410 00
Health			
County public health work.....	765,000 00	790,000 00	+25,000 00
County care of adult poliomyelitis cases	20,000 00	20,000 00	.....
Local laboratories	192,000 00	248,000 00	+56,000 00
Public Works			
County highways	2,035,100 00	2,050,000 00	+14,900 00
Town highways	3,000,900 00	3,035,091 00	+34,191 00
Snow removal	598,000 00	600,000 00	+2,000 00
Social Welfare			
Aid to blind.....	300,000 00	325,000 00	+25,000 00
Aid to dependent children.....	3,800,000 00	3,650,000 00	—150,000 00
Old age assistance.....	12,939,000 00	15,375,000 00	+2,436,000 00
Home relief	19,800,000 00	20,175,000 00	+375,000 00
Miscellaneous			
Post-War Public Works Planning Commission, local projects.....	1,263,000 00	1,500,000 00	+237,000 00
Total	<u>162,523,690 00</u>	<u>157,368,091 00</u>	<u>—5,155,599 00</u>

APPENDIX 3

CAPITAL OUTLAY BUDGET

	Appropriations 1943-1944	Recommendations 1944-1945	Change from 1943-1944
Recommended appropriations from the General Fund:			
Executive			
Military and Naval Affairs.....	\$2,400 00	\$87,450 00	+\$85,050 00
Conservation	20,000 00	11,000 00	—9,000 00
Correction	51,325 00	46,950 00	—4,375 00
Education	1,000 00	98,135 00	+97,135 00
Health	1,000 00	10,900 00	+9,900 00
Mental Hygiene	22,800 00	111,745 00	+88,945 00
Public Works			
Highways and parkways.....	3,758,671 00	.....	—3,758,671 00
All other	257,000 00	240,000 00	—17,000 00
Social Welfare	12,600 00	32,550 00	+19,950 00
Miscellaneous			
Post-war planning	1,737,000 00	.....	—1,737,000 00
Total, general fund	<u>5,863,796 00</u>	<u>638,730 00</u>	<u>—5,225,066 00</u>
Recommended appropriations from the Post-war Reconstruction Fund:			
Public Works			
Highways .....	.....	\$2,000,000 00	+\$2,000,000 00
Miscellaneous			
Post-war Public Works Planning			
Commission .....	.....	2,000,000 00	+2,000,000 00
Purchase of equipment.....	.....	1,000,000 00	+1,000,000 00
Total post-war reconstruction fund	<u>.....</u>	<u>5,000,000 00</u>	<u>+5,000,000 00</u>

APPENDIX 4

OTHER FUNDS FROM WHICH APPROPRIATIONS ARE RECOMMENDED

	Estimated Income and Recommendations 1944-1945
Conservation Fund	\$1,217,317 00
Correctional Industry Fund.....	414,828 00
Employees' Retirement System Fund.....	425,000 00
Governmental Emergency Fund.....	2,500,000 00
Grade Crossing Elimination Fund.....	2,001,700 00
Hospital Capital Fund.....	48,010 00
Housing Debt Fund.....	729,000 00
Military Record Fund.....	1,200 00
Total.....	<u>7,337,055 00</u>

APPENDIX 5

EXPLANATION OF REVENUE ESTIMATES

In accordance with the requirement of Article VII, section 2, of the Constitution, I am submitting herewith an explanation of the basis of my revised revenue estimates for the fiscal year ending March 31, 1944, and regular revenue estimates for the fiscal year ending March 31, 1945.

These estimates have been prepared, I believe, more systematically than those made in previous years. They are based upon a considerable amount of preliminary work carried on jointly by the research staff of the Division of the Budget, the Research Bureau of the Tax Department, and the officials administering the various taxes. I want to express my appreciation to all these officials who have cooperated splendidly in this undertaking and have helped me to make these estimates as objective and accurate as possible.

The difficulties besetting the task of estimating revenue are fully as great this year as they were last. The same uncertainties which existed then regarding future governmental policies in the matter of the rationing of goods, war contract allocations and taxation, as well as other future developments intimately affecting the sources of State taxation, prevail today. I have based my estimates on the probability of termination of the European war during the coming fiscal year. While trying to make these estimates as reliable as possible, I cannot be too sure that they will not be disturbed by some unexpected occurrences.

In addition to these extraordinary difficulties of estimation, there are the ordinary ones arising out of the capricious nature of some of our taxes. I have reference particularly to the yields of our inheritance tax and the stock transfer tax, the estimates on which have quite consistently in the past hit wide of the mark. The person has not yet been born who could year after year estimate the yields from these taxes a year in advance accurately.

All the revenue estimates presented here have reference to the sums that are collectible for the General Fund. Moreover, the figures refer in each case to the sums expected to reach the General Fund during the fiscal year under consideration.

To facilitate reference, the explanations of the estimates are arranged in the alphabetical order of the names of the taxes involved.

Alcoholic Beverage Tax.—The revenue from this tax, ever since the increase in the rate applicable to distilled liquor from \$1.00 a gallon to \$1.50 on May 10, 1939, has been running at more than \$20 million a year, as may be seen from the following figures:

1938, fiscal year ending June 30.....	\$12,883,647
1939, fiscal year ending June 30.....	13,621,388
1940, fiscal year ending June 30.....	21,256,989
1941, fiscal year ending June 30.....	23,863,106
1942, fiscal year ending June 30.....	26,060,283
1943, nine months, July 1 to March 31....	21,208,467

The estimates are:

1944, fiscal year ending March 31.....	\$23,000,000
1945, fiscal year ending March 31.....	18,000,000

The distilled liquor tax produced for the State during the first nine months of the present fiscal year a revenue of \$12.7 million, or some 20 per cent less than during the corresponding period of the previous year. This drop was due to the increasing shortage of liquor in the market. The collections for the last three months are estimated at \$4.3 million, thus giving a total figure for the year of \$17 million. Beer yielded a revenue of \$4.1 million for the first nine months of the current year. On a proportionate basis it is expected to produce \$5.2 million for the full twelve months or slightly more than last year. Wine and other alcoholic beverages, as indicated by the collections realized during the first nine months of the present year, can be counted on to produce a revenue of \$800,000.

It is anticipated that next year the revenue from distilled liquor may drop as much as 30 per cent because of three factors: increasing scarcity of liquor, continued voluntary rationing by the trade, and higher prices induced by higher Federal taxes. Accordingly, the revenue from this source is estimated at only \$11.8 million. Beer, on the other hand, is counted on to furnish slightly more revenue next year than it will furnish this year, namely \$5.5 million. Wine, because of transportation difficulties, is expected to furnish slightly less revenue, namely, \$700,000.

Alcoholic Beverage Control Licenses.—Until recently, the revenue from these licenses was slowly but steadily increasing, as may be seen from the figures below. The exceptionally large gain shown for 1940 was due to a change in the collection dates and the resulting collection of more than one year's tax during that period.

1938, fiscal year ending June 30.....	\$8,859,465
1939, fiscal year ending June 30.....	8,767,654
1940, fiscal year ending June 30.....	10,919,068
1941, fiscal year ending June 30.....	9,183,223
1942, fiscal year ending June 30.....	9,346,448
1943, nine months, July 1 to March 31.....	7,678,305

The estimates are:

1944, fiscal year ending March 31.,.....	9,000,000
1945, fiscal year ending March 31.....	7,800,000

During the current fiscal year revenue collections from this source have started to decline. The collections for the first nine months of the year apply only to the up-state area. They show a drop of 3 per cent from the corresponding period of last year, indicating a reduction of that proportion in the number of renewals of licenses. This decline in renewals seems to be due to the increasing difficulties experienced by licensees in procuring liquor

and also in obtaining help to man their establishments, as well as, in the case of taverns, to the gasoline rationing which has reduced their patronage.

The bulk of the collections is due in February from licensees located in the metropolitan area. These, too, are expected to drop from the preceding year, but not quite as much as did those in the other region. An estimate of \$9 million is thus arrived at for the entire revenue from the two areas combined for the current fiscal year.

For the next year a sharper drop, amounting to approximately 12 per cent in the number of renewals of licenses, is expected in the State. Accordingly, the revenue, after appropriate adjustments for the particular manner of distribution of the gross collections between the State and the localities, is estimated for that year at \$7.8 million.

Bank Tax.—Prior to 1941, the entire proceeds of this tax, except for a small amount covering collection costs, were apportioned by the State among the localities. Since that time, however, the tax has been used entirely for State purposes. The collections for the past years have been as follows:

1941, fiscal year ending June 30.....	\$5,405,476
1942, fiscal year ending June 30.....	6,293,981
1943, nine months, July 1 to March 31.....	7,291,850

The estimates are:

1944, fiscal year ending March 31.....	7,060,000
1945, fiscal year ending March 31.....	7,700,000

The tax is due annually on September 1. By December 31 generally 99.9 per cent of the revenue due during the fiscal year is collected. This year \$7,052,449 had been taken in by that date, indicating a revenue for the entire year of approximately \$7,060,000.

For the succeeding year higher earnings reported by the banks during 1943, suggest the likelihood of a 10 per cent increase in this revenue.

Boxing Exhibitions Tax.—This tax is levied on gross receipts of boxing matches. Prior to the fiscal year 1943, it generally produced a revenue of \$150,000 a year. During the current fiscal period, however, because of the elimination of open-air bouts in the New York area on account of dim-out regulations, the collections from this source during the first ten months amounted to only \$83,500. They cannot be expected to rise to more than \$90,000 by the end of the fiscal year. For the next year, however, with the recently inaugurated relaxation in dim-out restrictions, some improvement in this revenue is expected. The collections should rise to \$125,000.

Cigarette Tax.—This tax was adopted by the State in 1939. It has been producing a steadily expanding revenue as may be seen from the following table:

1940, fiscal year ending June 30.....	\$20,436,777
1941, fiscal year ending June 30.....	23,761,636
1942, fiscal year ending June 30.....	25,053,339
1943, nine months, July 1 to March 31.....	17,914,907

The estimates are:

1944, fiscal year ending March 31.....	25,200,000
1945, fiscal year ending March 31.....	22,500,000

Despite the fact that many men and women of this State have been inducted into the armed forces, where cigarettes are furnished tax free, the revenue from this tax is still holding up. The collections for the first ten months of the current fiscal year have amounted to \$21.5 million. Those for the last two months, in accordance with recent trends, can be expected to amount to \$3.7 million, thus indicating a total revenue for the year of \$25.2 million.

Cigarette manufacturers have announced a 10 per cent reduction in the volume of their output for next year. Scarcity in certain brands of cigarettes has already developed. Assuming, therefore, a reduction in civilian consumption of cigarettes at a slightly higher rate than the 10 per cent mentioned, a decline in the State's revenue from this source to \$22.5 million for the next year is anticipated.

Corporation Taxes, Article 9, Exclusive of Tax on Gross Receipts of Utilities.—The taxes included in this group cover certain classes of banks not covered by the bank tax, certain types of insurance companies not covered by the special taxes collected by the Insurance Department, and public utilities. They are levied mainly on capital stock, gross assets, or gross earnings, rather than on net income; and they produce a fairly stable revenue especially when considered in the aggregate, as may be seen below:

1938, fiscal year ending June 30.....	\$30,979,100
1939, fiscal year ending June 30.....	30,105,584
1940, fiscal year ending June 30.....	29,962,715
1941, fiscal year ending June 30.....	30,087,974
1942, fiscal year ending June 30.....	29,930,606
1943, nine months, July 1 to March 31.....	19,664,365

The estimates are:

1944, fiscal year ending March 31.....	29,450,000
1945, fiscal year ending March 31.....	29,600,000

The tax on insurance premiums has produced during the first nine months of the current fiscal year \$10.2 million and, in accordance with past trends, can be expected to yield \$3.5 million more

before the end of this fiscal year. The other taxes in the group have produced during the same period \$9.8 million and can be expected on a proportionate basis to supply \$5.95 million more. Hence, the foregoing estimate of \$29.45 million for all the taxes combined in this group, for the current fiscal year.

For the next fiscal year, a slight increase of \$150,000 is expected in this revenue.

Corporation Taxes—Utilities Tax (Article 9—Section 186-A).—

This tax is additional to the regular franchise tax on utilities. It has been levied by the State since 1937 at the rate of 2 per cent of gross receipts. Its yield under normal circumstances is fairly steady, as may be seen from the following figures:

1938, fiscal year ending June 30.....	\$15,438,522
1939, fiscal year ending June 30.....	17,023,493
1940, fiscal year ending June 30.....	17,008,023
1941, fiscal year ending June 30.....	16,005,267
1942, fiscal year ending June 30.....	17,201,248
1943, nine months, July 1 to March 31.....	12,740,123

The estimates are:

1944, fiscal year ending March 31.....	17,700,000
1945, fiscal year ending March 31.....	17,700,000

This tax is due quarterly on the 25th day of June, September, December and March. The collections for the first three quarters of the current fiscal year have amounted to \$13.3 million, thus indicating total collections for the year of approximately \$17.7 million. For the next year, a similar amount is expected.

I am recommending that the proceeds of this tax for the next fiscal year be distributed among the cities. If this recommendation is adopted by the Legislature, no revenue from this source will accrue to the State for that year.

Corporation Franchise Tax (Article 9-A).—This tax is levied on the net income of corporations not subject to the special franchise taxes. The yield of this tax fluctuates sharply with changes in economic conditions. It has been increasing rapidly since 1940 under the influence of the expansion of war production, as may be seen from these figures:

1938, fiscal year ending June 30.....	\$32,192,720
1939, fiscal year ending June 30.....	27,002,053
1940, fiscal year ending June 30.....	25,957,489
1941, fiscal year ending June 30.....	36,351,732
1942, fiscal year ending June 30.....	53,471,992
1943, nine months, July 1 to March 31.....	34,247,350

The estimates are:

1944, fiscal year ending March 31.....	85,000,000
1945, fiscal year ending March 31.....	78,000,000

The greater portion of the tax is collected in May, November and January. The collections for the first nine months of the present fiscal year have amounted to \$67.5 million. Records of the State Tax Commission indicate that \$17.5 million is due to come in during the last quarter of this fiscal year. This will bring the total revenue for the year to the unprecedented figure of \$85 million.

Current indexes of corporate profits before taxes, for the first nine months of 1943, indicate an increase of from 10 to 20 per cent over the corresponding period for 1942. It is commonly anticipated that the last quarter will make a somewhat less favorable comparison with the preceding year. Furthermore, the profits of New York corporations have not kept pace in recent years with increases in profits for the country as a whole.

I have, therefore, assumed that we may reasonably anticipate an increase of 10 per cent in revenue from this source for the fiscal year 1943, making approximately \$93 million.

But against this revenue it will be necessary to set up a reserve of some \$15 million to provide against possible losses in consequence of re-negotiation of contracts by the Federal Government. Deduction of such reserve brings my final estimate of net revenue down to approximately \$78 million.

Court and Stenographers Tax.—This is a levy on real property and serves to reimburse the State for certain expenses of the Judiciary. The revenue from this source has been as follows:

1938, fiscal year ending June 30.....	\$991,257
1939, fiscal year ending June 30.....	559,173
1940, fiscal year ending June 30.....	1,659,287
1941, fiscal year ending June 30.....	1,060,142
1942, fiscal year ending June 30.....	1,030,132

The estimates are:

1944, fiscal year ending March 31.....	1,060,000
1945, fiscal year ending March 31.....	1,100,000

The estimate for the current year is based on actual collections through December and on an estimate of that portion of the October 1943 levy which will be collected before March 31, 1944. It is quite certain to be realized. The revenue for the next fiscal year will be slightly larger.

Inheritance Tax.—Of all tax yields, this one is most difficult to estimate because of unpredictable factors. Its collections have fluctuated as follows:

1938, fiscal year ending June 30.....	\$33,972,093
1939, fiscal year ending June 30.....	35,515,923
1940, fiscal year ending June 30.....	27,955,770
1941, fiscal year ending June 30.....	27,667,795
1942, fiscal year ending June 30.....	21,027,710
1943, nine months, July 1 to March 31....	7,823,157

The estimates are:

1944, fiscal year ending March 31.....	\$18,500,000
1945, fiscal year ending March 31.....	12,000,000

Due to heavy Federal taxation of incomes and other factors which have unfavorably affected large estates, a downward trend in revenue collections from this tax has developed in recent years. For the 12-month period ending March 31, 1943, collections were only one-third as large as those of the years 1938 and 1939. During the current year, the revenue has been swelled by an unusual collection of some \$5.3 million from three large estates. The collections for the first nine months have amounted to \$16.2 million. During the remaining quarter, \$2.3 million more can be expected to come in.

For the next fiscal year, the revenue is estimated at a lower figure, in accordance with what appears to be the normal trend. Unforeseen developments may, of course, modify the final results considerably.

Insurance Premium Tax.—These taxes are imposed mostly on fire, casualty and marine insurance companies. They are levied mainly on gross receipts from the premiums and are collected by the State Insurance Department. A minor portion comes from the taxation of profits of marine insurance companies. Until recently, the revenues from these taxes, in the aggregate, approximated \$2 million a year:

1938, fiscal year ending June 30.....	\$1,843,916
1939, fiscal year ending June 30.....	1,833,718
1940, fiscal year ending June 30.....	1,944,537
1941, fiscal year ending June 30.....	1,989,029
1942, fiscal year ending June 30.....	2,579,156
1943, nine months, July 1. to March 31.....	1,568,824

The estimates are:

1944, fiscal year ending March 31.....	3,475,000
1945, fiscal year ending March 31.....	2,600,000

Under the influence of the war and other factors, the receipts from this source during the current fiscal year have been increasing in an extraordinary fashion. \$1.4 million has already been collected. A little over \$2 million more can be expected to come in during the remaining quarter of the year. It seems, however, as if a peak in the collection has been reached at this time.

A considerable drop in collections is anticipated for the next fiscal year. It is exceedingly difficult to estimate the revenue from this tax accurately, inasmuch as the great bulk of it is collected during the last month of the fiscal year. It is believed that this estimate will be realized.

Milk Tax.—This tax was not re-enacted by the 1943 Legislature. Some back collections amounting to \$80,400 have been realized

during the first ten months of this fiscal year, but little more is expected during the remaining months. The revenue is estimated, therefore, at \$81,000. Next year no revenue is expected from this source.

Mortgage Tax.—This tax has produced in recent years the following amounts of revenue:

1938, fiscal year ending June 30.....	\$1,510,983
1939, fiscal year ending June 30.....	1,355,952
1940, fiscal year ending June 30.....	1,395,787
1941, fiscal year ending June 30.....	1,873,229
1942, fiscal year ending June 30.....	1,621,302
1943, nine months, July 1 to March 31....	815,978

The estimates are:

1944, fiscal year ending March 31.....	1,385,000
1945, fiscal year ending March 31.....	1,600,000

The revenue is transmitted by the county treasurers to the State quarterly in January, April, July and October of each year. The entire sum due to the State during the present fiscal year has already been received.

During the last half of the current fiscal year, the revenue from this tax has increased considerably, reflecting a recent revival in real estate activity. This revival can be expected to continue. Hence, the aforementioned slightly higher estimate for the next fiscal year.

I am recommending that the State relinquish to the localities its share of this tax. If this recommendation is adopted by the Legislature, no revenue from it will be received by the State.

Motion Picture Tax.—This tax is levied on the films exhibited and is collected by the State Department of Education from producers at the time of their application for a license. The revenue from it flows into the State treasury, therefore, at a fairly steady rate from month to month throughout the year. During recent years it has averaged more than \$300,000 per annum:

1938, fiscal year ending June 30.....	\$306,945
1939, fiscal year ending June 30.....	300,331
1940, fiscal year ending June 30.....	309,635
1941, fiscal year ending June 30.....	315,962
1942, fiscal year ending June 30.....	335,488
1943, nine months, July 1 to March 31....	219,657

The estimates are:

1944, fiscal year ending March 31.....	280,000
1945, fiscal year ending March 31.....	250,000

Lately, with the drop in the production of new films due to the war, the revenue from this tax has dropped. The collections

for the first 10 months of this year have amounted to only \$243,239 and during the remaining two months are not likely to amount to more than \$37,000.

For the next fiscal year, a further slight drop in this revenue is expected, bringing its total down to the above quoted figure.

Motor Fuel Tax.—Prior to the inauguration of gasoline rationing in 1942, the State's revenue from this tax averaged more than \$60 million a year. Since then, however, it has been running at less than two-thirds of that rate:

1938, fiscal year ending June 30.....	\$59,256,012
1939, fiscal year ending June 30.....	58,829,554
1940, fiscal year ending June 30.....	62,063,032
1941, fiscal year ending June 30.....	65,959,947
1942, fiscal year ending June 30.....	61,652,822
1943, nine months, July 1 to March 31....	31,830,694

The estimates are:

1944, fiscal year ending March 31.....	38,000,000
1945, fiscal year ending March 31.....	38,000,000

The collections for the first nine months of the current fiscal year have amounted to \$31 million. During the months of January, February and March, the collections are usually low because of a drop in traffic. They can be anticipated to amount to only \$7 million, thus bringing the total for the year to the \$38 million figure indicated.

In the next fiscal year there are certain factors that may tend toward decreased consumption of gasoline, such as the smaller number of cars in operation and the possible tightening of gasoline restrictions, already suggested by the Federal Government, during the early part of the year. On the other hand, there are developments that may make increased consumption possible, such as an early termination of the European conflict, with a consequent releasing of shipping facilities and some probable relaxation of gasoline restrictions. In the absence of a clear balance of probability on either side, I have continued the estimate for 1944-1945 at the same level as that for 1943-1944.

Motor Vehicle Tax.—Ordinarily, the revenue for this tax is very stable, as may be seen from the following figures. The introduction of gasoline rationing in 1942, however, has changed the behavior of this tax. It has not only brought about a sharp drop in this revenue, but it has also made its future course somewhat unpredictable:

1938, fiscal year ending June 30.....	\$37,340,056
1939, fiscal year ending June 30.....	35,056,100
1940, fiscal year ending June 30.....	38,148,892
1941, fiscal year ending June 30.....	41,770,216
1942, fiscal year ending June 30.....	37,115,900
1943, nine months, July 1 to March 31.....	28,590,380

The estimates are :

1944, fiscal year ending March 31.....	32,800,000
1945, fiscal year ending March 31.....	28,100,000

In estimating this revenue it is necessary to distinguish between its main component parts, namely, the motor vehicle registrations—passenger, commercial and others, which furnish the bulk of the revenue—and the operators' licenses. More than 80 per cent of the revenue from the motor vehicle registrations is collected towards the end of the fiscal year, during the months of January and February, when motor vehicle registration licenses expire. This fact makes the estimating of this revenue very difficult.

The registrations of passenger vehicles during the period of April 1, 1942 to March 31, 1943, declined to some 23 per cent from the corresponding period of the year before, while that of commercial vehicles declined only 7 per cent during the same time. This sharp decline was due primarily to gasoline and tire rationing.

For the current fiscal year the drop in registrations of the passenger vehicles is expected to be much smaller, probably not exceeding 10 per cent in the case of the full year's licenses. The drop in registrations of commercial vehicles is expected to be only 5 per cent, and that in others even less. In the case of all these categories the decline is expected to reflect almost entirely the deterioration of the cars. The total revenue from all motor vehicle registrations is anticipated to amount during this fiscal year to \$28.9 million.

The revenue from operators' and chauffeurs' licenses during this fiscal year, however, will run high, inasmuch as the renewals of the tri-ennial licenses have become due during this period. This revenue will amount to approximately \$3.9 million, bringing the total revenue for the year, from all the licenses combined, to \$32.8 million.

For the next fiscal year the deterioration of the cars can be expected to cause a further drop of 5 per cent in the number of registrations of passenger vehicles. The number of registrations of commercial vehicles, on the other hand, can be counted upon to remain the same, on the presumption that some replacements of worn-out trucks will be allowed by the Government. The aggregate revenue from registrations can be expected, therefore, to amount to \$27.4 million.

The revenue from the operating licenses during the next fiscal period will drop to the level obtaining usually during the years intervening between the expirations of the tri-ennial licenses, namely, to some \$660,000. Thus the entire revenue from all licenses can be estimated for the next fiscal period at \$28.1 million.

Organization of Corporations.—The revenue from this tax fluctuates considerably. It depends upon the formation of new corporations—a factor which varies with the changing prospects

for profitable ventures. The following figures covering a nine year period reveal the full extent of these fluctuations:

1935, fiscal year ending June 30.....	\$389,773
1936, fiscal year ending June 30.....	736,879
1937, fiscal year ending June 30.....	736,925
1938, fiscal year ending June 30.....	355,001
1939, fiscal year ending June 30.....	396,389
1940, fiscal year ending June 30.....	340,225
1941, fiscal year ending June 30.....	288,638
1942, fiscal year ending June 30.....	534,779
1943, nine months, July 1 to March 31.....	108,911

The estimates are:

1944, fiscal year ending March 31.....	300,000
1945, fiscal year ending March 31.....	350,000

During the past six months a moderate increase in the number of new incorporations has taken place. As a result, the collections during the first ten months of this fiscal year have reached \$262,800 and can be expected by the end of it to reach the aforementioned estimate. This trend towards increased formation of new corporations will probably continue, as it seems to reflect preparations on the part of business for expanded civilian production after the war. Accordingly, the revenue from this tax for the next fiscal year is estimated at a slightly higher figure than for the current year.

Pari-mutuels Tax.—This is a newcomer among the taxes of this State. It made its entry in 1940 and has consistently from year to year been producing a revenue exceeding all expectations:

1940, fiscal year ending June 30.....	\$2,056,560
1941, fiscal year ending June 30.....	5,860,960
1942, fiscal year ending June 30.....	8,266,496
1943, nine months, July 1 to March 31.....	6,902,599

The estimates are:

1944, fiscal year ending March 31.....	18,512,000
1945, fiscal year ending March 31.....	15,000,000

By the end of last November the entire amount of revenue due for the current fiscal year had been collected. It amounts to the sum given above.

For the next fiscal year the revenue is estimated at a somewhat lower figure. It is possible, of course, that it will equal or even exceed the record sum of this year, but it is not safe to count upon it.

Personal Income Tax.—During the past six years, a number of changes have been made in this tax which have considerably altered its revenue yields. The most important among these are: (a) the introduction of a special treatment of capital gains, in 1938; (b) the termination of the exemption of Federal salaries, in 1940; (c) the repeal of the 1 per cent emergency tax, in 1941; (d) the 25 per cent reduction in the tax, voted for a two-year period, in

1942; (e) the extension of the existing exemptions for dependents 18 years of age or over attending schools; and (f) the exemption of life insurance premiums, extraordinary medical expense, and military pay, and the authorization of quarterly payments of the tax in 1943.

The amounts of revenue collected from this source during these six years reproduced below are, therefore, scarcely comparable:

1938, fiscal year ending June 30.....	\$107,175,965
1939, fiscal year ending June 30.....	89,254,637
1940, fiscal year ending June 30.....	92,718,440
1941, fiscal year ending June 30.....	101,212,848
1942, fiscal year ending June 30.....	82,331,603
1943, nine months, July 1 to March 31.....	19,024,058

The estimates are:

1944, fiscal year ending March 31.....	85,000,000
1945, fiscal year ending March 31.....	88,000,000

During the past nine months of the current fiscal year, the collections have amounted to \$71 million. Ordinarily, they would have represented 90 per cent of the year's collection. This year, however, because of the change made in the law last year authorizing quarterly payments, these collections will represent a smaller proportion of the total. For in January, another quarterly payment is due from taxpayers paying their tax on the installment plan. This will probably amount to some \$8 million and, together with the sums ordinarily collected during such months, will bring the total revenue for the year to the amount of the foregoing estimate.

For the next fiscal year, after allowing for the continuation of the present 25 per cent reduction which I have already recommended, I have estimated a further small increase in revenue. Current indexes of national income for the calendar year 1943 suggest an increase of perhaps 20 per cent over that of 1942. But it is estimated that the greater part of this increase accrued to incomes of less than \$5,000, which, because of the high personal exemptions allowed under our State income tax, constitute a minor source of income tax revenue. I have therefore anticipated an increase of only some \$3 million, making a total of \$88 million for 1945.

Racing Tax.—This tax is imposed on admissions. Its revenue varies moderately from year to year:

1938, fiscal year ending June 30.....	\$534,658
1939, fiscal year ending June 30.....	635,944
1940, fiscal year ending June 30.....	554,496
1941, fiscal year ending June 30.....	438,685
1942, fiscal year ending June 30.....	541,998
1943, nine months, July 1 to March 31.....	387,981

The estimates are:

1944, fiscal year ending March 31.....	692,500
1945, fiscal year ending March 31.....	600,000

During the current fiscal year, the revenue from this tax has reached a record height. The entire sum due for the year had been collected by the end of December. The estimate given above represents, therefore, an actual realization.

For the next year a slightly smaller revenue is forecast. Here, too, as in the case of the pari-mutuels tax, the possibility exists for the duplication of this year's record, but it is not deemed wise to count too much upon it.

Stock Transfer Tax.—This tax, very much like the inheritance tax, perennially upsets all estimates. Its revenue goes up and down with the ebb and flow of stock market activity. During the two or three years immediately preceding the current fiscal year, this revenue was running at an exceptionally low level:

1935, fiscal year ending June 30.....	\$15,955,652
1936, fiscal year ending June 30.....	34,353,662
1937, fiscal year ending June 30.....	33,847,471
1938, fiscal year ending June 30.....	20,675,922
1939, fiscal year ending June 30.....	19,312,751
1940, fiscal year ending June 30.....	19,181,663
1941, fiscal year ending June 30.....	11,974,753
1942, fiscal year ending June 30.....	11,958,301
1943, nine months, July 1, to March 31.....	9,626,928

The estimates are:

1944, fiscal year ending March 31.....	16,000,000
1945, fiscal year ending March 31.....	14,000,000

During the current fiscal year a considerable increase in the revenue from this tax has taken place, reflecting a revival of activity in the stock market. For the first three-quarters of the year \$12.8 million has been collected. During the remaining quarter, even at a relatively conservative rate of stock trading, \$3.2 million more should be collected.

For the next fiscal year a somewhat smaller amount of revenue is forecast, as a measure of precaution. The sum quoted should certainly be realized. Whether a larger figure could be obtained, is uncertain.

Unincorporated Business Tax.—Like the pari-mutuels tax, this is another record breaker among our newer taxes. Started in 1935 with a revenue yield of only \$3.5 million and a total of only some 7,000 establishments subject thereto, it produced by 1942, as shown below, more than double that amount of revenue and counted more than double that number of taxpayers:

1938, fiscal year ending June 30.....	\$3,979,514
1939, fiscal year ending June 30.....	3,333,178
1940, fiscal year ending June 30.....	3,940,478
1941, fiscal year ending June 30.....	4,914,989
1942, fiscal year ending June 30.....	7,709,979
1943, nine months, July 1 to March 31.....	2,334,994

The estimates are :

1944, fiscal year ending March 31.....	\$14,000,000
1945, fiscal year ending March 31.....	17,000,000

The collections for the first nine months of the current fiscal year have already amounted to \$12.2 million. Inasmuch as such collections during the corresponding periods of the past years have quite consistently represented 87 per cent of the total year's collections, the revenue for the entire year can be expected on a similar proportionate basis to reach the aforementioned sum of \$14 million. This is an increase of 62 per cent over the yield for the corresponding period of the year before. It is due partly to the large gains in the earnings of the businesses involved and partly to a 33 per cent increase in the number of taxpaying establishments (an increase from 15,000 to 20,000 during the first six months of the period). This increase in the number of taxpayers is attributable largely to a shift of business from the corporate to the unincorporated form because of high Federal taxes now being imposed on corporations.

For the next fiscal year an increase of approximately 20 per cent is anticipated in this revenue. This is based on the assumption of a continued trend of corporate businesses to change to the unincorporated form as well as of continuing large gains in the earnings of the businesses subject to the tax. Some indication of these earnings is found in the returns filed during the months of July to December of last year by unincorporated businesses operating on the fiscal year basis. These returns quite generally show substantial increases over the earnings of the preceding year. On the basis of the 20 per cent increase assumed, the revenue is estimated at the aforementioned figure of \$17 million.

Other Receipts of General Fund (Miscellaneous Revenues).—

These receipts are made up, in major part, of the revenues of general departments and of refunds and reimbursements, and, in a minor way, of revenues of trust funds, bank interest, and proceeds from sales of land and other property. They vary only moderately from year to year, as may be seen from the following figures :

1938, fiscal year ending June 30.....	\$18,805,749
1939, fiscal year ending June 30.....	15,289,777
1940, fiscal year ending June 30.....	13,908,355
1941, fiscal year ending June 30.....	15,455,346
1942, fiscal year ending June 30.....	15,351,198
1943, nine months, July 1 to March 31.....	13,571,049

The estimates are :

1944, fiscal year ending March 31.....	16,343,300
1945, fiscal year ending March 31.....	17,215,000

The collections for the first nine months of the current year have aggregated \$11.1 million. Those of the succeeding three months are expected to bring the total to the foregoing estimated figure.

Next year, larger collections are expected from charges made by institutions, unclaimed property, and refunds of expenses of workmen's compensation administration. As a result, the aggregate revenue is likely to reach \$17.2 million.

Transfers from Other Funds.—Recent legislation affecting the disposition of excess monies in trust funds has operated to reduce substantially the amounts estimated to be transferred to General Fund in comparison with former years. For the current fiscal year only \$40,000 is estimated to be so transferred and for the next fiscal year—\$80,000.

Chapter 23 of the Laws of 1943 provided for the transfer of all unexpended balances in the various regional park funds to the General Fund on November 15, 1943. Accordingly, \$148,700 has been so transferred during the current fiscal year. For the next year no such transfers are anticipated.

APPENDIX 6 DISTRIBUTION OF STATE-COLLECTED, LOCALLY-SHARED TAXES

FISCAL YEAR	1943 (NINE MONTHS)			1944 (ESTIMATED)			1945 (ESTIMATED)		
	State's share	Localities' share	Total	State's share	Localities' share	Total	State's share	Localities' share	Total
Locally-shared taxes:									
Alcoholic beverage tax.....	\$21,208,466 82	\$12,726,040 24	\$33,934,507 06	\$23,000,000 00	\$14,500,000 00	\$37,500,000 00	\$18,000,000 00	\$12,100,000 00	\$30,100,000 00
Alcoholic beverage control licenses.....	7,678,305 45	6,700,000 00	14,378,305 45	9,000,000 00	7,870,000 00	16,870,000 00	7,800,000 00	6,550,000 00	14,350,000 00
Corporation, Art. 9-Utilities tax.....	12,740,123 34	.....	12,740,123 34	17,700,000 00	.....	17,700,000 00	.....	17,700,000 00	17,700,000 00
Corporation franchise tax (Art. 9-A).....	34,247,349 72	10,826,702 28	45,074,052 00	85,000,000 00	29,100,000 00	114,100,000 00	78,000,000 00	26,700,000 00	104,700,000 00
Mortgage tax ^a	815,978 49	815,978 49	1,631,956 98	1,385,000 00	1,385,000 00	2,770,000 00	.....	3,200,000 00	3,200,000 00
Motor fuel tax.....	31,830,693 71	4,548,168 46	36,378,862 17	38,000,000 00	5,400,000 00	43,400,000 00	38,000,000 00	5,400,000 00	43,400,000 00
Motor vehicle tax.....	28,590,380 22	9,458,366 98	38,048,747 20	32,800,000 00	10,900,000 00	43,700,000 00	28,100,000 00	9,350,000 00	37,450,000 00
Personal income tax.....	19,024,058 22	3,357,186 68	22,381,244 90	85,000,000 00	15,000,000 00	100,000,000 00	88,000,000 00	15,500,000 00	103,500,000 00
All other taxes.....	74,692,949 06	.....	74,692,949 06	134,703,500 00	.....	134,703,500 00	122,825,000 00	.....	122,825,000 00
Other receipts.....	13,650,388 37	.....	13,650,388 37	16,532,000 00	.....	16,532,000 00	17,295,000 00	.....	17,295,000 00
Total revenues.....	\$244,478,693 40	\$48,432,443 13	\$292,911,136 53	\$443,120,500 00	\$84,155,000 00	\$527,275,500 00	\$398,020,000 00	\$96,500,000 00	\$494,520,000 00

^a Collected by the localities.

APPENDIX 7

EXECUTION OF FINANCIAL PLAN FOR THE NINE (9) MONTHS

FISCAL YEAR 1943

	Revised plan as set forth in Executive Budget, Feb. 1, 1943	Results of carrying plan into execution, Mar. 31, 1943	Effect on year- end cash position Favorable + Unfavorable -
I. Expenditures			
1. Appropriations by the Legislature of 1942.....	\$381,442,572 94	\$381,442,572 94	.....
2. Less: Appropriations repealed by 1943 Legislature.....	120,002,397 42	120,056,819 23	+\$54,421 81
3. Net appropriations for nine (9) months fiscal year....	\$261,440,175 52	\$261,385,753 71	+\$54,421 81
ADDITIONS:			
4. Prior years' unexpended appropriations and reappropriations carried forward to 1943 fiscal year.....	26,583,316 95	26,583,316 95	.....
5. Deficiencies for current year's operations provided for by 1943 Legislature.....	4,600,000 00	3,503,896 76	+1,096,103 24
6. Interest on temporary debt..	350,000 00	303,125 00	+46,875 00
7. Total appropriations before deductions.....	\$292,973,492 47	\$291,776,092 42	+\$1,197,400 05
DEDUCTIONS:			
8. Prior years' deficiencies provided for by 1942 Legislature and spent before July 1, 1942.....	19,200,516 63	19,275,516 63 *	+75,000 00
9. Lapses of appropriations during the year.....	6,536,384 08	6,537,663 04	+1,278 96
10. Unexpended appropriations and reappropriations carried forward to 1944 fiscal year.....	25,100,000 00	36,319,216 19	+11,219,216 19
11. Total expenditures to be financed in nine (9) months fiscal year 1943.....	\$242,136,591 76	\$229,643,696 56	+\$12,492,895 20
II. Income			
12. Revenue collections.....	229,050,500 00	244,478,693 40	+15,428,193 40
III. Surplus or Deficit			
13. Operating surplus for the nine (9) months fiscal year	-\$13,086,091 76	\$14,834,996 84	+\$27,921,088 60
14. Accumulated surplus as of June 30, 1942.....	54,127,419 81	54,127,419 81	.....
15. Accumulated surplus as of March 31, 1943.....	\$41,041,328 05	\$68,962,416 65	+\$27,921,088 60

* Includes \$75,000 adjustment in the method of accounting for borrowings based on certificates of intent which was made by the Comptroller subsequent to the submission of the Executive Budget of February 1, 1943.

APPENDIX 8

THE FINANCIAL PLAN FOR THE FISCAL YEAR 1944 AS ORIGINALLY SUBMITTED TO THE 1943 LEGISLATURE AND AS IT STOOD AT THE CLOSE OF THE LEGISLATIVE SESSION.

	As submitted by Governor in executive budget mes- sage of Feb. 1, 1943	As it stood after close of the Legisla- ture after vetoes, April 1943
EXPENDITURES		
Appropriations for fiscal year 1944.....	\$369,578,882 52	.....
Reserve to cover appropriations in supplemental budget and special bills.....	7,500,000 00	.....
Appropriations for fiscal year.....	377,078,882 52	\$376,708,129 88
Additions:		
Interest on temporary tax-anticipation notes, payable directly without appropriations from impounded revenues	100,000 00	100,000 00
Prior years' unexpended appropriations and re- appropriations carried forward to 1944 fiscal year	25,100,000 00	25,100,000 00
Deficiencies for current year's operations to be provided for by 1944 Legislature.....	4,000,000 00	4,000,000 00
Total appropriations and charges to be met during fiscal year 1944 before deductions..	406,278,882 52	405,908,129 88
Deductions:		
Estimated lapses of appropriations during the fiscal year 1944.....	6,000,000 00	6,000,000 00
Prior years' deficiencies provided for in 1943 fiscal year	4,600,000 00	3,503,896 76
Unexpended appropriations and reappropriations carried forward to 1945 fiscal year.....	25,600,000 00	25,600,000 00
Net total appropriations and other charges to be met during fiscal year 1944.....	370,078,882 52	370,804,233 12
INCOME		
Estimate of collections before March 31, 1944.....	379,643,000 00	379,643,000 00
OPERATING SURPLUS		
Prospective operating surplus of income as com- pared with expenditures for fiscal year 1944.....	\$9,564,117 48	\$8,838,766 88
EFFECT UPON ACCUMULATED SURPLUS		
Prospective accumulated surplus as of March 31, 1944	\$41,041,328 05	\$41,041,328 05
Prospective operating surplus for fiscal year 1944.	9,564,117 48	8,838,766 88
Prospective accumulated surplus as of March 31, 1944	\$50,605,445 53	\$49,880,094 93

Estimated Sinking Funds as of March 31, 1944, and Requirements for the Annual Contributions for Amortization and Interest for the Fiscal Year Ended March 31, 1945, Computed Pursuant to the Provisions of Article 7, Sections 15 and 16 of the Constitution

APPENDIX 9

STATE DEBT SERVICE

SINKING FUNDS		Legal reference, chap., year	Total bonds outstanding	Estimated accumulations March 31, 1944	Reserve required March 31, 1944	Estimated surplus March 31, 1944	Appropriations required by Constitution for sinking fund contributions and payment of interest	
							Required for sinking fund contributions for 1944-1945	Required for payment for interest for 1944-1945
Canal Debt Sinking Funds:								
Fund 3.....	147-1903	\$21,000,000 00	\$21,212,930 23	\$21,000,000 00	\$212,930 23	(Surplus applied to Canal Debt Sinking Fund No. 4)	.....
Fund 4.....	147-1903	40,000,000 00	24,679,850 86	24,679,850 86	.....	.....	\$1,105,207 32
Fund 5.....	391-1909	3,000,000 00	1,843,029 15	1,843,029 15	.....	.....	101,282 29
Fund 7.....	147-1903	30,000,000 00	17,591,494 60	17,591,494 60	.....	.....	1,061,156 93
Fund 8.....	391-1909	4,000,000 00	1,983,973 36	1,983,973 36	.....	.....	163,295 17
Fund 9.....	746-1911	5,000,000 00	5,343,790 68	5,053,125 00	290,665 68	(Surplus applied to Canal Debt Sinking Fund No. 10)	.....
Fund 10.....	147-1903	8,000,000 00	4,019,771 73	4,019,771 73	.....	.....	12,098 05
Fund 11.....	570-1915	27,000,000 00	13,234,076 17	13,234,076 17	.....	(Surplus applied to Canal Debt Sinking Fund No. 11)	869,077 49
Fund 12.....	746-1911	3,000,000 00	3,167,744 87	3,030,000 00	137,744 87	.....	.....
Total.....	.....	\$141,000,000 00	\$93,076,661 65	\$92,435,320 87	\$641,340 78	.....	\$3,312,117 25
Highway Debt Sinking Funds:								
Fund 1.....	469-1906	\$1,000,000 00	\$1,008,794 29	\$1,000,000 00	\$8,794 29	(Surplus applied to Highway Debt Sinking Fund No. 2)	.....
Fund 2.....	469-1906	33,000,000 00	24,714,565 15	24,714,565 15	.....	.....	\$743,685 12
Fund 3.....	469-1906	16,000,000 00	9,869,207 34	9,869,207 34	.....	.....	568,187 39
Fund 4.....	298-1912	5,000,000 00	3,117,428 03	3,117,428 03	.....	.....	178,310 00
Fund 5.....	298-1912	10,000,000 00	5,196,654 06	5,196,654 06	.....	.....	383,489 01
Fund 6.....	298-1912	15,000,000 00	8,697,966 16	8,697,966 16	.....	.....	451,548 57
Total.....	.....	\$80,000,000 00	\$52,604,615 03	\$52,595,820 74	\$8,794 29	.....	\$2,325,220 09
Palisades Interstate Park Debt Sinking Funds:								
Fund 1.....	363-1910	\$2,500,000 00	\$1,522,567 71	\$1,522,567 71	.....	.....	\$80,229 49
Fund 2.....	569-1916	2,500,000 00	1,087,238 36	1,087,238 36	.....	.....	98,729 40
Total.....	.....	\$5,000,000 00	\$2,609,806 07	\$2,609,806 07	.....	.....	\$178,958 89
Forest Preserve Debt Sinking Fund:								
Fund 1.....	569-1916	\$2,500,000 00	\$1,500,086 89	\$1,500,086 89	.....	.....	\$72,676 23
Total Sinking Funds.....	.....	\$228,500,000 00	\$149,791,169 64	\$149,141,034 57	\$650,135 07	.....	\$5,888,972 46

APPENDIX 10
STATE DEBT SERVICE

Requirements for Redemption of and Interest on Serial Bonds for the Fiscal Year Ending March 31, 1945

BONDS	Legal reference, chap., year	Date of issue	Amount of bonds issued	Term of bonds	Rate of interest	Date interest becomes payable	Amount of bonds outstanding March 31, 1944	Appropriations required to pay interest for 1944-1945	Appropriations required to pay principal for 1944-1945
Barge Canal Terminals:									
Serial bonds, 1945-1971.....	746-1911	Jan. 1, 1921	\$6,800,000 00	1-50 years	5	July 1, 1944-Jan. 1, 1945	\$3,672,000 00	\$183,600 00	\$136,000 00
Highways:									
Serial bonds, 1945-1971.....	298-1912	Mar. 1, 1921	\$20,000,000 00	1-50 years	5	Sept. 1, 1944-Mar. 1, 1945	\$10,800,000 00	\$540,000 00	\$400,000 00
State Forest Preserve:									
Serial bonds, 1945-1971.....	569-1916	Mar. 1, 1921	\$5,000,000 00	1-50 years	5	Sept. 1, 1944-Mar. 1, 1945	\$2,700,000 00	\$135,000 00	\$100,000 00
World War Bonus:									
Serial bonds, 1944-1949.....	19-1924	Apr. 1, 1924	\$45,000,000 00	1-25 years	4½	Apr. 1, 1944-Oct. 1, 1944	\$10,800,000 00	\$420,750 00	\$1,800,000 00
State Institutions Buildings:									
Serial bonds, 1944-1949.....	591-1923	Sept. 1, 1924	\$12,500,000 00	1-25 years	4	Sept. 1, 1944-Mar. 1, 1945	\$3,000,000 00	\$110,000 00	\$500,000 00
Serial bonds, 1945-1953.....	591-1923	Mar. 1, 1928	12,500,000 00	1-25 years	3½	Sept. 1, 1944-Mar. 1, 1945	4,500,000 00	157,500 00	500,000 00
Serial bonds, 1944-1955.....	591-1923	Apr. 15, 1930	22,600,000 00	1-25 years	4	Apr. 15, 1944-Oct. 15, 1944	10,848,000 00	415,840 00	904,000 00
Serial bonds, 1945-1956.....	591-1923	Mar. 15, 1931	2,400,000 00	1-25 years	3½	Sept. 15, 1944-Mar. 15, 1945	1,152,000 00	37,440 00	96,000 00
Serial bonds, 1944-1964.....	717-1937	Apr. 19, 1939	10,000,000 00	1-25 years	1½	Apr. 19, 1944-Oct. 19, 1944	8,400,000 00	143,500 00	400,000 00
Serial bonds, 1944-1965.....	717-1937	Aug. 1, 1940	15,000,000 00	1-25 years	1½	Aug. 1, 1944-Feb. 1, 1945	13,200,000 00	193,500 00	600,000 00
Serial bonds, 1944-1966.....	717-1937	June 26, 1941	15,000,000 00	1-25 years	1½	June 26, 1944-Dec. 26, 1944	13,800,000 00	168,750 00	600,000 00
Total.....			\$90,000,000 00				\$54,900,000 00	\$1,226,530 00	\$3,600,000 00
General State Improvements:									
Serial bonds, 1944-1951.....	119-1926	Sept. 1, 1926	\$8,350,000 00	1-25 years	4	Sept. 1, 1944-Mar. 1, 1945	\$2,672,000 00	\$100,200 00	\$334,000 00
Serial bonds, 1944-1976.....	119-1926	Sept. 1, 1926	1,650,000 00	1-50 years	4	Sept. 1, 1944-Mar. 1, 1945	1,089,000 00	42,900 00	33,000 00
Serial bonds, 1945-1953.....	119-1926	Mar. 1, 1928	7,600,000 00	1-25 years	4	Sept. 1, 1944-Mar. 1, 1945	2,736,000 00	109,440 00	304,000 00
Serial bonds, 1945-1978.....	119-1926	Mar. 1, 1928	2,400,000 00	1-50 years	3½	Sept. 1, 1944-Mar. 1, 1945	1,632,000 00	61,200 00	48,000 00
Serial bonds, 1944-1955.....	119-1926	Apr. 15, 1930	6,900,000 00	1-25 years	4	Apr. 15, 1944-Oct. 15, 1944	3,312,000 00	126,960 00	276,000 00
Serial bonds, 1945-1956.....	119-1926	Mar. 15, 1931	11,850,000 00	1-25 years	3½	Sept. 15, 1944-Mar. 15, 1945	5,688,000 00	199,080 00	474,000 00
Serial bonds, 1945-1981.....	119-1926	Mar. 15, 1931	1,250,000 00	1-50 years	3½	Sept. 15, 1944-Mar. 15, 1945	925,000 00	30,062 50	25,000 00
Serial bonds, 1944-1956.....	119-1926	Sept. 15, 1931	10,000,000 00	1-25 years	4	Sept. 15, 1944-Mar. 15, 1945	5,200,000 00	200,000 00	400,000 00
Serial bonds, 1944-1957.....	119-1926	Dec. 15, 1932	10,000,000 00	1-25 years	3	June 15, 1944-Dec. 15, 1944	5,600,000 00	168,000 00	400,000 00
Serial bonds, 1944-1958.....	119-1926	July 1, 1934	6,000,000 00	1-25 years	3	July 1, 1944-Jan. 1, 1945	3,600,000 00	104,400 00	240,000 00
Serial bonds, 1944-1958.....	119-1926	Oct. 15, 1933	10,000,000 00	1-25 years	3½	Apr. 15, 1944-Oct. 15, 1944	6,000,000 00	210,000 00	400,000 00
Serial bonds, 1944-1958.....	119-1926	Apr. 1, 1934	4,000,000 00	1-25 years	3	Apr. 1, 1944-Oct. 1, 1944	2,560,000 00	74,400 00	160,000 00
Serial bonds, 1945-1960.....	119-1926	Mar. 1, 1935	9,025,000 00	1-25 years	2½	Sept. 1, 1944-Mar. 1, 1945	5,776,000 00	129,960 00	361,000 00
Serial bonds, 1944-1962.....	119-1926	July 6, 1937	10,000,000 00	1-25 years	2½	July 6, 1944-Jan. 6, 1945	7,600,000 00	166,500 00	400,000 00
Total.....			\$99,025,000 00				\$54,390,000 00	\$1,723,102 50	\$3,855,000 00

APPENDIX 10
STATE DEBT SERVICE
Requirements for Redemption of and Interest on Serial Bonds for the Fiscal Year Ending March 31, 1945

BONDS	Legal reference, chap., year	Date of issue	Amount of bonds issued	Term of bonds	Rate of interest	Date interest becomes payable	Amount of bonds outstanding March 31, 1944	Appropriations required to pay interest for 1944-1945	Appropriations required to pay principal for 1944-1945
State Park Systems:									
Serial bonds, 1944-1951.....	602-1924	Sept. 1, 1926	\$3,475,000 00	1-25 years	4	Sept. 1, 1944-Mar. 1, 1945	\$1,112,000 00	\$41,700 00	\$139,000 00
Serial bonds, 1944-1976.....	602-1924	Sept. 1, 1926	5,000,000 00	1-50 years	4	Sept. 1, 1944-Mar. 1, 1945	3,300,000 00	130,000 00	100,000 00
Serial bonds, 1944-1955.....	602-1924	Apr. 15, 1930	2,050,000 00	1-25 years	4	Apr. 15, 1944-Oct. 15, 1944	984,000 00	37,720 00	82,000 00
Serial bonds, 1945-1956.....	602-1924	Mar. 15, 1931	25,000 00	1-25 years	3½	Sept. 15, 1944-Mar. 15, 1945	12,000 00	420 00	1,000 00
Serial bonds, 1945-1981.....	602-1924	Mar. 15, 1931	4,450,000 00	1-50 years	3½	Sept. 15, 1944-Mar. 15, 1945	3,293,000 00	115,255 00	89,000 00
Total.....			\$15,000,000 00				\$8,701,000 00	\$325,095 00	\$411,000 00
Grade Crossings Elimination:									
Serial bonds, 1944-1976.....	300-1926	Sept. 1, 1926	\$10,000,000 00	1-50 years	4	Sept. 1, 1944-Mar. 1, 1945	\$6,600,000 00	\$260,000 00	\$200,000 00
Serial bonds, 1944-1981.....	300-1926	Sept. 15, 1931	25,000,000 00	1-50 years	3	Sept. 15, 1944-Mar. 15, 1945	19,000,000 00	562,500 00	500,000 00
Serial bonds, 1944-1982.....	300-1926	Dec. 15, 1932	5,000,000 00	1-50 years	3	June 15, 1944-Dec. 15, 1944	3,900,000 00	117,000 00	100,000 00
Serial bonds, 1944-1983.....	300-1926	July 1, 1933	6,000,000 00	1-50 years	3	July 1, 1944-Jan. 1, 1945	4,800,000 00	142,200 00	120,000 00
Serial bonds, 1944-1984.....	300-1926	Oct. 15, 1933	9,500,000 00	1-50 years	3½	Apr. 15, 1944-Oct. 15, 1944	7,600,000 00	247,000 00	190,000 00
Serial bonds, 1944-1985.....	300-1926	Apr. 1, 1934	8,000,000 00	1-50 years	2½	Apr. 1, 1944-Oct. 1, 1944	6,560,000 00	178,200 00	160,000 00
Serial bonds, 1945-1986.....	300-1926	Mar. 1, 1945	14,000,000 00	1-50 years	2½	Sept. 1, 1944-Mar. 1, 1945	11,480,000 00	258,300 00	280,000 00
Serial bonds, 1945-1987.....	300-1926	Mar. 25, 1937	15,000,000 00	1-50 years	3	Sept. 25, 1944-Mar. 25, 1945	12,900,000 00	387,000 00	300,000 00
Serial bonds, 1944-1987.....	300-1926	Dec. 8, 1937	10,000,000 00	1-50 years	2½	June 8, 1944-Dec. 8, 1944	8,800,000 00	220,000 00	200,000 00
Serial bonds, 1944-1979.....	300-1926	Apr. 19, 1939	10,000,000 00	1-40 years	1½	Apr. 19, 1944-Oct. 19, 1944	9,000,000 00	155,312 50	250,000 00
Serial bonds, 1944-1980.....	300-1926	Dec. 4, 1940	25,000,000 00	1-40 years	1½	June 4, 1944-Dec. 4, 1944	23,125,000 00	346,875 00	625,000 00
Serial bonds, 1944-1981.....	300-1926	Dec. 3, 1941	15,000,000 00	1-40 years	1½	June 3, 1944-Dec. 3, 1944	14,250,000 00	213,750 00	375,000 00
Serial bonds, 1945-1963.....	300-1926	Feb. 26, 1943	12,000,000 00	1-20 years	1.2	Aug. 26, 1944-Feb. 26, 1945	11,400,000 00	136,800 00	600,000 00
Total.....			\$174,500,000 00				\$139,415,000 00	\$3,299,937 50	\$3,900,000 00
Emergency Construction:									
Serial bonds, 1945-1956.....	477-1930	Mar. 15, 1931	\$15,000,000 00	1-25 years	3½	Sept. 15, 1944-Mar. 15, 1945	\$7,200,000 00	\$252,000 00	\$600,000 00
Serial bonds, 1944-1956.....	477-1930	Sept. 15, 1931	5,000,000 00	1-25 years	4	Sept. 15, 1944-Mar. 15, 1945	2,600,000 00	100,000 00	200,000 00
Serial bonds, 1944-1958.....	477-1930	Oct. 15, 1933	10,000,000 00	1-25 years	3½	Apr. 15, 1944-Oct. 15, 1944	6,000,000 00	225,000 00	400,000 00
Serial bonds, 1945-1959.....	477-1930	Apr. 1, 1934	8,000,000 00	1-25 years	3	Apr. 1, 1944-Oct. 1, 1944	5,120,000 00	148,800 00	320,000 00
Serial bonds, 1945-1960.....	477-1930	Mar. 1, 1935	12,000,000 00	1-25 years	2½	Sept. 1, 1944-Mar. 1, 1945	7,680,000 00	172,800 00	480,000 00
Total.....			\$50,000,000 00				\$28,600,000 00	\$898,600 00	\$2,000,000 00

APPENDIX 10
STATE DEBT SERVICE

Requirements for Redemption of and Interest on Serial Bonds for the Fiscal Year Ending March 31, 1945

BONDS	Legal reference, chap., year	Date of issue	Amount of bonds issued	Term of bonds	Rate of interest	Date interest becomes payable	Amount of bonds outstanding March 31, 1944	Appropriations required to pay interest for 1944-1945	Appropriations required to pay principal for 1944-1945
Emergency Unemployment Relief:									
Serial bonds, 1944.....	260-1933	Apr. 1, 1934	\$30,000,000 00	1-10 years	3	Apr. 1, 1944	\$3,000,000 00	\$45,000 00	\$3,000,000 00
Serial bonds, 1945.....	260-1933	July 1, 1934	30,000,000 00	1-10 years	2	July 1, 1944	3,000,000 00	30,000 00	3,000,000 00
Serial bonds, 1945.....	71-1934	Mar. 1, 1935	10,000,000 00	1-10 years	3	Sept. 1, 1944-Mar. 1, 1945	1,000,000 00	30,000 00	1,000,000 00
Serial bonds, 1944-1945.....	71-1934	Sept. 25, 1935	30,000,000 00	1-10 years	2½	Sept. 25, 1944-Mar. 25, 1945	6,000,000 00	101,250 00	3,000,000 00
Serial bonds, 1944-1946.....	505-1935	Sept. 10, 1936	55,000,000 00	1-10 years	1½	Sept. 10, 1944-Mar. 10, 1945	16,500,000 00	206,250 00	5,500,000 00
Serial bonds, 1944-1947.....	553-1936	July 6, 1937	30,000,000 00	1-10 years	2½	July 6, 1944-Jan. 6, 1945	12,000,000 00	236,250 00	3,000,000 00
Total.....			\$185,000,000 00				\$41,500,000 00	\$648,750 00	\$18,500,000 00
State Housing:									
Serial bonds, 1945-1991.....	946-1939	Mar. 15, 1941	\$19,600,000 00	2-50 years	1½	Sept. 15, 1944-Mar. 15, 1945	\$18,800,000 00	\$329,000 00	\$400,000 00
Serial bonds, new issue.....			15,000,000 00		2	Six months		150,000 00	
Total.....			\$34,600,000 00				\$18,800,000 00	\$479,000 00	\$400,000 00
Total serial bonds.....			\$724,925,000 00				\$374,278,000 00	\$9,880,365 00	\$35,102,000 00

RECAPITULATION OF APPENDICES 9 AND 10

	1944-1945		Total
	Principal	Interest	
Amount required to meet principal and interest on bonded debt:			
Appendix 9		\$5,888,972 46	\$5,888,972 46
Appendix 10	\$35,102,000 00	9,880,365 00	44,982,365 00
Total required	\$35,102,000 00	\$15,769,337 46	\$50,871,337 46
Source of moneys available for appropriations and reappropriations:			
<i>General Fund:</i>			
New appropriations, 1944-1945	\$33,673,515 65	\$14,172,637 46	\$47,846,153 11
Reappropriations of unused bond fund balances	108,484 35	36,000 00	144,484 35
Total made available to General Fund	\$33,782,000 00	\$14,208,637 46	\$47,990,637 46
<i>Grade Crossings Elimination Debt Fund:</i>			
New appropriations, 1944-1945	\$920,000 00	\$1,081,700 00	\$2,001,700 00
<i>Housing Debt Fund:</i>			
New appropriations, 1944-1945	\$400,000 00	\$329,000 00	\$729,000 00
Reappropriations of unused bond fund balances		150,000 00	150,000 00
Total made available to Housing Debt Fund	\$400,000 00	\$479,000 00	\$879,000 00
Total made available	\$35,102,000 00	\$15,769,337 46	\$50,871,337 46

Recommending Creation of Commission to Coordinate Plans and Facilities for Returning Veterans

STATE OF NEW YORK—EXECUTIVE CHAMBER

• ALBANY, *February 21, 1944*

To the Legislature:

Many of the departments of the State and many of its divisions have for the past year conducted exhaustive studies and made far-reaching plans for the provisions of various facilities for the returning soldiers of New York State. The studies and plans have reached a point where their formal coordination is made desirable.

There are, also, of course, many bills before your Honorable Bodies dealing with veterans' benefits. Unless these proposals are brought together, there will inevitably be disorganization and useless overlapping of functions arising from piecemeal legislation and piecemeal administrative action. All will be designed to aid our returning soldiers and sailors, but unless the work is brought promptly into an orderly and effective unit, it can be both confusing and of doubtful value.

The expected discharge within the next twelve months of at least 100,000 of the members of the armed forces from this State further emphasizes the need for an agency to inform interested persons easily and quickly of all benefits and assistance available to veterans, whether supplied by Federal, State or local governments.

Accordingly, I recommend to your Honorable Bodies the creation of a temporary executive commission, consisting of the heads of the interested departments and other persons to be appointed by me. This commission should provide:

1. A formal coordinating organization for the preparation of plans and legislation, flexibly adjusted to the needs of the veterans, as may be required by the turn of events in the war;
2. A continuing survey of existing facilities of the State and of all other agencies of government for aid and assistance to the returning veterans; and
3. Immediate establishment of a veterans' service agency to provide immediate information to members of the armed forces, veterans and their families, and to expedite the rendering of all government service to them.

(Signed) THOMAS E. DEWEY

Recommending Increase in Membership of Industrial Board and Reorganization of Review Procedure

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *February 28, 1944*

To the Legislature:

One of the most shocking failures which has come to my attention as a result of the Moreland Commission investigation into the

administration of the Workmen's Compensation Law is the unjustified delay in the determination of the cases of injured workers before the Industrial Board.

This board reviews the decision of referees. It is now four months behind in its work and has been for several years. This condition is an intolerable injustice to the working people of our State and should be remedied.

It should ordinarily take no more than one month between the making of a claim and its final determination. The purpose of the law is to protect workers whose small reserves will be wiped out quickly by a casualty. Protection that begins more than four months after it is due, begins too late and in some cases is no protection at all.

I have caused to be made a careful study of the work of the Industrial Board and it is clear that the present members are simply unable to cope with the volume of work. Moreover, the board's determinations have been the frequent subject of criticism. The board's failures have been attributed to its practice of permitting individual members to review the decisions of the referees. A safer procedure would be to require at least three of its members to consider each appeal. The possibility of innocent mistake or poor judgment would thus be greatly lessened.

Experience has also shown that the absence of lawyers in the quasi-judicial process of reviewing awards has been carried to such an extreme that inefficiency and injustice have resulted. The intent that the administration of this law should be expeditious and not entangled in the intricacies of technical pleadings must be preserved, but injustices resulting from incapacity of untrained minds to evaluate evidence must be avoided. The presence on each reviewing panel of the board of at least one lawyer trained in the analysis of evidence would greatly expedite proceedings and appeals.

Accordingly, I recommend to your Honorable Bodies legislation appropriately to increase the size of the Industrial Board to require that the board sit in panels of three and that there be at least one member of the Bar on each panel to the end that the working people of our State shall receive both fair and prompt administration of their claims resulting from injuries in the course of their work.

(Signed) THOMAS E. DEWEY

Transmitting Report of Moreland Commission Investigating Workmen's Compensation Law Administration and Recommending Adoption of Corrective Measures

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 6, 1944*

To the Legislature:

Workmen's compensation has been provided by this State for more than thirty years. The purpose of the Workmen's Compensation Law is to provide the injured workman and his family with financial support and the injured man with good medical care while he is incapacitated for work. Inherent in our system is recognition of the social responsibility of the State and of the interdependence between employer and employee. Workmen's compensation legislation in this State has been well conceived, original and progressive and has long served as a model for other states.

It has been the State's misfortune, however, to see the fine purposes of this legislation defeated by bad administration. Callous mishandling of cases and corrupt practices under this law by various groups of persons deprived workers in this State for many years of the benefits to which they were entitled and which they sorely needed.

Not until the last months of 1942 did the scandalous administration of workmen's compensation receive public attention. Following the campaign of 1942, my predecessor, Governor Lehman, appointed a Moreland Commission to examine into the administration of the Workmen's Compensation Law. As one of my first acts as Governor I was happy to reappoint Judge William F. Bleakley and to appoint Mr. Herman T. Stichman as Moreland Commissioners to continue this investigation. After fourteen months of thorough investigation throughout the State, they have submitted their report which I now transmit herewith to you. This report demonstrates factually that the administration of this law has been perverted for the benefit of selfish and interested groups and that many injured workers have been denied their rights. It shows a complete indifference, incompetence and callousness to the rights and remedies of helpless, poor and inarticulate workers.

As a result, the two great purposes of this law and its philosophy have been defeated; prompt awards have not been achieved; good medical care has not been assured. Moreover, litigation has been as prolific as ever. In a vast number of incidents unscrupulous licensed representatives and lawyers have sought to aggrandize themselves, and equally irresponsible employers and insurance carriers have sought to avoid their legal responsibility. They have merely transferred their protracted litigations from the civil courts to the special forums of the Division of Workmen's Compensation. For other reasons stemming from selfish and frequently unscrupulous motives, the injured workers have frequently been deprived of proper medical care.

The conditions described in the report are as follows:

1. Fee-receiving licensed representatives over a period of many years built up large organized practices, farming out much of the work to lawyers on their payrolls.

2. Instead of quick payment and final determinations without litigation, delay and litigated controversy before the tribunals set up by the law have been common for a decade.

3. In certain parts of the State, injured workers are still compelled to accept representation not of their own choosing.

4. In many parts of the State injured workers have been compelled to accept doctors not of their own choosing—doctors whose loyalties and interests were not to their patients. In some instances, injured men have actually been subjected to unnecessary and disabling operations.

5. Payment of the claims of injured workers has been denied or delayed although their rights should have been free from controversy.

6. All too frequently injured workers have been unable to obtain their rights during the period of incapacity when funds were essential.

7. Public officials entrusted with the duty of administering the law failed to rectify or even to attempt to rectify these conditions, over a period of many years.

8. The same officials were guilty of repeated selection of inefficient and even corrupt personnel whose good will was often for sale.

9. Medical societies have been unable to eradicate the undesirable fee-splitting and kickback practices which have permeated so deeply into the system.

10. The State Insurance Fund has not been the example to private carriers it was intended to be. There has been dishonesty on the part of certain of its employees and there has been laxity on the part of its executives in the supervision of the fund.

11. Injured workers have been compelled by the Department of Labor to submit to medical examinations under deplorable conditions, sometimes even in jail quarters and on floors.

These shocking conclusions are amply supported by the documented report which has been submitted to me and which is based upon the many private and public hearings conducted during these past fourteen months. The New York State Economy Commission has also been conducting a study of the Industrial Board, which participates in the administration of the Workmen's Compensation Law, and I am sure its report will also make constructive recommendations.

While past administrators chorused their solicitude for labor, their cadence must have been disturbed by the cries of those whose injuries went unredressed under the very system they fostered. Repetition of these conditions must not again be possible.

Quick legislative corrective is required so that the fundamental rights of injured workers may be restored and the industrial effort no longer impeded.

Sound remedies are proposed by the Moreland Commissioners. One recommendation I have previously submitted to you—an increase in the size of the Industrial Board so that workers may have a prompt and just determination of their claims.

The Commissioners also suggest creation of a panel of trained persons to advise and represent claimants without fee, limitation on the charges of lawyers and licensed representatives of claimants, enforcement of the law against the giving of gratuities to State officers and employees, restrictions to prevent cheating of workers by legal and lay representatives, safeguards to insure honest and efficient medical care, punishment for those remiss in their duty and improvement in medical examination facilities.

There are also inadequacies of benefits under existing conditions. The report shows the urgent need for increases in benefits to be received by injured workers.

To permit these conditions to exist for one day would be an injustice. To permit them to continue these many years was inexcusable. I am determined that the administrative deficiencies which have not already been cured shall be promptly remedied. The necessary corrective legislation designed both to remove evils and to prevent their recurrence has been stated above and I respectfully recommend it to your Honorable Bodies.

(Signed) THOMAS E. DEWEY

**Report to Honorable Thomas E. Dewey, Governor of the State
of New York by William F. Bleakley and Herman T. Stichman,
Commissioners**

(Appointed Pursuant to Section 8 of the Executive Law to Examine and Investigate the Administration of the Workmen's Compensation Law of the State of New York)

ADMINISTRATION OF THE WORKMEN'S COMPENSATION LAW IN THE STATE OF NEW YORK

FOREWORD

On January 4, 1943 the Honorable Thomas E. Dewey, Governor of the State of New York, appointed us commissioners under section 8 of the Executive Law to examine and investigate the administration of the Workmen's Compensation Law of the State of New York. Our investigation has been in continuous session since that date. Governor Herbert H. Lehman had on November 17, 1942 made a similar appointment of Commissioner Bleakley, valid only for the remaining weeks by which his term was limited, and the latter had selected Mr. Stichman as counsel. However, since re-authorization of the investigation was assured by Governor-elect Dewey, preparations for unlimited investigation were begun.

Governor Dewey's decision was based upon facts reported to him of statewide maladministration of the Workmen's Compensation Law by the Department of Labor over many years. On November 14, 1942, Governor Lehman thus stated the reasons which induced his action:

Mayor Fiorello H. LaGuardia has transmitted to me certain allegations of "irregularities in the administration of the Workmen's Compensation Law affecting the City of New York and the municipal employees." Mayor LaGuardia has requested that an investigation, independent of the State Labor Department, be ordered by me. Although little evidence has been submitted in support of these allegations, I believe, in view of Mayor LaGuardia's request, it is proper for me to appoint a Moreland Commissioner to investigate both the administration and the provisions of the Workmen's Compensation Law.

The Mayor's request was based on reports to him by William B. Herlands, Commissioner of Investigation of the City of New York.

Previously, Industrial Commissioner Frieda Miller had been forced in the fall of 1942 to order an investigation of her own administration of the Workmen's Compensation Law. However, she selected one of her own deputies for the task, rather than an independent person. There was assigned to him as investigator a person employed in the Department of Labor since 1941, who, it appears, had pleaded guilty in 1933 in the United States District Court for the Eastern District of New York to a count of an indictment charging him with facilitating the transportation and concealment of smuggled liquor. He was sentenced to imprisonment for a year and a day, which was suspended. The resultant failure of that investigation to expose the many existing defects, or who was responsible therefor, was but to be expected under the circumstances.

Evidence in our investigation proved that inefficient administration of the Workmen's Compensation Law by a lethargic leadership had for years thwarted attainment of its major purposes. This has not only been detrimental to the well-being of more than 5,000,000 workers entitled to its protection, but it has also prevented honest disbursement of a substantial part of the more than \$56,000,000 estimated to have been expended under the law for compensation and medical expenses during 1942 alone. The sums diverted, estimated at millions of dollars annually, have been taken from all the citizens of the State. For compensation expenses, whether incurred directly or in the form of insurance premiums, are obviously included by employers along with other items in computing their labor costs and the selling prices of their products. See *New York Central R. R. Co. v. White* (1916) 243 U. S. 188, at pp. 201-2, and dissenting opinion of Rippey, J., in *Scherini v. Titanium Alloy Co.* (1941) 286 N. Y. 531, at p. 540.

Our investigation has uncovered the causes of certain major defects.¹ We shall, in specifying them, recommend action, administrative or legislative, to cure them. While the Workmen's Compensation Law has for years been amended haphazardly and should soon be completely rewritten, certain abuses are so serious as to forbid further delay.

Our work could not have progressed without the faithful and intelligent assistance of the lawyers, accountants, police officers and others who have constituted our staff. The lawyers include John A. Wells, W. Bartlett Sumner, Sherman S. Rogers, Clifton F. Weidlich, Carl E. Heilman, Frank H. Regan, Jack Rabinowitz, Hermine S. Preiss, Gertrude Toub, and Constance S. Lindau, and we have also been aided by two lawyers now in the United States Army, Benjamin M. Cardozo and Donald A. Savage.

Benjamin Blattner was in charge of a staff of able accountants who worked untiringly.²

¹ We have examined approximately 1,000 witnesses under oath at private hearings. The testimony of about 250 witnesses was adduced at 39 public hearings, and the record thereof totals over 5,700 pages. We have investigated hundreds of complaints of injured workers.

² They are Bernard Greenbaum, Frank E. Knopf, Lawrence D. King, Irwin Holland, John F. McAvoy, Donald Axelrod, S. Harold Adler, Alexander E. Gordon, Charles Buchwald, Herbert R. George, Joseph G. Rubin, Benjamin B. Rosenberg, Irving Lerner and Robert Finegold.

Police Commissioner Lewis A. Valentine of the City of New York, with his customary civic spirit, assigned six detectives and four policemen to this Commission.³ Former Superintendent of New York State Police John A. Warner assigned fifteen members of his division to us.⁴ They were continued by his successor, John A. Gaffney. We are greatly indebted to the members of these police departments for their experienced investigating knowledge and unstinting efforts throughout the inquiry.

I

WORKERS IN NEW YORK CITY HAVE BEEN PREVENTED FROM
RECEIVING THE FULL COMPENSATION AND MEDICAL BENEFITS
TO WHICH THEY WERE ENTITLED BY RINGS OF LICENSED
REPRESENTATIVES, LAWYERS AND DOCTORS

Two of the most fundamental and important concepts of the framers of our Workmen's Compensation Law in its present amended form—the avoidance of the delays of litigation following industrial accidents which deprived workers of means of subsistence when most needed, and in the assurance of skilled and unbiased medical service—have failed of realization.

The law contemplates that following an industrial injury, compensation payments should substantially take the place of wages. By amendment of 1935, injured workers were given the right to select physicians of their own choice. In fact, a great many workers have for many years had little voice in the selection of physicians to treat their injuries, or even of their legal or lay representatives. The ones obtained were generally inferior, and some even incompetent.

Four groups appear to be responsible therefore, but in varying degrees in different localities of the State: (1) lethargic leaders at the Department of Labor, (2) employers and insurance carriers, (3) so-called licensed representatives, and certain lawyers, specializing in compensation cases, (4) physicians specializing in the same field, whose undesirable activities have seemingly been tolerated by certain medical societies. So far as New York City is concerned, the administration of workmen's compensation has been dominated and adversely affected by rings, composed of licensed representatives, doctors, lawyers and runners. Their activities have been tolerated by executives, referees and others at the Department of Labor, as, indeed, they appear to have been by some insurance carriers.

Under section 25 of the Workmen's Compensation Law, it is specified that the compensation therein provided for "shall be paid periodically and promptly in like manner as wages, and as it accrues, and directly to the person entitled thereto without waiting for an award by the industrial board, except in those cases in which the right to compensation is controverted by the employer."

In fact, the payment of compensation in the intended manner has not followed the stoppage of wages to workers disabled by industrial accidents. Litigation is apparently as prolific as ever. Licensed representatives and lawyers seeking large fees for themselves, opposed to employers and insurance carriers desirous of avoiding the full measure of their responsibilities, have merely transferred their litigating forum from the civil courts to the Department of Labor. Carriers and employers controvert claims first, then investigate to see whether their denials of liability are meritorious. Each side has been aided by physicians whose conduct in some cases seems wholly dominated by interest in their own material welfare, rather than the well-being of claimants. As a result of all this, prompt substitution of compensation for wages has not occurred in too large a percentage of cases.

³ They are Acting Lieutenant Joseph McLaughlin, Sergeant Michael Sabatino, Detectives Thomas P. Tunney, Rudolph R. McLaughlin, Emidio Tempera and William J. Whelan. Detective Arnold Kelley was temporarily assigned. The other members of the Police Department have been used as guards, and their identities have varied, as they were taken from the temporarily disabled list.

⁴ These include Inspector Joseph Lynch in charge, and Sergeants Harry M. McCann, John P. Snell, Carl A. Lawson, John J. Lutz, Chester R. Kempston and John J. Lawson; Corporals Raymond F. Kelly, James C. Fleming and Arthur A. Reilly, and Troopers Frank McConlin, Thomas C. Curtin, Stanley A. Wainer, Arthur E. Wright and Albert Peluse.

A detailed description of workmen's compensation procedure seems unnecessary at this time. It should be enough for these purposes to say that when a worker covered by the law is injured while at work, he is entitled to medical treatment by an authorized physician of his own selection, and to two-thirds of his average weekly wages, but not to exceed \$25, during his incapacity. Compensation is not payable for the first seven days of disability unless such disability extends for more than thirty-five days. Further, the law sets up schedules of compensation for loss of members or parts of the body or their use, or loss of bodily functions.

The Industrial Board has authority to pass on claims for compensation. It consists of five members appointed by the Governor, with the approval of the Senate, and is a part of the Department of Labor. However, claims are heard in the first instance by referees appointed by the Industrial Commissioner in such number as is necessary. The referees' decisions, unless modified by the Industrial Board, are considered as decisions of the board. Provision is also made for appeal to the courts. Claimants are required to submit to examinations by doctors employed by the Labor Department for the purpose of advising the Industrial Board or referees. Physicians retained by the employer or insurance carrier, as well as by the claimant, are permitted to participate.

Under section 24-a of the law, no one but a lawyer may appear in a compensation case for a claimant or other person entitled to benefits unless he has been licensed by the Industrial Commissioner after recommendation by the Industrial Board. There are two types of licensees: first, those who appear for claimants and are paid fees deducted from the award to the claimant; and second, representatives of charitable and welfare organizations and representatives of associations who appear for members. Those in the latter group are not entitled to fees.⁵

There were thirty-nine members of the first group in 1942, all practicing in the New York City area. It was supposed, when laymen were authorized to practice before the Industrial Board, that working people would thus have the personal services of individuals with a sense of social responsibility more sympathetically adjusted to the needs of labor than that of lawyers. It has not so eventuated in the case of fee-receiving representatives. Some of them have built up big businesses with large overhead costs which necessitate uninterrupted great incomes. They have monopolized the business of unions, dominated the claimants' choice of physicians, employed lawyers to do the actual work, and handled cases with a sole view to their own benefit.

The system that has been allowed to prevail for so many years has often not permitted workers a free choice of persons to represent them in New York City. At the head of the individual ring, we found, usually, a licensed representative or lawyer who had working arrangements with a doctor. Their methods of acquiring business have been diverse. Some of it has been obtained from unions, which at times have "elected," formally or informally, one of the persons specified as the official compensation representative, lawyer, or doctor. This election was usually rather a selection by the union agent, and members were directed to patronize the person selected.

In the case of some unions, the free choice of physicians to which workers are entitled was denied, either directly or indirectly, by such "elections." Where a physician was elected, the worker was directed to him. And where a representative or lawyer was designated, he usually had working arrangements with a physician to whom the worker was sent.

Representatives and lawyers, on the one hand, and doctors on the other, have had reciprocal arrangements for referring cases to each other.

By virtue of such practices, workers have for years, as we have stated, had little voice in the selection of their doctors or legal or lay representatives. Persons of standing would not compete on such a basis. The result has been adverse to the worker.

In the first place, the representatives, lay and legal, thus forced on workers, have put their own interests before those of the latter. They have been interested in quick turnover of cases so as to get fees promptly and steadily. Appear-

⁵ Insurance carriers and self-insured employers are represented by their employees at the Division of Workmen's Compensation. However, there is no requirement that these employees be licensed by the Industrial Commissioner.

ance at hearings at which an award of weekly compensation might be made in a non-schedule case, might result in a \$10 fee. That would not meet the overhead of the large organizations built up by some representatives. But if a settlement of the claim could be arranged in one "lump sum," the representative could request a percentage of the amount received. To make the change from periodic payments to a lump sum settlement attractive to the insurance carrier, the representative would have to induce the claimant to take an aggregate amount which would be less than the probable total of installment payments to the worker.

These lump sum settlements, although lawful, feed the parasitism in the compensation system so far as New York City is concerned, to the detriment of injured workers. If permitted in other than the exceptional case, they pervert the avowed purpose of the law that compensation "shall be paid periodically and promptly in like manner as wages." They are of value to claimants only rarely, where there is need of funds for a special purpose, such as the purchase of a business by a disabled worker who will not be able to return to his usual employment. In too many cases the claimant not only gets less than he should, while the fee granted to the representative by the referee is proportionately greater, but the money is spent before the claimant is able to return to work. So the purpose of the law—that there shall be compensation during the period of cessation of wages—is often frustrated.

And these representatives and lawyers have directed the workers to incompetent doctors, with whom in some cases they had arrangements for a split of the doctor's fees. Some of the doctors have handled thousands of new compensation cases yearly, and have done so in assembly-line fashion, maintaining several offices for the purpose. Workers have been subjected to inefficient treatment, overtreatment, and even to unnecessary and harmful operations which left them disabled, sometimes totally. It was a customary practice for ring doctors to instruct workers to return several times weekly for treatments, administered by nurses, that did not cure. Efficient care which would promptly restore the injured worker to health has not been the usual goal, as that would reduce the doctor's charges.

The functions of physicians under the Workmen's Compensation Law have been so great that their methods necessarily influence its entire administration. It is estimated that about \$18,000,000 was paid to physicians during 1942 out of the sum of over \$56,000,000 disbursed that year, supposedly for the benefit of injured workers. The evidence discloses that a substantial amount out of the former sum was dissipated through bill padding and "kickbacks" of numerous varieties paid to physicians. Such kickbacks, it appears, have been paid to doctors by surgeons, roentgenologists, surgical appliance houses, opticians and specimen analysis laboratories, to whom they referred workers. These ranged from 15 to 50 per cent of the amount charged. It is not unlikely that some of these referrals were motivated by the desire for kickbacks, rather than the good of the patient.

Conversely, physicians themselves "kicked back" to licensed representatives for sending them claimants, to employees of insurance companies for approval of their bills and to referees and State doctors at the Division of Workmen's Compensation for favorable action. The need for bill padding thus becomes obvious.

In whatever field money was disbursed, it has appeared to call for one or more kickbacks to someone at some time during the progress of a substantial percentage of compensation cases in New York City. We shall refer more specifically to this subject in our later discussion of medical practices, this preliminary reference being intended merely to indicate the general characteristics of the medical, legal and licensed representative groups which have for so long dominated workmen's compensation practice in New York City.

Specific examples of ring operations are set forth in an appendix to this report. Our recommendations are based on matters there referred to as well as those here stated.

CONCLUSIONS

The system of representation of claimants by laymen in compensation cases, who act for fees payable out of the claimants' awards, has had detrimental con-

sequences to injured workers. The original plan of having injured workers represented by fee-receiving laymen who would give cases individual attention has failed in its purpose. A limited number of laymen, and some lawyers, have had a practical monopoly in this field, built up by solicitation, and constituting "big business." Salaried lawyers in some instances do much of the work, but the laymen, with no code of ethics, control the methods used. Licensed representatives and some lawyers have in effect compelled injured workers to submit to inferior treatment by physicians not of their own selection.

Licensed representatives, some lawyers, and their physicians have made a practice of giving monetary and other gifts to State referees, doctors and employees, some of which are bribes. This has been done in competition with employers and insurance carriers.

The result of prevailing practices has been not only to retard the claimant's recovery and endanger his health by improper medical treatment, which, of course, slows down the industrial effort, but also to deprive him of his rights to full compensation due to the desire of lay and legal representatives to make a quick settlement and thereby obtain a substantial fee.

The practice of the fee-receiving licensed representatives and lawyers referred to is built up by the refusal of some employers and insurance carriers to make prompt and proper payment of compensation, and by their improper controverting of claims. This forces claimants to seek representation because of fear that they may lose their rights.

It would be helpful if labor organizations assigned non-fee-receiving agents to represent their members, whenever necessary. The expense of this representation should be borne by membership dues, without any deductions from the claimants' awards.

Self-insured employers and insurance carriers are represented by employees at the Division of Workmen's Compensation, but such employees are not required to be licensed by the Industrial Commissioner. They should be.

SUGGESTED REMEDIAL LEGISLATIVE AND ADMINISTRATIVE CHANGES

1. The Department of Labor should establish a panel of "Claimants' Advisers," employing a sufficient number of competent lawyers and trained laymen to advise and represent claimants, without fee. Their compensation should be chargeable to the insurance carriers, self-insured employers and municipalities affected, in the same manner as are other expenses of administering the Workmen's Compensation Law. Some referees should be appointed from among members of the panel from time to time.
2. Fees of licensed representatives and lawyers representing claimants should not exceed 6 per cent of the amount awarded, of which half should be paid by the claimant out of his award, and half by the carrier or self-insured employer in addition to the award. Acceptance of any additional sum by lawyers should be made a misdemeanor, which is now the case as to laymen.
3. The transfer of cases between licensed representatives or lawyers should not be permitted without consent of the Industrial Board.
4. No licensed representative or lawyer should be allowed to appear in a case in which he has not been retained by the claimant directly. He should not be permitted to divide his fee with anyone.
5. No employee of any self-insurer, and no employee or agent of any insurance carrier, should be permitted to represent his employer or principal at the Department of Labor unless licensed by the Industrial Commissioner.
6. The Industrial Commissioner should be directed to establish a code of ethics governing the conduct of all licensed representatives, and violation thereof should constitute cause for revocation of the license.
7. Refusal by any person to whom a license or authorization to engage in any occupation or profession or to do any act has been granted by the Industrial Commissioner, to answer any legal question or to produce any relevant book or paper concerning his conduct under such license or authorization, upon request of any duly authorized officer of the State, should constitute adequate cause for revocation of such license or authorization.

8. No private physician should be allowed to attend the examination of the claimant by the State doctor, but facility should be afforded the carrier or employer for medical examination of the claimant, in the presence of the latter's physician, immediately thereafter.
9. Persons giving or tendering any gift or gratuity to any officer or employee of the Department of Labor for the purpose of influencing his official acts, and those accepting such gifts for performing or failing to perform their official duties, should be prosecuted. Furthermore, the department should adopt a regulation specifying that any officer or employee who accepts any gift or gratuity from any person whose interests may be affected by his official action shall be subject to removal from his office or employment, or to other disciplinary action.

II

ATTEMPTS BY SOME CARRIERS AND EMPLOYERS TO INFLUENCE OR CONTROL THE SELECTION AND JUDGMENT OF PHYSICIANS, AND IMPROPER CONTROVERTING OF CLAIMS BY THEM

Section 13-a of the Workmen's Compensation Law provides that "An injured employee may, when care is required, select to treat him any physician authorized by the commissioner to render medical care, as hereafter provided." We have previously indicated how fee-receiving licensed representatives have curtailed such free selection, and caused a herding of the workers to particular ring doctors. Some carriers and employers have acted similarly.

A. CARRIER AND EMPLOYER INFLUENCE IN THE SELECTION OF PHYSICIANS TO TREAT CLAIMANTS

Prior to 1935 an injured worker had no right under the Compensation Law to select a physician to treat him unless he paid the charges himself. Employers and carriers made the selection, and workers complained not only of insufficient and improper treatment, but of prejudiced medical testimony at hearings. The "free choice amendment" quoted above, was adopted in 1935 in an effort to remedy that situation, but it has done so only partially.

In many cases, we were informed, injured workers are not told of their right to select physicians of their own choice. We have examined numerous physicians, employers, workers, representatives of employers and union officials in the New York City, Binghamton, Elmira, Syracuse, Rochester and Buffalo areas, and received evidence of some carrier influence and employer coercion in the medical field. Some carriers, we were informed, endeavor to steer claimants to particular physicians, but apparently in less degree than employers.

Certain employers maintain first aid stations with nurses in attendance and doctors on call. Others maintain medical bureaus of considerable scope employing some physicians of standing. Still others "refer" injured workers to particular physicians or clinics. First aid facilities in industrial plants are a necessity. However, complaint was made to us by responsible physicians, as well as by workers, that a limited number of employers, some with many employees, effectively curtailed their employees' free choice. It was reported that they "persuaded" their injured workers to use company doctors throughout their disabilities. We were informed that workers felt that advancement, or their very jobs, might be prejudiced if they failed to accept the employer's doctor. In some cases, employers were vigorous in controverting cases where outside physicians were employed, and refused to pay the physicians' bills.

There is testimony that a few plant physicians hurried the workers back to work before complete recovery.

We were also advised of a practice known as the "no lost time" system, under which badly injured workers, unable to do their regular work, are persuaded to report, sit at their benches, and do anything or nothing at all, so as to minimize the record of time lost due to accidents. The inducement of receiving a full wage, instead of the reduced compensation payments, is held out to them. However, we were also informed that such practices may retard the worker's recovery, and may prejudice his subsequent claim for compensation for per-

manent injury if it is shown that he "was able" to return to "work" shortly after the alleged accident. The argument is then made by carriers or self-insured employers, in an effort to defeat or reduce the claim, that the injury could not have been severe if the worker was able to return to the plant so promptly. Such "savings" as are thereby effected by carriers, we were informed, are reflected in reduced premiums to the insured employers.

Such practices have, of course, caused friction in employer-employee relationships. If employers provide better physicians and medical care in or out of the plant than might be otherwise available, they should be permitted to bring these facilities to the attention of their workers, but at the same time they should advise workers of their absolute right to go elsewhere without penalty.

To remedy this, we suggest that employers who maintain such medical bureaus or staffs permit employees to elect representatives from among themselves with authority to inspect the company's medical services and practices, and to determine whether there is interference with the workers' selection of doctors. This would help to end abuses, and to improve relations between employers and workers.

B. CONTROL BY CARRIERS AND EMPLOYERS OF THE JUDGMENT OF PHYSICIANS

Some carriers and self-insured employers appear to have attempted to control the judgment of doctors directly, as well as by indirect coercive means.

For instance, it is cause for revocation of medical authorization, under section 13-d, subdivision 2 (c), if a physician fails to furnish a preliminary notice of injury and treatment to the Industrial Commissioner and to the employer within forty-eight hours after the first treatment, as referred to in section 13-a, subdivision 4, except where the injury requires only first aid and no loss of time beyond the working day. This is also true in case of the notice required to be given within fifteen days thereafter. Despite this, some claimants' physicians do not send notices to the Commissioner, and instead submit all of them to the carrier or employer. This may result in an "editing" or withholding of the report.

Furthermore, some physicians do not include all their findings concerning the claimant's condition in the reports intended for the Industrial Commissioner, and send so-called confidential memoranda containing such data to insurance carriers or employers. This has been particularly true in the case of examinations of claimants by employers' and carriers' doctors. Such examinations are provided for by section 13-a, subdivision 4. Under rule 11 (c) of the Industrial Board, a verified written report of the examination must be promptly filed with the department by the employer or carrier.

However, advantage has been taken of an ambiguity presented by another section, as a reason for not filing such reports. That latter section, 13-j, (1), forbids any carrier to participate in treatment of injured workers "except that it may employ medical inspectors to examine compensation cases periodically, while under treatment, and report upon the adequacy of medical care . . ." This seems to have been intended not as an alternative method of examination, for which there would be no apparent reason, but merely as confirmatory of the permission previously granted, and to indicate that the prohibition against medical treatment by employers and carriers was not in derogation thereof. But, as stated, it has constituted a loophole by which employers and carriers have avoided filing the reports referred to on the ground that their physicians have made an "inspection" under the one section, not an examination under the other! And the Industrial Board has adopted a rule which sanctions such evasion.

These practices may often result not alone in a denial of the claimant's rights, but in danger to his health as well. Thus one physician who was examining a claimant for a carrier discovered a hernia. He stated in a confidential report to the carrier, "I do not believe either the patient or his attending physician are aware of the existence of this hernia." He admitted he did not give similar advice as to his findings to either of the latter.

We have previously referred to the "no lost time" system, under which badly injured workers, unable to do their regular work, are persuaded to report at the

plant and do anything or nothing at all, in order to minimize the record of time lost due to accidents. Though the injury may be serious, if the worker can be prevailed upon to report the next day it is considered as an injury which does not require "loss of time beyond the working day or shift," and as not requiring the filing of a medical report under section 13-d, subdivision 2 (c), or an employer's accident report under section 110. This may, as we have shown, prejudice a worker's subsequent claim for compensation.

The case of Max Phillips illustrates a more direct attempt at dictation. He fell fourteen feet to a concrete sidewalk from an extension ladder while employed as a painter in Brooklyn in December of 1935. He asserted that a hook, holding together sections of the ladder, struck him below the right eye, causing fractures in that region as well as injuries to a shoulder, hand and foot. He stated that he completely lost the sense of hearing in his left ear, and suffered impairment of hearing in his right ear. The injury to his shoulder prevented him from engaging in hard labor. He was 39 years of age at the time he testified at our hearings in 1943.

He filed a claim for compensation benefits, and was treated by a doctor. The company which insured his employer, however, The Century Indemnity Company, soon instructed the claimant's doctor in writing to discontinue treatments.

Mr. Phillips testified as follows as to his condition at the time:

Well, it was very bad. I couldn't work. As soon as the doctor told me I said I couldn't go back to work, and I went down to the insurance company and I saw the manager of that department, by the name of Kennedy, and I explained him— . . . I explained him that I can't work due to my condition. He says he can't do anything because he was instructed. He sent me—he gave me a letter to go to one of his doctors to be examined, but seeing that I get that run-around, as I was going, I opened that letter and . . .

Mr. Phillips had a photostatic copy made of the letter referred to, which is as follows:

(Letterhead of The Century Indemnity Co.)

April 13th, 1936

Dr. William Murray Ennis
130 William Street
New York, New York

Dear Doctor:

This claimant was examined by you on February 6th. At that time it was your opinion that he was capable of doing light work on ground level and you suggested that he be examined by a neurologist.

Examination at the State Department of Labor on February 17th found the claimant able to do considerable work on ground level. An examination was made on March 7th by an otologist, Dr. M. S. Bender, which was practically negative. A reexamination at the State Department of Labor on March 23rd found the claimant to have a distinct earning capacity. The attending physician was notified by this office and was instructed to advise the claimant no further treatment could be rendered.

This claimant appeared at this office this morning claiming inability to resume work.

May we suggest that you reexamine this claimant and if possible favor us with a negative report.

Very truly yours,

P. D. KENNEDY, *Sup't.*

Compensation Claims.

PDK:B

Such practice, of indicating the findings desired, goes far to explain the present hostility of workers to insurance carriers. Of course it is also an open invitation to physicians to become charlatans. Further, it invites retaliatory conduct by claimants and their representatives.

The doctor addressed, a specialist in traumatic surgery with offices in Manhattan and Brooklyn, testified that a part-time employee of his had examined Mr. Phillips, and that he had not seen the letter referred to until a few days before he was called to testify in June of 1943. Work referred to him by insurance companies constituted the bulk of his practice, but he also treated claimants. He testified as to the letter, that: "I would consider it the height of impudence if I had seen it."

The medical report rendered to the carrier, which was prepared by the associate physician, stated, among other things, that "Patient complains of some pain on palpation in the region of the infraorbital region, however, there is no bony abnormality discernible nor is there any overlying soft tissue swelling." It concluded as follows:

Opinion: The only positive findings at this time is diminution of air conduction on the left side.

I do not believe there is any necessity of any treatment to the right knee, right shoulder or left foot.

If the Otologist's report is negative there is, at the present time, no reason why patient may not perform his regular work on ground level. Because of the subjective complaints of headaches and dizziness, I do not believe it is advisable for patient to work off the ground just yet.

Very truly yours,

HSH:RMG

This report could not have been too disappointing to the carrier. Yet on June 23, 1943 Mr. Phillips testified publicly as to the effects he still felt from the fall:

Well, I have—my hearing is completely gone from the left ear and the right ear is very bad. My toe, I can't bend it like, right, on the right. I have constant headaches and dizziness. On the right foot I have got a swelling. The veins are swelled out very badly from the strain on this foot.

He stated that he could do light work so far as his right shoulder was concerned, but that hard work still caused pain. It had improved since the injury in December of 1935, and he volunteered that "Well, you know, I took my own treatments, you know, lamp treatments, in the house."

Phillips testified that at the beginning he received a small amount of compensation, and then his case was closed at the Division of Workmen's Compensation. Finally, the case was reopened and in 1939 he received an award for a 98 per cent loss of hearing in the left ear, amounting to \$1100, from which his prior compensation payments were deducted. Fees of \$225 to persons representing him were also deducted.

He stated that he had never been compensated for the other disabilities which he described as still continuing.

Dr. Ennis testified that he treated a large number of claimants as their physician and that many of these had been referred to him by another carrier, the Massachusetts Bonding and Insurance Company. He said that in some cases where he was treating a claimant as his physician, and a controversy as to the extent of disability arose between the claimant and the Massachusetts Company, he appeared for pay for the company at the medical examination of the claimant by the State physician. He asserted that the primary reason for his appearing for the Company in such cases was to testify as to his report, but that after the examination it usually was not necessary for him to do so. But in either situation he was paid, as stated. He did not inform the claimant as to these facts. He stated as to this:

Q. The claimant is of the impression that you are appearing there for him, is he not? A. Well, that might be his impression. I am there to testify as to my opinion.

Upon one occasion, in March of 1943, he had stated in a written communication that he was medical director for New York State for the Massachusetts

Bonding and Insurance Company. How he could act in that role, and also as the physician for workers who had claims against that company as insurer for their employers, is obscure. At a hearing, he denied acting in the capacity stated by him in his own letter.

Another illustration of a practice which invites reciprocal methods is provided by the case of a taxi-driver who injured his back when his parked cab was struck by another automobile on July 26, 1941. While he was under medical treatment and his case was still pending at the Division of Workmen's Compensation, the Jamestown Mutual Insurance Company, the company which insured his employer, wrote to Robert F. Coleman, Inc., its agent, on August 20, 1942 concerning the case as follows:

(Letterhead of Jamestown Mutual Insurance Company,
Jamestown, New York.)

August 20, 1942

Attention Mr. Oberdorf

Gentlemen:

This will acknowledge your memorandum of 8/17/42. We have noted its contents but you failed to advise us whether or not you had contacted Dr. Mayer in connection with his testimony at the commission. As I indicated before, I would dislike paying the doctor's bill in full and then have him come in and crucify us at a hearing. I think we should approach the doctor and let him know the carrier is concerned about the bills and the medical cost and then point out to the doctor the record we have at the Department of Labor and the progress of the case as far as this man's disability is concerned. Perhaps, after giving him the past history, we can enlist his cooperation and testimony to a partial disability during the whole time he has treated the claimant and even when he started treating the claimant.

Please advise us by return mail of your conversation with the doctor in this regard. Ultimately we will have to pay the medical bill I presume, but while we can hold a club over the doctor's head, I think we should, especially where we are dealing with such a troublesome claimant and claimant's family.

By all means get Dr. Albee to examine promptly and if he finds no further need for treatment, Dr. Mayer should be advised accordingly.

Please be fully prepared at the hearing.

(signed)

D. J. Brunel
D. J. BRUNEL,

DJB:HPc-1

Claim Department

Dr. Mayer was the physician for the claimant. The latter had been claiming total disability.

On July 30, 1942 the insurance carrier had written the Coleman organization in part as follows concerning the claim:

Up to the time Dr. Mayer started treating we had more or less of a partial disability record. However, it was only on June 19, 1942 that Dr. Mayer first expressed himself as giving the claimant any partial disability. In this connection we are most anxious that this doctor stop this claimant off with a partial disability and we ask that you have an investigator call on Dr. Mayer and secure a report from him to this effect. We will be all the more likely to pay his bills as submitted if he cooperates on the question of partial disability.

No claimant's physician, whether or not of the integrity of the one mentioned, should be subjected to such venal attempts. Insurance carriers must act through employees. It is no excuse for such carriers to claim that improper acts of such employees are unauthorized. Such "profits" as result therefrom accrue to the companies.

The methods used by some carriers and employers in their contesting of claims are illustrated by their use and tolerance of Dr. Joseph Somberg, an eye

specialist whose practices were quite peculiar. He not only gave treatments and prescribed lenses as the physician for workmen's compensation claimants, but he also served the opposing interests, acting as examining physician for twenty-five insurance carriers and eight self-insurers at the Department of Labor in 1942. In that capacity he would attend at eye examinations of claimants by the State physician in the medical bureau of the Division of Workmen's Compensation, and would even examine claimants there.

A former secretary of Somberg testified that he instructed her regularly to pad his bills to insurance companies for treating claimants so as to charge for from twice to more than four times the number of treatments actually given. In addition, although employed as a secretary at from \$15 to \$22 a week, this same witness administered drops and gave "routine treatments" consisting of a simple eye wash or ointment, to patients in his absence. These the doctor billed as treatments, sometimes at a \$3 and sometimes at \$7.50.

Testimony was also adduced with respect to the payment of kickbacks to Somberg of from 20 to 30 per cent by an optical firm, and of 40 per cent by Bendiner & Schlesinger X-Ray Laboratories, Inc.

According to his records and the testimony, Somberg had not made a true return of his income for tax purposes.

Somberg made numerous denials of any wrongdoing but he declined to produce his record cards of claimants in workmen's compensation cases, as well as other records, on the ground that to do so would tend to degrade or incriminate him.

Yet Somberg represented the carriers and self-insurers referred to at examinations of claimants in eye cases at the Division of Workmen's Compensation. He must have served them well, for no effort appears to have been made to stop his overcharges in cases where he treated claimants. His padded bills, of course, increased compensation costs.

The reason for the retaining of Somberg by carriers and employers was made apparent by a lawyer employed by the Western Union Telegraph Company, which is a self-insurer and which used Somberg. He testified thus, referring to physicians so used by his company:

Q. In your experience, based on your observation what would you say the saving is to your company which results from having medical representation as against not having it? A. Well, I put it this way. I couldn't give it to you in dollars and cents but I should say we get a break all the way from 5% to 20%—in a given schedule award or in a decreased earning. Reports made by the doctors—the State doctor might say 50% lost. Now without the representation, that might be 75% loss or losses in earning capacity.

Thus rights of claimants are affected.

C. CONTROVERTING CLAIMS AND TAKING OF APPEALS FOR PURPOSES OF DELAY AND BARGAINING

Under section 25 of the law, compensation is due within eighteen days of the disabling injury. Provision is made for assessment of a 10 per cent penalty for failure to do so, but carriers and employers avoid this by filing notices of controversy of the claim.

We have previously, under Point I, referred to the fact that licensed representatives and lawyers opposed to carriers and employers have seemingly transferred their litigating forum from the civil courts to the Department of Labor. In many instances carriers and employers controvert without making any investigation to determine whether or not the claim is meritorious, and instead compel the claimant to prove his case at a hearing. Approximately 46 per cent of controverted cases closed during 1938 to 1942 were in fact held to be compensable.

Claimants in need of compensation provide a fertile field for inadequate settlements, and thus the purpose of the law is frustrated.

Even in uncontroverted cases, it appears that in those closed during the eighteen months ending June 30, 1943, approximately 43 per cent of such claimants did not receive their initial compensation on time. The department

maintains records showing the performance of each carrier in making payment. It would be well to publish them at regular intervals so that interested parties may be informed. The performance of The State Insurance Fund, for instance, has not even been up to the average in this respect.

Provision is made under section 23 of the law for appeals from awards or decisions of the Industrial Board to the Appellate Division, and thence to the Court of Appeals. There is ample evidence that many such appeals have been taken by carriers and employers not in good faith, but evidently for purposes of delay and bargaining.

In July 1943, 521 appeals to the Appellate Division from decisions of the Industrial Board were pending. Of the appeals taken by carriers or employers, more than 50 per cent had been pending for more than six months; about 30 per cent had been pending a year or more; about 10 per cent had been pending two years or more; and in nine cases the appeal had been pending three years or more. The State Insurance Fund was the appellant in about 35 per cent of all pending carrier and employer appeals. While the fund writes about 30 per cent of all compensation insurance in the State, its coverage of the total risk is less, since it is estimated that about 20 per cent of that risk is not covered by outside insurers. So its percentage of appeals is disproportionate. The fund and self-insured and non-insured employers were responsible for about half of all appeals pending nine months or more. About one-half of the appeals by self-insured employers, and about two-thirds of the appeals by non-insured employers, were pending nine months or more. The self-insured and non-insured employers also were responsible for 43 per cent of the appeals pending two years or more.

But in the period of 1940 to 1942 inclusive, 656 appeals, or about 70 per cent of all appeals taken by carriers or employers, were withdrawn. About one-fourth of these were withdrawn after they had been pending six months or more; in fifty-four cases the appeal was withdrawn after it had been pending for a period of from twelve to thirty-seven months.

In the matter of withdrawn appeals, the record of The State Insurance Fund is of special interest. In the three-year period in question, it withdrew 340 out of 366 appeals taken, or 93 per cent. Of this number, 132 were withdrawn after from three to six months, 40 were withdrawn after from six to nine months, 12 were withdrawn after from nine to twelve months, and 17 were withdrawn after a year or more. It thus appears that the fund alone has taken hundreds of appeals with no serious intention of carrying them through. And a majority of all other carrier and employer appeals are withdrawn. The fund should set an example in making prompt payment of compensation to claimants, but in the matter of unnecessary and purely dilatory appeals, it appears as one of the worst offenders.

Past experience indicates that a large majority of the pending carrier or employer appeals will never reach the Appellate Division, and that in these cases compensation to the claimants is being unjustifiably delayed. The records also indicate that the overwhelming majority of appeals that reach the Appellate Division are affirmed by that court. The delays occasioned by non-meritorious appeals are superimposed upon all the other delays referred to in the awarding of proper compensation.

CONCLUSIONS

The right to a free selection of physicians by injured workers has been curtailed by some employers who provide their own medical facilities. This has not been beneficial to workers, or to relations between employers and employees. Such employers should permit representatives of employees to oversee the operation of their medical bureaus or other facilities, so that improper interference with workers' rights may cease. Some carriers have also attempted to influence the selection by claimants of physicians.

Certain carriers and employers have endeavored to control the judgment of physicians.

Carriers and employers have impeded the rights of injured workers to compensation by baseless controversies and dilatory appeals.

Unless insurance carriers, employers, and their physicians demonstrate generally an understanding of the social desirability of a true administration of the Workmen's Compensation Law, the State may be forced to consider giving the exclusive privilege of writing insurance thereunder to one of its agencies.

SUGGESTED REMEDIAL LEGISLATION

1. Interference by any person with the free selection of physicians by injured workers, and the attempting by any insurance company or employer improperly to influence the medical opinions of their own or claimant's physicians, should be made a misdemeanor.
2. Subdivision (4) of section 13-a should be amended thus: "No claim for medical or surgical treatment shall be valid and enforceable, as against such employer, or employee, unless within forty-eight hours following the first treatment the physician giving such treatment furnish to the employer and *directly to the industrial commissioner a preliminary notice . . .*" (new matter italicized).

Paragraph (c) of section 13-d, subdivision 2, should be amended so as to authorize the Industrial Commissioner to remove from the list of those authorized to render medical care any physician treating a claimant who "has failed to submit full and truthful medical reports of *all his findings* to the employer and *directly to the commissioner or the industrial board*, within the time limits provided in section thirteen-a, subdivision four, of this chapter, with the exception of injuries which do not require (1) more than ordinary first aid or *more than two treatments by a physician or person rendering first aid* or (2) loss of time *from regular duties* beyond the working day or shift; . . ." (new matter italicized). Section 110, which relates to reports of injuries to the Industrial Commissioner by employers, should be amended similarly to provide that "Within ten days after the occurrence of an accident resulting in personal injury, which shall cause a loss of time *from regular duties* beyond the *working day or shift* on which the accident occurred, or which shall require medical treatment beyond ordinary first aid or *more than two treatments by a physician or person rendering first aid*, a report thereof shall be made in writing by the employer . . ." (new matter italicized).

3. Section 13-j (1) should be amended by adding the phrase "in accordance with section 13-a, (4)", after the words "medical conduct of the case", to make it clear that the former does not provide for any additional examination by the carrier.
4. An additional assessment up to 15 per cent of the amount finally awarded should be authorized to be made in favor of the claimant by the Industrial Board against the controverting carrier or employer if the claim is allowed, and it appears that the objections thereto were without just cause.
5. Section 23 should be amended (a) by increasing to \$50 the sum to be paid by carriers and employers to the Attorney-General as costs upon withdrawal of an appeal, and (b) by providing that the award to the claimant shall be increased by 10 per cent, but not less than \$100, in cases of unanimous final affirmance by the Appellate Division, or the Court of Appeals, after appeal by a carrier or employer, unless the court shall certify that the appeal was upon meritorious grounds.
6. The Superintendent of Insurance should be empowered to suspend or revoke any license previously issued to any stock corporation or mutual association insofar as it grants authority to transact the business of workmen's compensation insurance in this State, if, after notice to and a hearing of such insurer, he finds that it has unreasonably failed to comply with any requirement imposed upon it by the Workmen's Compensation Law, and if in his judgment such suspension or revocation is reasonably necessary to protect the rights of persons who may become entitled to the benefits of that law. The superintendent should be granted discretion to reinstate any such license if, for cause shown, he finds that ground for such suspension or revocation no longer exists. The action of the superintendent in suspending or revoking any such license should be subject to judicial review.

III

MEDICAL KICKBACKS AND INACTION BY CERTAIN MEDICAL SOCIETIES

Section 13 of the Workmen's Compensation Law authorizes the Industrial Commissioner to establish schedules of minimum charges for medical care, after first obtaining a report from the president of the Medical Society of the State of New York, but it is provided that consideration be given to the views of other interested parties. It is stipulated that amounts payable for medical treatment shall not be less than the scheduled rate.

Under section 13-b the Industrial Commissioner, upon recommendation of county medical societies or boards of such societies, or boards representing other schools of medical practice, is empowered to authorize licensed physicians to render medical care to claimants according to their qualifications. It is provided, among other things, that if there be no medical society in a county, the commissioner is to designate a board of three qualified physicians to act. Charges of such authorized physicians for medical care are payable under the law by the employers of the injured workers, or by companies insuring the employers. As a matter of fact, county medical societies have practically controlled the matter of authorizations, and they have generally recommended that physicians be given ratings in accordance with their private practices. Thus the so-called authorization to engage in compensation practice has required but another rubber stamp, particularly in New York, Kings, Queens and Bronx counties. It has not been beneficially selective. Further, we have been informed that some of the most qualified physicians have not been available to claimants because they would not bother to apply to one of the medical societies for authorization.

Section 13-d, subdivision 2, provides that the commissioner shall remove from the list of physicians any one who has participated in the splitting of fees for medical care in compensation cases, commonly called kickbacks. It also authorizes the various medical societies to investigate, hear and determine all charges of professional or other misconduct by authorized physicians, and empowers the Industrial Council to review their determinations. A recent New York Supreme Court decision has held that prior action by the appropriate county medical society is necessary to revocation. *Matter of Sacharoff, (Murphy and ano.)*, N. Y. Law Journal, Sept. 9, 1943, p. 485.

A. THE SECRET MEDICAL KICKBACK TAX

Despite the statutory prohibition, the evidence indicates that kickbacks have for years been widely taken, and even demanded, by referring physicians in compensation cases, at least in New York City, from surgeons, roentgenologists, surgical appliance houses, opticians, and even from specimen analysis laboratories. It was shown that, in the period from 1941 to 1943, kickbacks ranging from fifteen to fifty percent were paid by others than surgeons to more than 3,000 physicians in New York, Kings, Bronx and Queens counties alone. Furthermore, prior to this investigation, the medical societies of those counties have seemingly closed their eyes to this widespread system, except as to one commercial establishment engaging in x-ray examinations in competition with physicians, and neither the Industrial Commissioner, Industrial Council nor Industrial Board raised a hand to stop it.

Indeed, it was proved that these kickbacks were common in private as well as compensation cases. They constitute a secret and illegal medical tax adversely affecting a large part of the citizens of this State by increasing the financial burden of sickness. However, they are not universal, and leading physicians, who have advised with us, have expressed their abhorrence with respect to the practice, and their strong desire to be of aid in stamping it out.

1. In X-Ray Examinations

The commercial establishment referred to, Bendiner & Schlesinger X-Ray Laboratories, Inc., of Manhattan, alone kicked back during 1942, according to its employees, more than \$30,000 in cash to about 250 physicians, and a few other persons, who referred claimants in workmen's compensation cases to it

for x-ray examinations. This practice had been going on for years, one of its bookkeepers testified. She said that the company had not devised the scheme, but was meeting competition. The kickbacks generally amounted to 40 per cent of the amount charged the insurance carrier or employer, but some got 50 per cent. This establishment paid its roentgenologist less than one-tenth of its gross income of \$190,000 in 1942, of which a substantial part was for x-rays of workmen's compensation claimants. It also made substantial "loans" and payments to employees of carriers with which it did business.

James F. Schlesigner, secretary and treasurer of the laboratories, has failed to comply with a subpoena calling upon him to produce the cash book in which these payoffs out of the corporate cash were recorded.

Sixteen licensed physicians, authorized as roentgenologists by the Industrial Commissioner, confessed at public hearings to similar kickbacks to physicians, in 1942. A few attempted to call the kickbacks "assistance fees," but the assistance was shown to be quite illusory. These kickbacks ranged from 35 to 50 per cent.

One Manhattan physician, authorized as a roentgenologist, who carried on a kickback x-ray practice, had been associated for years with a veterinarian who shared equally in the profits and who actually paid the kickbacks of 40 per cent to the referring physicians. They functioned under a trade name, and the veterinarian stated that he specialized in bacteriology and blood tests with respect to humans.

A roentgenologist who confessed to paying kickbacks of approximately 50 per cent to more than 200 physicians in Brooklyn, testified that if he hadn't done so he would have had no practice. His kickbacks totalled over \$7,000 in compensation cases in 1942. He stated that he understood it was the ordinary thing to give kickbacks, and that referring doctors said, "If there's nothing in it for them, they can't afford to send the work to me." He testified that he would prefer having the minimum fee schedule for x-ray examinations in compensation cases reduced by 50 per cent, if no doctor gave kickbacks and he could practice on his own merits.

A Bronx roentgenologist of over fifteen years' standing, who confessed giving kickbacks of 35 to 50 per cent to more than 100 referring physicians in compensation cases in 1942, testified that this had been an accepted practice of the medical profession for as long as he could remember. He stated that if he didn't pay off, physicians would not refer cases to him. He testified that as late as June of 1943, months after the commencement of public hearings in this investigation, referring doctors were still demanding kickbacks. He asserted that if kickbacks were abolished, he would get along even if the minimum fee schedule for x-ray charges were cut in half.

A Queens roentgenologist, who kicked back from 40 to 50 per cent of his fees to referring physicians, testified that a few weeks after he opened an office he learned he had to give kickbacks: "Because I found that was the prevailing practice in Queens and that the doctors demanded it."

A female roentgenologist in Manhattan admitted giving kickbacks up to August of 1943. She testified that her practice dropped off after she ceased giving kickbacks and that she was told, as late as November of 1943, by some physicians who had previously referred cases to her, that they were still being offered "commissions." She attributed the falling-off in her compensation practice to her refusal to continue giving kickbacks.

All these kickbacks indicate that the charges in the minimum fee schedule are too high, and unduly increase compensation costs.

Physicians who specialize in roentgenology should not, on the other hand, be compelled to compete with lay persons. Roentgenologists should be clinicians as well, not merely photographers, so that they can, in their study of the roentgenographic evidence, make interpretations and draw conclusions that come only from a physician's clinical experience. And injured persons are entitled to services which will insure a correct diagnosis and proper treatment.

2. In the Furnishing of Surgical Appliances

The supplying of injured workers with trusses, various types of back supports, braces and other surgical appliances has become "big business." Here,

too, physicians have insisted on their kickbacks for "referring the business," and equally selfish supply houses have vied with each other in the splits they offered referring physicians. A number of operators of such houses confessed to paying such kickbacks to many hundreds of physicians. They frequently amounted to $33\frac{1}{3}$ per cent of the price charged the insurance carrier or self-insured employer for the article furnished.

3. In Optometry

Opticians also paid kickbacks of as much as 50 per cent of their charges to ophthalmologists who referred workmen's compensation claimants to them for the filling of prescriptions for spectacles. Some thinly disguised the kickbacks by presenting the ophthalmologists with expensive equipment instead of money.

A concrete example of the effect of kickbacks as a secret and illegal medical tax on the public was presented by the testimony of one optician. He said that he charged the Liberty Mutual Insurance Company \$7.50 and The State Insurance Fund \$10 or \$11 a pair for the same type of glasses in compensation cases, both of which included a profit. In those cases, he said, there was no kickback. Others, where there was a kickback, paid \$12.50 for the same glasses. He said that The Fund, a State body, could have had the \$7.50 price if anyone had asked for it. Evidently those in charge were not sufficiently alert to do so.

And, according to the testimony, such kickbacks were at least as prevalent in private cases. The amount of the illegal tax varied with the size of the kickback, which amounted to as much as one half the price, as stated.

4. In Specimen Analyses

No field of compensation practice has been so small as to be overlooked by the rings in their search for kickbacks. An employee of Bendiner & Schlesinger, Inc., an affiliate of the Laboratories, testified that for several years the former corporation had kicked back to referring doctors 30 per cent of the amount it received from insurance carriers for making specimen analyses in compensation cases. This was done, she testified, to meet competition of others in the same field. She stated that doctors asked for the kickbacks, saying they could get even more elsewhere, and that James F. Schlesinger authorized the payments. He was secretary and treasurer.

B. THE TOLERANT ATTITUDE OF SOME MEDICAL SOCIETIES

Except for a commendable effort, hereafter referred to, by the New York County Medical Society from 1935 to 1937 to prevent authorization of Dr. Edward E. Kaplan, roentgenologist for the kickback-giving firm of Bendiner & Schlesinger X-Ray Laboratories, Inc., it and the other medical societies in Kings, Queens and Bronx counties have seemingly closed their eyes to notorious medical kickback practices. The company referred to was, of course, in competition with physicians authorized as roentgenologists.

One physician, active in compensation practice, testified as follows concerning the matter:

Q. Do you know whether as many as 60 per cent of the physicians in the City of New York have been taking kickbacks in workmen's compensation cases? A. I think that is a conservative estimate, sir.

Q. Well, would you say three out of four physicians in the City of New York take kickbacks in workmen's compensation cases? A. I think so.

The recent Supreme Court decision referred to confirms the disciplinary jurisdiction of medical societies in these matters. Discussion of the decision would be out of place in this report, but we must say that if it is affirmed, and a new procedure is not authorized, past history does not justify hope for any speedy elimination by such societies of malpractices so far as counties with the largest number of physicians are concerned.

The paid chairman of the workmen's compensation board of the Medical Society of the County of New York, for instance, who was also the paid director of workmen's compensation for the Medical Society of the State, admitted that certain physicians, whose actions we have been investigating, referred patients

to him in 1941, 1942 and 1943 for medical services in his specialty. The referrers included a number of kickback-receiving doctors.

He stated that he would not sit in disciplinary matters involving them, but this, of course, was no explanation of years of inaction while he occupied a salaried position in connection with duties delegated to the Medical Society under the Workmen's Compensation Law. No matter how well intentioned he might be, the public would be loath to accept his decisions as impartial in those cases.

He admitted that no action had been taken by the New York County Medical Society to stop kickback practices on the part of physicians for years except, as he said, to deny ratings in a "very few" cases. He claimed that this was so "because the proof is very difficult to get." However, even during this investigation, the compensation board of the county society, according to letters written by him as chairman, recommended that the Industrial Commissioner take certain action favorable to a physician whom he had previously heard admit receiving what he said "sounds like" kickbacks, and who had referred cases to him. He testified that "There has always been suspicion of rebating and fee-splittings, not so much in this compensation work, but in general practice." But kickback practices seem equally prevalent in both fields.

He also had received one or more references from each of more than fifteen carriers intermittently during the period from 1941 to 1943.

He could suggest no better method for abolishing kickbacks from surgeons to referring doctors than by proposing that they join in one bill, in which one fee would be set and apportioned between the surgeon and the family physician. He based his assertion that this was necessary upon the claim that some persons, particularly those of modest means, would not readily pay the bill of the family physician when a surgeon is called in, and upon his argument that the fee of the latter is "disproportionate" to that of the former. His plan seems to be no more than a legalizing of kickbacks, and a rewarding of the family physician according to the degree of his patient's misfortune, not his ability to cure it.

It was this same chairman, however, who took courageous action which might, if the then incumbent Industrial Commissioner and majority members of the Industrial Council had not overruled his views, have prevented a continuation of the kickback system by a corporate kickback-giver, Bendiner & Schlesinger X-Ray Laboratories, Inc. His activity in this field seems to have been confined largely to this laboratory which competed, as stated, with physicians who were also roentgenologists.

CONCLUSIONS

The minimum fee schedules for specialists in x-ray and specimen analysis work are too high, and should be reduced.

The New York, Kings, Queens and Bronx Medical Societies, by their long inaction, have tolerated the notorious kickback racket, and are not yet prepared to meet the responsibility of cleaning their own houses.

SUGGESTED REMEDIAL LEGISLATION

1. In counties having a population of 1,000,000 or more, recommendations under the law to the Industrial Commissioner of physicians, and of medical bureaus operated by qualified physicians, to be authorized to render medical care, and of laboratories to engage in physiotherapy or other therapeutic procedures, and the investigation, hearing and determination of all charges of professional or other misconduct on the part of authorized physicians, medical bureaus and laboratories, should be made and held by a single board of three physicians of outstanding qualifications selected by the commissioner with jurisdiction in such matters in all such counties. Its determinations should be subject to review by the Industrial Council, the decision of which should be advisory to the Industrial Commissioner. The members should receive adequate compensation, and should not be permitted to engage in compensation practice. They should be advised by an attorney.
2. In counties having a population of less than 1,000,000, the recommendations, investigation, hearing and determination referred to, should be made and

held by the medical society of each such county, or by a board designated by any such county society, or by a board representing duly licensed physicians of any other school of medical practice, or, if the medical society or board fails to act, or if there be no such society or board, then by a board of three physicians of outstanding qualifications designated by the Commissioner for such county. Their recommendations and determinations should be subject to review by the Industrial Council, the decision of which should be advisory to the Industrial Commissioner.

3. No claim for services in connection with x-ray examination, diagnosis or treatment of any claimant should be valid or enforceable except by a physician duly authorized as a roentgenologist by the Industrial Commissioner, for services performed by him or under his immediate supervision. The payment, transference or assignment to, or division with, any person or corporation of any fee for such services by such physician in return for the furnishing of facilities for such examination, should be cause for revocation of such authorization except that reasonable payment, not exceeding 33⅓ per cent of such fee, should be permitted to be made by such roentgenologist to any hospital furnishing such facilities on its premises. Section 1264 of the Education Law should be amended to provide that any other payment shall be ground for revocation or suspension of the license of any physician, or for disciplinary action.
4. Section 13-g (2) of the law, relating to arbitration of medical bills, should be amended so as to provide that if the parties fail to agree as to the value of medical aid, the matter shall be decided, in counties having a population of 1,000,000 or more, by the board of three physicians selected by the Industrial Commissioner as heretofore mentioned. The arbitration costs assessed against the parties should remain the same, but they should be payable to the Industrial Commissioner on account of general expenses in administering the law, since the arbitrators will be the members of the board.
5. The tender or payment of any fee or gratuity to or by any physician or other person for referring claimants to anyone for a service should be made a misdemeanor on the part of the offerer, if only tendered, and on the part of the offerer and receiver, if consummated. Section 1264 of the Education Law should be amended to make such practice ground for revocation or suspension of the license of any physician, or for disciplinary action.

IV

LETHARGY IN LEADERSHIP OF THE DEPARTMENT OF LABOR

We have pointed out that for many years, prior to January 1, 1943, the the Department of Labor failed to carry out two fundamental purposes of the law—the assurance that injured workmen should receive proper medical care, and the avoidance of the delays of litigation which deprived them of the means of subsistence when needed the most.

Indeed, claimants were even subjected to unnecessary operations which sometimes crippled and totally disabled them. And the personnel of the medical bureau of the Division of Workmen's Compensation, which might detect improper treatment, was insufficient in numbers, while the facilities for examination of claimants by State doctors were pitifully inadequate. Yet Elmer F. Andrews, who was Industrial Commissioner from 1933 to 1938, and Frieda S. Miller who succeeded him from 1938 to 1942, were not accessible to Dr. Raphael Lewy, chief examining physician in the Division when he sought to tell them of these facts.

This remoteness from the realities was exemplified by the testimony of Commissioner Miller, who held that office from 1938 to December 31, 1942. She testified thus, after hearing testimony concerning the acceptance by referees and doctors in the Division of Workmen's Compensation of gift certificates and other presents from persons having business with them at the department during the years of her incumbency:

... the things that have been said here today I find shocking. I am distressed by them. . . .

and further:

Q. As a matter of fact, these gifts are not merely shocking to you, but do they not have the tinge of attempted bribery? A. They certainly take on that aspect, yes.

Miss Miller thus characterized action of employees of her department in countenancing the continued operation of an office where claimants were medically treated by a layman for years:

Q. There seems to have been a slip up somewhere with respect to those premises at 56 Prince Street; isn't that a fact? A. There was more than a slip up; there was gross carelessness.

Q. Gross carelessness on the part of someone in the Division of Workmen's Compensation, was there not? A. In getting action on complaints.

She also testified as follows:

Q. And isn't that what occurred in the Division of Workmen's Compensation? Wasn't there mismanagement? A. You are speaking of this situation with regard to Dr. Eiserson?

Q. Yes. A. There was distinct mismanagement.

But there was even more than "gross carelessness" and "distinct mismanagement" involved. There was a system in operation which tolerated the conditions referred to, and which brought into the Division executives, referees and other persons of the type that permitted them to exist.

A. OUTSIDE INFLUENCE IN MATTERS OF PERSONNEL, AND RESULTING INADEQUACIES, INCLUDING PURCHASE OF GOODWILL BY "GIFTS"

The words which Commissioner Miller used to characterize conduct in her own department—"gross carelessness," "distinct mismanagement," and as taking on the "aspect" of bribery, were quite applicable. It is well to know the persons whose recommendations as to appointments were heeded, so that responsibility may be properly placed for the maladministration of the Workmen's Compensation Law.

Commissioner Andrews' most frequent correspondent with respect to appointments and salary increases appears to have been Bert Stand of Tammany Hall. His correspondence with persons of like position was extensive, and indicated that it bore fruit for the ones seeking favor. Commissioner Miller had similar correspondence. The calibre of the personnel thereby obtained appears to be one of the factors that resulted in the departments' inefficiency.

The point at issue is not whether members of one party appoint only others of the same group. But it is that if that is done, the group must assume full responsibility for the unfortunate mismanagement—the "distinct mismanagement" as Miss Miller phrased it in one instance—that results.

The indifference of the Department to a proper determination of claims is exemplified by the unfortunate case of Edward B. Wickham, a referee for about twenty years, assigned to Suffolk, Nassau and Richmond counties. It was revealed at a public examination that, although it is his duty to take testimony and decide claims, Wickham was quite deaf. He appeared to be a lip reader, and not too proficient at that. The hearing device he wore did not seem to help him. He testified thus:

Q. How long have you been hard of hearing? A. How long have I been what?

Q. Hard of hearing. A. How long have I been what?

Q. (coming close to witness and shouting) How long have you been hard of hearing? A. What?

Q. How long have you been hard of hearing? A. How long have I been what? I don't hear.

Q. How long have you been hard of hearing? A. Oh, out there?

Q. How long have you been hard of hearing? A. You speak too loud. You are speaking too loud.

Q. How long have you been hard of hearing? A. How long have I been what?

Q. How long has your hearing been bad? A. Oh. One ear has been deaf for 25 years. Oh, it is more than that; 30 years, and the other one about 15 years.

The director of the Division of Workmen's Compensation, who has occupied that position since October of 1939, advanced a novel theory for Wickham's "desirability," saying at a private hearing in 1943: "I am not sure but what a physical handicap of that sort keeps his record from becoming too cluttered with non-essentials."

But those facts which referee Wickham does not hear may include not merely the non-essential, but also those of prime importance to an injured worker.

As long ago as October 27, 1934 Industrial Commissioner Elmer Andrews, in replying to a letter from Secretary of Labor Frances Perkins in which she requested that he "give serious consideration" to an individual who was then employed in the Department of Labor, and who, she said, "has had an ambition to be a referee," stated:

In our last budget geographical lines were completely eliminated. As Mr. Wickham has become so deaf that it will be impossible for him to continue much longer on the calendar, I was considering for the temporary position . . .

But Wickham was still presiding as a referee during our investigation.

And gift giving from those seeking favor to those in a position to grant them, the appointees of the system, was extensive. The example set by the referees and others in the division was rivalled by the physicians in the medical bureau. Numerous referees and State doctors admitted the receipt of gift certificates and merchandise from those having business with them. This was true up to Christmas of 1942, that is, until this investigation began. They included gift certificates, turkeys, boxes of cigars, razors, liquor, and assorted merchandise yearly from carriers, carriers' doctors, licensed representatives and lawyers.

The responsibility for this cash and "gift" giving, which we regard as nothing more than a sly attempt to buy favoritism, and for all its evil results, we attribute directly to Commissioners Frieda Miller and Elmer Andrews. Miss Miller testified thus:

I recognized it had long been the practice for token gifts to be presented at Christmastime. I know of nothing and never did hear of anything outside of this Christmas situation. I want to make that quite clear. But I felt everyone connected with the administration must recognize that nothing was accepted of such value that it might be presumed to influence the person. Anything that was given simply as a token, which would be or assumed to be in the spirit of the season I could not object to, but I wish them to check the situation carefully so as not to put anybody under the impression that they were accepting gifts of value.

We do not know what resulted from Miss Miller's desire that nobody receive the impression that "they were accepting gifts of value," but such gifts were brazenly given and taken. The key to the deplorable situation lies in her toleration of so-called "token" gifts, with only the elastic consciences of system-appointed recipients to decide when a gift reached such proportions as to be a bribe and not a token. Appointees under the system could, we are sure, deny application of the invidious description to themselves as they cheerfully pocketed a "token," no matter how sizable.

Mr. Andrews admitted knowledge of the gift system, but said he did not know that State doctors were among the recipients or that cash had been given.

B. DISINCLINATION TO DISCOVER DERELICTIONS

With a staff appointed under the system previously described, and with favor-buying rampant, the maladministration that resulted under Commissioners Miller and Andrews is quite understandable. Officials do not expose their own derelictions willingly.

1. Practices at 56 Prince Street

One example of the indifference of officials of the Department of Labor to treatment accorded injured workers is indicated by the history of the office of Dr. Leo Eiserson, at 56 Prince Street in Manhattan. Dr. Eiserson, who is authorized by the Industrial Commissioner to treat claimants, has been in the Army since August of 1942, but in 1943 the office was still carried on in his name. Two physicians, one not authorized by the Industrial Commissioner, have been employed at the office on a part-time basis. The unauthorized physician was paid \$20 a week with extras, which once increased his stipend to a high of \$29. A stenographer employed at the premises from February to October, 1942, testified that one Herbert Weinberg, a layman, ran the place. She testified that he appeared to be conducting the business, and was called "Doctor" upon occasion. During busy periods, Weinberg, she said, extracted broken off needles from claimants' fingers or hands "a few times," changed dressings, and assisted at operations.

Employees of Bendiner & Schlesinger X-Ray Laboratories testified as to the payment of \$1,100.44 to the Eiserson office during eleven months of 1942, being a 50 per cent kickback on charges of \$2,200.87 for x-ray work with respect to referred claimants, and as to kickbacks of \$1,117.60 to the office in 1941 on account of \$2,235.18 of such charges. There seems little doubt that this great volume of referrals was built up by "Doctor" Weinberg, or an associate, in order to get the kickbacks.

The kickbacks received during 1941 were not included in Dr. Eiserson's income tax returns for that year, which, fittingly, were prepared by an employee in the Division of Placement and Unemployment Insurance of the Department of Labor! We did not obtain copies of any 1942 returns.

One Louis Teitle testified he was employed as a "runner" for the office at times during 1942.

At a public hearing, Weinberg refused to state, on the ground his answers might tend to degrade or incriminate him, whether he had been conducting the medical practice, whether he treated claimants medically, whether he was called "doctor" by claimants, or whether he employed runners.

The Department of Labor, although fully on notice as to the nature of the practices at the Eiserson-Weinberg office, permitted it to continue in operation. Complaints had been made about it since 1936. One Jerome T. Farrell was assigned by Compensation Medical Registrar Hugh J. Murphy of the Department of Labor to investigate the office in June of 1936. Farrell was still giving it a clean bill of health the following year.

Murphy, in May of 1943, testified that about a year previously Dr. David J. Kaliski of the New York County Medical Society gave him an anonymous complaint about the 56 Prince Street premises, that he placed it in his files, and that when he looked for it six or seven months prior to his testifying, it had disappeared. He said he then wrote out the substance of the complaint as follows:

Dr. Leo Eiserson
56 Prince St.

Run and controlled by Hyman Weinberg who also treats clts in absence of physs also Louis Teitel solicits business from employers and distributes slips requesting authy to treat their employees Protected by Mr. Farrell.

The words "Mr. Farrell" were erased but the pencil impression was still legible.

Mr. Murphy did nothing about it at all. He said he "intended to do some checking myself before I jeopardized the man's job, but I just didn't get around to it."

The office is still in operation. The practice of any physician in the armed services should not be permitted to be conducted in such a manner during his absence.

Bert Stand of Tammany Hall wrote to Commissioner Andrews in 1937 that he was "Very much interested in Jerome T. Farrell who desires to be appointed to the position which is now open for Investigator, Dep't. of Labor."

The system got Farrell the job. It is responsible for the result. He attempted suicide when about to be questioned publicly.

It was in reference to this case history during her own incumbency that former Commissioner Miller testified:

There was more than a slip up; there was gross carelessness.

This confession related largely to occurrences during her own incumbency.

2. *Inaction by the Industrial Council*

(a) Failure to perform statutory duties

Section 10-a of the Labor Law makes provision for an Industrial Council of fifteen appointed by the Governor, five each to be persons known to represent the interests of employees and employers respectively, and five to be licensed physicians known to represent the schools of medical practice eligible to treat claimants. The Industrial Commissioner is made an additional member and chairman, and the chairmen of the Industrial Board and of the Board of Standards and Appeals are also made members.

The council is empowered to

4. . . . (a) consider all matters submitted to it by the industrial commissioner and advise him with respect thereto; (b) on its own initiative recommend to the commissioner such changes of administration as, after consideration, may be deemed important and necessary; (c) cooperate with the civil service commission in conducting examinations and in preparing lists of eligibles for positions, the duties of which require special knowledge or training, and advise the commissioner in the selection and appointment of employees to such positions; (d) consider all matters connected with the practice of medicine submitted to it by the commissioner or the industrial board; (e) consider the qualifications for, or persons being considered for appointment by the commissioner to positions directly involving the practice of medicine, and advise the commissioner regarding the fitness of such persons for appointment; (f) prescribe rules and regulations to govern the procedure of investigations and hearings by medical societies or boards of charges against authorized physicians and licensed compensation medical bureaus as provided in section thirteen-d of the workmen's compensation law; (g) investigate on its own initiative charges made by a physician that he has been improperly refused authorization to do compensation work by a medical society or board, or by the commissioner and, if it sustain the charges, recommend such authorization to the commissioner; (h) on its own initiative investigate and pass on charges of misconduct by either a physician or a compensation bureau authorized to treat injured workmen under this chapter; (i) review the determination of charges of misconduct where the physician accused appeals from the decision of the medical society or board which took jurisdiction in the first instance. In such cases the council may reopen the matter and receive further evidence. And the decision and recommendation of the council shall be final, binding and conclusive upon the industrial commissioner.

It is also empowered to consider applications for licenses for laboratories or employer's medical bureaus on which a medical society or board has failed to act or refused to make a recommendation.

The members of the council, except officers of the department, are entitled to compensation not exceeding \$10 per day for each meeting attended and each day spent in work of the council, plus travel and other expenses.

It is evident that the council has had power to investigate and help stop the kickback racket. It appears to have done nothing in that regard, and to have functioned very little in connection with its other broad statutory duties, although well intentioned and public spirited individuals are included in its membership.

(b) The case of Dr. Edward E. Kaplan

Dr. Kaplan is a roentgenologist who has been employed by Bendiner & Schlesinger X-Ray Laboratories, Inc. since January 1, 1930. He does substantially all its x-ray work, although he has the assistance of employees. In 1942 his remuneration was \$14,600, and the corporation grossed about \$190,000 from his services. We have referred to its kickback practices.

In 1935 the Workmen's Compensation Law was amended so as to provide that the Industrial Commissioner "shall upon the recommendation of the medical society of each county or of a board designated by such county society, or by a board representing duly licensed physicians of any other school of medical practice, authorize physicians licensed to practice medicine in the state of New York to render medical care under this chapter."

Dr. Kaplan submitted two applications, verified June 28, 1935, and May 13, 1936, respectively, for such authorization as a roentgenologist, to the New York County Medical Society. In each he struck out, among other things, a provision confirming the authority of the local County Medical Society "to inspect" and "investigate." The society therefore declined to pass upon his application, holding it incomplete.

Kaplan appealed to the Industrial Council.

Dr. David J. Kaliski, chairman of the workmen's compensation board of the Medical Society of the County of New York, on October 17, 1935 wrote to Compensation Medical Registrar Murphy, for the information of the Industrial Council, as follows:

... We are of the opinion that since Dr. Kaplan is employed by a lay organization or corporation which in the past, it is alleged, has been guilty of unethical conduct, and since the qualifying of Dr. Kaplan by this Board would simply make it possible for a lay organization to practice medicine in perhaps an unethical manner,—even if Dr. Kaplan submitted a proper application, this board would not qualify him unless he dissociated himself from this lay organization.

Dr. Kaliski stated that the unethical practice he thus referred to consisted of rebating or kickbacks, and that if any member of the Industrial Council had questioned him, he so told him.

The Attorney-General of the State of New York agreed with the position of the Medical Society on the point. Despite this, on June 7, 1937 the Industrial Council voted to recommend authorization of Dr. Kaplan as a roentgenologist, giving him the rating which permitted him to charge the highest fees set by the Industrial Commissioner in the minimum fee schedule. Three medical members voted against authorization.

Commissioner Andrews granted the authorization, and thereafter, as before, Dr. Kaplan's employer, Bendiner & Schlesinger X-Ray Laboratories, Inc., continued its kickback practices.

Dr. John B. Lauricella of The State Insurance Fund, whom we will again mention, testified at a private hearing that Commissioner Andrews, referring to Bendiner & Schlesinger, said that he had "approved them over the heads of the stuffed shirts of the Medical Society, as he put it."

And the action of the Industrial Council and Andrews, coupled with the high rates in the minimum fee schedules, has added many thousands of dollars to the diversions from monies intended for the benefit of injured workers.

C. FAILURE TO PROVIDE PROPER MEDICAL EXAMINATION FACILITIES

Under section 19 of the Workmen's Compensation Law, "An injured employee claiming or entitled to compensation shall submit to such physical examination as the commissioner or the board may require."

We have investigated the quarters provided by the Department of Labor for such medical examinations throughout the State except in the Albany district, and we are informed that they have been pitifully inadequate outside the key cities. Even in the latter, proper hygienic precautions are usually not taken, and the facilities are overcrowded.

We were informed that in Carthage, a common jail cell with an open toilet in one corner has constituted the medical examination quarters, with claimants

required to recline on a prisoner's cot with soiled covers. In Massena, the kitchen of the town hall is provided, long unaired, and offensive with odors from disuse. In Olean, a venereal disease clinic is used; in Salamanca, the police department fingerprinting room, and in Wellsville, the City Engineer's office. In numerous other cities jury, office and ante rooms have been assigned, generally without an examination table, compelled the use of office desks or tables without any change of cover for recumbent examinations. Hot water, soap and towels are sometimes not furnished.

Dr. Raphael Lewy, chief examining physician in the Division of Workmen's Compensation, testified that State doctors had reported during the past twelve years that they were compelled to examine claimants in jails, firehouses, lavatories and on floors. He stated that neither Commissioner Elmer Andrews nor Commissioner Frieda Miller was accessible to him for a discussion of these defects, but he indicated that the matter had been well known in the department for a dozen years, and that nothing was done about it.

We were informed that where infections exist, there is a possible danger of transmittal when claimants are successively examined in the nude under such conditions. Even in New York City the facilities are inadequate both as to space and equipment.

We should point out that under section 126 of the Workmen's Compensation Law, the expenses of administering it are payable by employers and carriers affected.

D. METHODS OF THE INDUSTRIAL BOARD

The Industrial Board consists of five members. Claims are, with some exceptions, heard in the first instance by the referees, and their decisions are subject to review by the board. Section 27 of the Labor Law provides that:

The industrial board shall have power to hear and determine all claims for compensation . . . Any hearing, inquiry or investigation required or authorized to be conducted or made by the industrial board may be conducted or made by any individual member thereof, and the order, decision or determination of such member shall be deemed the order, decision or determination of the board from the date of filing thereof in the department, unless the board on its own motion or on application duly made to it modify or rescind such order, decision or determination.

Pursuant to this provision, single board members review decisions of referees, and sometimes reverse awards supported by the testimony of medical specialists. Complaint has been general, and, we think, well founded, that this has been unsatisfactory.

Furthermore there has been an appreciable volume of applications for review, and final determinations in the case of those granted have taken four or five months and longer.

Under the law the Industrial Board has wide power. It has authority to make rules governing hearings, and to make recommendations to the Industrial Commissioner concerning applicants for licenses as representatives. The abuses hereinbefore detailed might have been avoided in large measure by a more active board.

CONCLUSIONS

The Division of Workmen's Compensation has for years been administered in an incompetent manner. Its personnel has not been of high quality. Injured workmen have been subjected to unnecessary treatment and operations which sometimes disabled them totally.

Good will has been bartered at the division for cash and gifts.

Industrial Commissioners, certain of their assistants and the Industrial Council have neglected to remedy known defects during the decade prior to 1943 at least. Their acts or inaction have contributed to the generally demoralized condition of the Division of Workmen's Compensation.

The number of physicians in the Medical Bureau should be increased, and an adequate salary schedule should be established. They should be required to devote a suitable number of hours weekly to hospital or clinic work.

Medical examinations of injured workers by State physicians should be held in quarters rented by the day from hospitals in localities where other suitable facilities are not available. Where hospitals are used, their auditoriums should be rented for hearings, to prevent inconvenience. Improved facilities should be provided in New York City.

SUGGESTED REMEDIAL LEGISLATION

1. The provisions of section 13, subdivision (d), with respect to examination of claimants, on motion of the Industrial Board or a referee, by physicians designated by the Industrial Commissioner and especially qualified with respect to the diagnosis or treatment of the disability for which compensation is claimed, should be amended so as to remove the limitation of the commissioner to panels submitted by county medical societies and other similar groups. The commissioner should be authorized to establish boards of expert consultants from among physicians of high standing in such fields as are essential. Questions relating to medical treatment, and the need for operative procedures not determinable by the regular medical staff of the division, should be referred to such boards. The members should give such time as is necessary, should not engage in workmen's compensation practice, and should be adequately compensated. The cost should be added to the general expense of administering the law, payable by insurance carriers and self-insured employers under the provisions of section 126.
2. The Industrial Council in its present form should be abolished. In its stead, a new council should be established composed of three representatives of labor, three of employers, and three physicians. It should have appellate jurisdiction in matters pertaining to medical authorization and discipline, as previously stated under Point III, and its other functions should also be advisory to the Industrial Commissioner.
3. The personnel of the Industrial Board should be strengthened and increased to ten members. There should be three panels, each with three members, and the tenth should be in charge of administrative matters, and also have authority to function as a panel member. One panel should be assigned generally to the New York district, one to the Albany-Syracuse district, and one to the Rochester-Buffalo district, but the members should rotate, and more than one panel should be permitted to sit temporarily in any district requiring it. At least one member of each panel should be a lawyer. A full panel of three should act in reviewing decisions of referees. The jurisdiction of each panel with respect to matters in the district in which it is sitting should be the same as that now entrusted to the full board. When two or more panels are sitting in a district, matters should be assigned to each, as to parts of a court.

V

INEFFICIENCY AT THE STATE INSURANCE FUND

Since the Workmen's Compensation Law compels employers subject to its provisions to pay compensation to, and the medical expense of, employees injured while at work, the Legislature fittingly provided a medium whereby they might insure against the risks thereby created. The agency, known as The State Insurance Fund, now writes approximately 30 per cent of such insurance in the State. It is part of the Department of Labor. Our investigation of the Fund has not been complete because of the necessities of time, but certain practices should be adverted to, although this can be done only in a preliminary manner at this time.

The fund, as a State agency, should be expected to set an outstanding example of efficiency for the scores of other companies which write the rest of the coverage. We are informed that the contrary has been true in a number of

important respects. We have referred, under a previous point, to its inferior record so far as payment of uncontroverted claims and appeal practices are concerned. Dishonesty has characterized certain of its employees, and the supervision of some executives in that respect has been lax and apparently motivated by a desire to "cover" derelictions from public scrutiny. Those who used their political influence to cause appointments to the personnel of the fund during past administrations should also bear the responsibility for the conditions that resulted.

According to the records of Bendiner & Schlesinger X-Ray Laboratories, Inc., Dr. John B. Lauricella, Medical Director of The State Insurance Fund since 1936, began receiving kickbacks in that year. These amounted, according to testimony by bookkeepers for Bendiner & Schlesinger concerning such entries, to 40 per cent of the amount it charged the fund for making x-rays of claimants directed to it by employees of the fund. They totalled, according to the records, over \$6,000 from 1936 until he resigned following the disclosures in this investigation.

James F. Schlesinger, secretary and treasurer of Bendiner & Schlesinger X-Ray Laboratories, Inc., declined to testify as to any payments to Dr. Lauricella on the ground that his answers might tend to degrade or incriminate him. The doctor has denied receiving the kickbacks.

Clarence North Woolfe, then head of the auditing division of the fund, received an additional 10 per cent kickback on the x-ray business it sent Bendiner & Schlesinger, making a total of 50 per cent, according to the records. Woolfe, after first making denials at a public hearing, openly confessed his part and resigned.

In the appendix, we refer to Dr. Theodore Freedman's testimony concerning his substantial payments to a number of employees of the fund who were in a position to aid him in obtaining payment of his admittedly padded bills. He testified to bribing a half dozen such employees. (It should be noted that Freedman also testified that he paid similarly a number of employees of carriers which competed with the fund.)

Some of the Fund's employees confessed their financial relations with Dr. Freedman and others who submitted bills to it. Their testimony made it apparent that such graft was an old practice in the important division of the fund concerned with disbursement of its assets.

One incident is important, although the amounts involved are small, in evidencing the reluctance or inability of its officers properly to deal with and stamp out the practice. Dr. Abraham Schultz, who at first injected liberal dosages of perjury with his testimony, testified that at Christmas time of 1941 he sent his secretary with three envelopes, each containing \$5 in cash (which he later admitted was \$10), to Perota, an employee of the fund, for himself and two other employees who passed on medical bills. Dr. Schultz first testified that all three envelopes were returned with the money. However, when one employee admitted receiving the envelope and pocketing the \$5 or \$10 he said it contained, and it was also proved that a second employee had turned the \$10 contained in his envelope over to his superior, a Mr. Jones, Dr. Schultz reduced the number of returned envelopes to one. The third employee testified to such an involved story concerning the claimed return by mail of the amount he received, that we cannot accept it as credible.

Mr. Jones immediately brought the employee who had reported the incident before the then general attorney and now acting executive director of the fund, and the envelope and money were turned over to him. John F. Symonds, in charge of the division of confidential investigation at the fund since May of 1941, conferred with the general attorney and Mr. Jones about the matter on December 29, 1941. Nothing was done until November of 1942 when it became apparent that an outside investigation was imminent. The testimony by Mr. Symonds was as follows:

Q. What were you doing from Christmas of 1941 to November of 1942, about this passing of money? A. About the passing of money specifically?

Q. Yes. Did you send for anybody about that incident? A. Not at that time; no, sir.

Q. When was the first time you sent for anybody? A. The first time we sent for anybody was either the latter part of October or the first part of November, 1942.

Perota, who confessed distributing two of the envelopes and keeping the contents of his, was not questioned until October or November of 1942, and he kept his job until he was examined publicly in this investigation. He was permitted to continue his regular duties of passing on doctors' bills until February of 1943. Dr. Schultz was never questioned by the Fund.

Mr. Symonds testified that:

We reviewed several hundreds of folders, cases that were handled by Pérota, and others of the State Insurance Fund, and it wasn't many months before we had information, if not legal proof, that indicated there was a system in existence whereby doctors, claimants, claimants' representatives, and their runners were obtaining a lucrative return through fraudulent practices perpetrated against the insurance companies.

Q. And that included the State Fund? A. Including the State Insurance. As a matter of fact, the State Insurance Fund would be the greater victim because of the amount of insurance the State Insurance Fund writes in New York.

He testified that he discovered more important matters, "that there was a complete and organized system whereby thousands of dollars were being taken from the insurance companies." He stated further:

Q. As a matter of fact, they are taking about five to ten million dollars a year from the workingmen? A. That is a good estimate.

Q. In the past twenty years they have probably taken fifty million dollars? A. I wouldn't be qualified to answer that.

Q. But the estimate of five to ten million dollars a year you think is conservative, do you? A. I think it could be. I am in no position to say one way or the other, but, in my opinion, in other words, it wouldn't be based on what I think—not on any facts.

Q. That is what the corruption in the administration of the law cost the workingmen of the State of New York in 1942? A. I honestly believe it is quite possible, yes.

Of course, no statistics as to the exact amount of the diversion exist, so that one cannot, as the witness stated, tell whether the estimate is a conservative one or not. But it reflects the viewpoint of an executive of the largest compensation insurer in the State.

Those in charge at the fund evidently failed to realize what their inaction for almost a year in the Schultz matter may have cost it during that period. Experienced executives with as much information would have sent for the wrongdoers and remedied the situation promptly. We had no substantial difficulty in ascertaining the facts.

Dr. Schultz finally confessed cash payments ranging from \$5 to \$25 to a half dozen employees at the fund over a period of several years. Despite that, he testified as follows:

Q. Were you known as any great philanthropist at the State Insurance Fund? A. No. I was a cheap man up there, a piker.

CONCLUSION

The State Insurance Fund has not been operated with the degree of honesty or efficiency requisite of a public agency. Morale of personnel is not at a proper level. Its present management should be strengthened.

VI

INADEQUACY OF COMPENSATION BENEFITS AND RELATED MATTERS

A. DISPROPORTION OF CERTAIN BENEFITS TO LIVING COSTS

We have been studying the increasing margin between living costs and the long stationary level of certain compensation benefits. That level is generally

higher in New York State than in any other, but the same may be said of many other standards related to living. The level of some benefits does not now appear to be on a par with such other standards. No effort has been made to adjust those benefits in accordance with rises in living costs, which apparently will remain for some time at their present levels at least, even if they do not rise higher.

The facts as to this lag of certain compensation benefit levels behind the cost of living, are such as to be within the knowledge of every working person. Anyone who has suffered illness knows that expenditures for ordinary costs of living do not decrease when one is incapacitated. In case of permanent or temporary total disability, though medical service is supplied under the law, compensation is limited to two-thirds of average weekly wages, but not to exceed \$25 per week during the continuance thereof, with a limit of \$5,000 as to the latter disability generally. The maximum of \$25, which has been in effect since 1927, imposes an additional burden on the many workers who are totally disabled each year, and whose wages are more than \$37.50 a week. The deduction from their wage during such disability is more than one-third. It is a sufficient answer to any suggestion that the maximum has been kept down because of an original fear of malingering, to point out that establishment of an adequate and efficient medical bureau in the Division of Workmen's Compensation should prevent it. Furthermore, in many cases the harmful results to workers of the present maximum have been disproportionate to any supposed beneficial results.

Workmen's compensation insurance rates, according to evidence before us, are generally higher in New York State than elsewhere. We are mindful of the fact that increased costs are a burden to industry of this State in competing with that in other states.

However, there appears to have been a substational diversion out of the payments intended for the benefit of injured workers under the law. Efficient administration should effectively stop such wastage, and provide a basis for certain needed increases.

We suggest that maximum weekly compensation in total disability cases be raised to \$28. The maximum possible increase is therefore 12 per cent, rising to that figure as the weekly wage rises above \$37.50 to \$42. This will automatically increase permanent partial disability benefits for loss of members correspondingly, since the base therefor is two-thirds of the average weekly wages for specified numbers of weeks. However, this, too, will affect only those workers whose wages exceed \$37.50 weekly, and will not involve a rise in overall compensation costs in the percentage stated. The term of these increased benefits should be limited to the next three years, then, if there is no appreciable decrease in living costs, the term may be extended.

Further, we believe that there should be an increase in the minimum benefit allowance for temporary total disability. At present section 15, subdivision 6, provides that the minimum allowance, based on the rate of two-thirds of wages, shall not be less than \$8 weekly in such cases, unless the worker's wages are less than \$8, in which case he is to receive his full wage. We believe that where the wage is less than \$12, the worker should receive his full wage in case of temporary total disability, and that that sum should be the minimum where wages exceed that amount.

B. INEQUITIES OF A DETERMINED, AS CONTRASTED WITH ACTUAL, EARNING CAPACITY

When a worker has been totally disabled but has recovered partially, it has been the practice under section 15, subdivision 5-a of the law to reduce his compensation rate correspondingly on the ground that "he can do some work." Theroretically this may be true, but we are informed that in some cases an unrealistic view has been taken. Consideration has not been given at times, we are told, to the natural reluctance of new employers to hire a partially disabled worker, and perforce in a new occupation since he is not able to engage in the old one, although work which he could perform is

available to others not so disabled. Therefore, under the conditions stated, the practice should adhere to what we regard as the underlying purpose of the law, and the total compensation rate should be paid during the worker's disability, unless it appears that he has recovered some working capacity, and that employment suitable to his condition is available to him either with his old employer or some new one in the same general locality.

This suggestion also applies to the similar provisions of section 39, which pertains to disability from occupational disease.

C. THIRD PARTY ACTIONS

With respect to third party actions, there is a simple inconsistency between section 29 and section 13, subdivision (c). By amendment to the former section, an employee injured while at work by the negligence of a third party, not in the same employ, may continue to take compensation even though he sues the third party. The employer or carrier is given a lien on any recovery to the extent that he has paid compensation and medical expenses. However, the Legislature failed to repeal a prior provision in section 13, subdivision (c), which made such election to sue a bar to the liability of the employer for medical treatment thereafter. This may be corrected by simply striking out the phrase "unless and until notice of election to sue or the bringing of suit against such third party", from section 13, subdivision (c). Section 29 should also be amended so as to make it clear that the injured worker is entitled to medical benefits, as well as compensation, despite his instituting a third party action.

D. REPLACEMENT OF USED APPARATUS

Section 13, subdivision (a), of the law provides that:

The employer shall promptly provide for an injured employee such medical, surgical or other attendance or treatment, nurse and hospital service, medicine, crutches and apparatus for such period as the nature of the injury or the process of recovery may require. The employer shall be liable for the payment of the expenses of medical, surgical or other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, as well as artificial members of the body or other devices or appliances necessary in the first instance to replace, support or relieve a portion or part of the body resulting from and necessitated by the injury of an employee, for such period as the nature of the injury or the process of recovery may require, but the employer shall not be liable for replacements or repairs of such artificial members of the body or such devices or appliances.

If an employee suffers an injury, or loses a member, while at work, he should be provided with a device that constitutes the best possible aid or substitute not temporarily, but for as long as the injury or loss persists, which may be life. Artificial devices wear out with time. To require the injured worker to bear the cost of replacements because of inability to provide him in the first instance with a permanent aid or substitute, is contrary to the general purpose of the law in making the cost of such accidents an incident of industry.

E. DISPARITIES BETWEEN BENEFITS FOR DUST DISEASE CASES, INCLUDING SILICOSIS, AND THOSE FOR OTHER OCCUPATIONAL DISEASES

Silicosis and other dust diseases are treated separately from other occupational diseases in the law. For instance, compensation is not payable for partial disability in the former class, although it is when that condition results from other occupational diseases. And there is now a limit of \$5,000 on compensation for permanent total disability or death from dust diseases, a progressive rise from the \$500 payable in such instances occurring during June of 1936, while there is no such limit for similar resultants from other occupational diseases. Further, there is a limitation on medical treatment or

hospitalization, in dust disease cases only, to ninety days from the date of disablement, with power in the Industrial Board to extend this for an additional period, not necessarily continuous, which is not to exceed 360 days. The limit for temporary total disability is \$5,000, which is the general limit in other cases.

We have conferred with several of the outstanding specialists in the field of dust diseases as to whether any reason now exists for differentiation of such diseases from other occupational disabilities. No authoritative standards appear to exist as yet for diagnosing and evaluating such progressive degrees of disability, or incapacity, as may result from continuous loading of the respiratory tissues with silica or similar dust particles. We are informed that considerable medical research is necessary before determination can be made as to such standards, and as to the feasibility of allowing compensation for partial disability in such cases. We, therefore, recommend that the Industrial Commissioner be authorized to obtain the opinion, based upon adequate research, of competent and impartial specialists on those subjects as well as with respect to removing the limitation on medical and hospital care.

However, no such medical reason appears to exist for the differentiation between dust and other occupational diseases as to the maximum payable for total disability or death. We are informed that the originally progressive, but now stationary, ceiling was established because of fear that sudden imposition of an unrestricted maximum might economically handicap some industries in the State, to which dust diseases are incident. But it has not similarly affected industries in which other occupational diseases occur, and as to which there was no original ceiling on benefits for permanent total disability or death. And the carriers seem to have had a sound and profitable experience with this type of coverage. We, therefore, recommended that the maximum benefits for permanent disability or death be now increased to \$7,500, and that consideration be given to abolishing any ceiling in such cases after the medical research previously referred to has been completed. We also recommend that the provisions of section 66, exempting carriers and employers from payments into the special funds in cases of death where there is no person entitled to benefits, be now repealed. No reason for such an exception appears to exist at this time.

SUGGESTED REMEDIAL LEGISLATION

1. The suggested changes with respect to benefits for temporary and permanent total and permanent partial disability, determined earning capacity, third party actions and benefits for silicosis and other dust diseases, have already been sufficiently stated in the analysis under the various subheadings.
2. Section 13 should be amended so as to provide that the employer shall be liable for replacements or repairs of artificial members of the body or other devices or appliances necessitated by ordinary wear.

VII

DEFECTS IN THE ENFORCEMENT OF THE LAW AS AGAINST NON-INSURING EMPLOYERS

Under section 50 of the law, an employer may secure compensation for his employee (1) by insuring the payment of such compensation in The State Insurance Fund (2) by insuring the payment of compensation with an authorized stock corporation or mutual association (3) by furnishing satisfactory proof to the Industrial Commissioner of financial ability to pay such compensation for himself, in which case the commissioner is to require the deposit with him of certain securities. An employer in the latter class is known as a self-insurer.

Unfortunately, a considerable number of employers, many in the marginal group, fail to qualify under any of the three classes, and they frequently are judgment proof. Failure to secure the payment of compensation is made a misdemeanor under section 52, and in cases of corporations, their presidents, secretaries and treasurers are made liable for failure to secure such payment. This liability appears not to be civil in nature, however.

In September, 1930 a No-Insurance Unit was established in New York City to effect the collection of compensation awarded to claimants employed by employers not covered by workmen's compensation insurance, and to obtain evidence, where necessary, against these employers for prosecution by the Attorney-General. Later, compensation clerks in other districts throughout the State were assigned no-insurance cases. Although preferable to the informal methods that characterized the handling of no-insurance cases prior to 1930, this system has not provided adequate protection for injured workers, and dependents of workers killed in industrial accidents. We are informed that approximately 45 per cent of the disability, death and medical awards since 1930 in no-insurance cases have not been paid, and that this deficiency, with some data for certain years unavailable, exceeds \$1,700,000. Of course, many claimants have been paid nothing on their compensation awards in no-insurance cases.

At times, we are informed, the original compensation awards have been compromised for as little as one-third. Forty-seven New York City compensation cases in which awards totaled \$73,591.09 were compromised in 1938 for \$25,708.66. Thirty-four similar cases in which awards totaled \$61,934.65 were compromised in 1939 for \$22,261.66.

Non-insured employers have sometimes been prosecuted, and judgments for the amounts of the awards have generally been entered against them. However, if examination of the employer by the Attorney-General in supplementary proceedings revealed no assets, the claimants have been compelled to do without the benefits provided by the law. Examples of this are common. In one case, a widow and three minor dependents of a worker killed in an industrial accident were awarded over \$6,700 in death benefits, but collected only \$30, after oral examination failed to disclose that the employer had assets. In another death case the dependents of the deceased were awarded over \$7,400, but collected nothing. In such cases as these, in which employers regularly profess to be unable to pay the award, no machinery has existed by which the books of account and financial records of such employers could be subjected to the scrutiny of trained accountants in order to determine whether assets actually existed, or had been fraudulently concealed or transferred. It appears that in a number of cases such examination might have had beneficial results. It would seem that a mere oral questioning in such circumstances has not been adequate for the purpose of securing to the workers or their dependents the benefits conferred by law.

Furthermore, in the last ten years, hundreds of cases including many involving death, were sent to the closed files as "uncollectible," after oral examination of non-insured employers in supplementary proceedings had revealed no assets. Thereafter, these cases in the closed files were treated as though they had been disallowed, and were never reviewed to determine whether the employer had since become able to pay compensation.

CONCLUSION

The present No-Insurance Unit of the Division of Workmen's Compensation should be improved, and cases of failure to secure the payment of compensation vigorously prosecuted.

SUGGESTED REMEDIAL LEGISLATION

Section 52 should be amended to provide that failure to secure the payment of compensation shall be a misdemeanor punishable by a fine of not less than \$100, and not more than \$500 for each person employed, or imprisonment for not more than one year, or both; that where the employer is a corporation, the president, secretary and treasurer, shall each be liable criminally with it, and that punishment shall not be suspended. It should also provide that in the latter case, each of the individuals named shall be civilly liable for the amount of the award, or the judgment if the alternative action at law is brought. All fines

imposed as stated should be transferred to the Industrial Commissioner, for the benefit of a special fund from which pro rata payments shall be made to claimants in no-insurance cases injured after the setting up of the fund, on account of debits in their recovery of compensation.

VIII

LAXITY IN COLLECTION OF PAYMENTS IN NON-SURVIVOR DEATH CASES

Under section 15, subdivisions (8) and (9) and section 25-a, employers and insurance carriers are required to pay \$2,000 to certain special disability, rehabilitation and death benefit funds for every injury arising out of and in the course of the employment and causing death, where there are no persons entitled to compensation, except in dust disease cases. The Department of Labor has been quite lax in enforcing payment of such sums.

Prior to 1941, we are informed, no person at the department was charged with the duty of investigating and prosecuting no-dependency death cases. Referees were forced to decide such matters solely on the basis of the evidence produced by carriers and employers, and of course their interests were contrary to awards. In two instances carriers paid fees of \$100 to assistant medical examiners of the City of New York for medical testimony helpful in defeating awards based on knowledge acquired in their official duties. In another case, a similar fee was paid to a lay witness. Some cases were never even presented to the referees for consideration. While no data is available for the period prior to 1941, our investigation indicates that lack of interest at the department in these cases deprived the special funds of substantial sums, to the profit of private interests.

Since May of 1941, an employee of the department has been assigned to act as investigator of death cases for the special funds in the New York City district, as well as to appear at hearings. However, he was provided with no funds for investigation until the summer of 1943. No similar system has been inaugurated for the upstate districts.

Even since 1941, the percentage of recovery in no-dependency death cases is much less than that in dependency cases.

CONCLUSION

The Death Unit should be organized in such manner as to ensure efficient investigation and prosecution of no-dependency death cases throughout the State. Analysis should be made of such cases, in which no action has been taken, over a reasonable period in the past, as well, and proceedings instituted where justified.

Respectfully submitted,

WILLIAM F. BLEAKLEY,
HERMAN T. STICHMAN,
Commissioners.

February 24, 1944.

APPENDIX

RING ACTIVITIES

A. THOMAS A. QUINN AND THOMAS MEADE

These two licensed representatives were associated from 1936 until Meade fled the State shortly after he refused to testify at a public hearing on March 25, 1943. They had offices at 320 Broadway in New York.

1. How a Ring is Formed

Dr. Theodore Freedman of Flushing, Long Island, a physician with offices there and in Brooklyn, testified that prior to 1940 he had some workmen's

compensation cases in the course of his general practice, and that making a living was "Very hard at that time." In fact, he had a gross income of \$7,000 or \$8,000 in 1939. Early in 1940 Quinn and Meade sent him a few compensation cases, and then in the late spring Meade told him that he and Quinn were getting compensation cases from many unions they represented, that he would send the injured claimants to Dr. Freedman for medical treatment, but that "he wanted bucks," i. e., a kickback, in return, and that Freedman could over-charge the employers or insurers who paid his bills, giving a portion to Meade. These employers included the City of New York, a self-insurer under the law.

2. *How a Ring Operates*

(a) Where it gets its profitable business

Quinn and Meade "represented" a number of local unions in New York, Nassau and Suffolk counties in compensation matters, and cases were also sent them by lawyers and others. They grossed \$20,000 to \$25,000 in 1941, and \$30,000 to \$35,000 in 1942 from their compensation practice.

(b) The ring gives inadequate medical attention

Freedman agreed to the arrangement, which called for a "kickback" of 20 per cent to Quinn and Meade in certain cases. The latter began to send him claimants in increased volume, about 200 to 250 in 1940, sending Freedman's gross income up to \$18,000, and 250 to 300 in 1941, which sent his gross to \$21,000. In October of that year he quarreled and split with Quinn and Meade. He was now established, had other connections, and grossed \$30,000 during the first nine months of 1942. In those years he derived almost all of his income from compensation work, some of it sent him by others than Quinn and Meade.

Freedman opened a third office at 510 Madison Avenue in Manhattan. He became so busy that he could not attend to all his practice, and he employed practical nurses to administer diathermy treatments to claimants. He could not be at his three offices at once. Although his attention to patients decreased, he padded his bills for his assembly line practice all the more as he rose to "prominence" in this compensation ring. He needed money for the kickbacks. This fake billing included the City of New York for treatment of its injured employees.

(c) The ring "gives", in order to get good will, and to compete with insurance carriers and employers, when it cannot convince

Freedman had to pay out 20 to 30 per cent of his gross to keep the ring business. According to his testimony, he gave Meade a kickback of approximately \$1500 in 1940 and \$1000 in 1941. Quinn denied knowledge of this. To be useful to the licensed representative as well as the claimant, Freedman attended the medical examinations by State doctors. It was part of his job to persuade the State doctor to find as high a percentage of disability as possible. But, as permitted by law, a doctor for the employer or insurance carrier would also be present, with diametrically opposite purpose. Thus, the medical examination room at the Division of Workmen's Compensation became a veritable Roman arena, with opposing doctors clashing over injured backs, broken legs or mutilated bodies.

It was the common practice, Dr. Freedman said, for physicians to give State doctors money to induce them to favor their interests. He testified that he gave one State doctor about \$70 in payments of \$10 each during 1942. Freedman stated that if he had declined to pay this doctor he would have been "very unwelcome" and that he "just couldn't participate in the examination."

He testified that he also paid about \$100 under similar circumstances to another State doctor.

These payments were nothing short of bribery of State employees.

Freedman testified that he was merely following general practice in the Medical Bureau of the division. He stated that, "Well, the situation was such and the atmosphere was such that you had to compete with the view-

point and the interests of the doctor representing the insurance company." He voiced his belief that the doctors for the carriers were doing the same thing.

Freedman also stated that he "loaned" \$50 or \$60 to John Thompson, a referee, in amounts of \$10 and \$15, of which \$25 was repaid. His "efforts" to obtain repayment of the balance have been fruitless. While the amounts are petty, they are indicative of the relationship between a quasi-judicial officer and one who could profit by his decisions.

Thompson, who testified that the Democratic organization of Kings county got him the job as referee in 1937, which he left on February 1, 1943, refused to answer as to whether Freedman had lent him money, stating as his ground for refusal:

For the Constitutional right, it would tend to degrade me, tend to incriminate or degrade me. Furthermore, it is not germane to the issue.

He declined to say whether he had repaid the "loan," saying, "It is of no interest to me whether he made that loan or whether he didn't."

Sometimes the goodwill offering was more tastefully wrapped. "Gift certificates," redeemable at stores for stated dollar amounts of merchandise, were handed out freely to referees and State doctors by those having business with them. The evidence showed that boxes of cigars, bottles of liquor and assorted articles of merchandise poured into division headquarters in a steady stream at Christmas time. Freedman identified the various referees and State doctors to whom he gave such gifts, as also did Quinn. Meade declined to testify at a public hearing, and fled the State when a proceeding was instituted to compel him to testify.

(d) And the ring buys "good will" even from the insurance carriers' employees

Freedman, as stated, confessed he padded his bills in compensation cases so as to charge for treatments which neither he nor his nurses gave. This, he said, had been common practice. He testified that, in order to get bills approved for payment by carriers, he paid their employees who were in a position to help him.

(e) The ring "uses" lawyers for its ends

One of the original purposes in providing for lay representation was to render it unnecessary for claimants to retain lawyers. But licensed representatives have garnered so much business that many hire or use lawyers. Thus two lawyers shared offices with Quinn and Meade, and one handled cases for them on a per case basis.

3. The Effects of Ring Operations

Under the law injured workers have the right to select the physicians to treat them. But in a ring such as the Quinn-Meade-Freedman combination, of course they were "told" to go to the ring doctor. That fact reinforced Meade's request for a kickback from Dr. Freedman. The ring doctor usually had no special qualifications, and was not conveniently near the injured worker. Assembly line treatment by the ring doctor or nurses was the general rule, and free choice was effectively denied.

It is difficult to decide which interest first set in motion the practices which now delay, and often deny altogether, the awards of compensation to which claimants are entitled. It is claimed that insurance carriers and employers file statements of controversy in many cases without investigation, and merely for delay and to "beat down" the claimant until he accepts a small settlement. It is said that claimants then, fearing the carriers and employers, retain representatives who proceed to "build up the case." On the other side, it is asserted carriers and employers must controvert because so many claims are fabricated or exaggerated that their investigating staffs are overloaded, and that they must make the claimant prove his case, as though it were a court proceeding.

No doubt representatives and employers and carriers are equally at fault. But it is the claimant's rights which are submerged. At times claimants, in order to obtain that which should be given to them by carriers as a matter of course without litigation, are compelled to do the bidding of the ring.

For instance, Irving Goldman, a plumber, was helping build a sewer on May 20, 1937, when he was buried in a cave-in. He was confined to a hospital for a year with a fractured leg, and injuries to the back and head. Compensation in full should have been paid him as a matter of course, without any necessity for his using a representative or lawyer whose fee would be deducted from the award. He found it necessary to retain Thomas Quinn. A hearing at the Division of Workman's Compensation was scheduled for January 27, 1942. Prior thereto Goldman had been working, but he testified that Quinn told him not to admit it at the hearing because it would hurt the case. Goldman said he therefore denied that he had been working, and that he made a similar denial under like circumstances at a subsequent hearing at the division. He testified in our investigation that he had only wanted his rights.

B. O'ROURKE-PAPILE-SACHAROFF

The methods of a typical ring have been indicated. In many respects, Bart J. O'Rourke had established hegemony in the field. He and members of his organization did their utmost to conceal its extent and their practices by seeking refuge in refusal to answer on the ground of possible self-incrimination.

1. O'Rourke's Sources of Business and His Organization

O'Rourke has been licensed as a representative since 1927, except for a brief period in 1943. His offices are in New York county. A score of unions sent him injured members in 1942. He was paid out of the awards to the claimants, and grossed over \$50,000 in 1942. He testified in 1943 that for the past four or five years he had grossed from \$50,000 to \$60,000 yearly. In 1942 he handled about 2,000 cases. He stated that associated with him on salary were his brother Walter, a lawyer; Albert Watman, also a lawyer; George W. Kenny, an out-of-state lawyer and also a licensed representative; and William Coyne, another licensed representative. On the door of Bart O'Rourke's suite at 2 Lafayette Street appeared his name and the phrase "Law Offices of O'Rourke and Watman." Alfred Papile, a licensed representative, made O'Rourke's office his headquarters, and referred 200 cases to him in 1942. Papile, in fact, appears to have obtained most of his cases from a union of which he was a member and the official compensation representative. He received over \$8,700 from O'Rourke in 1942 and even more in 1941, apparently for bringing in claimants.

A referee in the Division of Workmen's Compensation interlarded a term of service with O'Rourke between periods of work for the State, as did a doctor in the medical bureau of the division.

Bart O'Rourke answered some preliminary questions at a private hearing, but thereafter he declined to testify further. At the public hearings he refused for the most part, to answer relevant questions on the ground that his answers might tend to degrade or incriminate him, stating he would not testify further.

Papile was equally unresponsive. He refused to state why O'Rourke gave him money. At a preliminary private hearing he had refused to answer questions unless granted immunity.

At the public hearings he refused to answer relevant questions on the ground that his answers might tend to degrade or incriminate him. His license has not been renewed.

Bart O'Rourke stated that he had paid a union official, whose members he represented in compensation cases, about \$500 a year for three or four years. He said he did this as "a matter of protection" to take care of complaints with respect to awards in compensation cases, and to sidetrack moves to

dispense with his services. This would appear to be a variation from ordinary soliciting practices. He refused, at a public hearing, to say whether he had made similar payments to business agents of other unions who sent members to him, on the ground that it might tend to degrade or incriminate him. At a prior private hearing he had denied making other payments. He also refused to testify as to payments to Papile.

The union representative, paid by O'Rourke, testified at a private hearing that there was no element of "protection" in the payments. He said that he was associated with O'Rourke in representing claimants many years ago, and that he was desirous of having him continue to represent the members of two unions of which he was an officer. He stated that he gave or caused money to be given to other officials of the two unions and spent money entertaining them, in order to enlist their help in preserving that business for O'Rourke, and that O'Rourke reimbursed him.

About November of 1942, near the time this investigation began, a new telephone number diary for O'Rourke's office was made up. He failed to produce the original one, although subpoenaed. The reason seems quite apparent. That was not the only missing record. Walter O'Rourke testified that the book in which he recorded cases that he referred to Assistant Attorney-General Joseph A. McLaughlin also had mysteriously disappeared. More complete reference will hereinafter be made to Mr. McLaughlin and the O'Rourkes.

2. O'Rourke's Relations with Dr. Sacharoff

Dr. Leo. S. Sacharoff, of 277 Canal Street, New York City, treated many claimants Bart O'Rourke represented, examined them in O'Rourke's office, and also appeared in his cases at the medical examinations by State doctors in the Division of Workmen's Compensation. At a public hearing, Bart O'Rourke refused to state whether Sacharoff split with him the fees which he received for treating claimants.

Sacharoff was even more non-cooperative. He refused, again on the same ground of possible self-incrimination, to state how many workmen's compensation cases O'Rourke had sent him in 1942; how much he grossed during that year from his workmen's compensation practice, and whether he had bribed any State referees or doctors in the division, or had bribed any other official or employee of the department.

Sacharoff testified that he had sent claimants to Bendiner & Schlesinger X-Ray Laboratories, Inc., for x-ray examinations, but declined to state whether he had received any kickback therefor. The records of that company indicated that Sacharoff had received kickbacks totalling \$2,390.45 during the first eleven months of 1942. At private hearings, employees of the Laboratories testified concerning the actual delivery of kickback envelopes to him. The total amount of charges by the Bendiner & Schlesinger Laboratories to insurance carriers or self-insured employers for x-ray examinations of injured employees ordered by Sacharoff during those eleven months was \$5,976.13, on which the doctor's kickback, according to the bookkeeper mentioned, was 40 per cent. Not only are these figures impressive as to the scale of Sacharoff's operations, but they also bring up a question as to whether the x-ray examinations were necessary, or were ordered in some instances in order to get kickbacks.

There was also testimony concerning the payment of other kickbacks to Sacharoff.

Sacharoff stated he had sent claimants to other doctors for consultation and treatment, but similarly declined to say whether he had split fees with them. He refused, on the same grounds to state whether he had split fees with Bart O'Rourke.

Sacharoff treated a number of compensation claimants employed by the City of New York, and proof that his bills did not conform to reality is supplied by the fact that on two occasions he actually charged it for treatments on "February 31," 1941!

Sacharoff also appears to have found it advisable to present "gifts" of money to employees of The State Insurance Fund in a position to aid him in obtaining payment of his bills for treating claimants.

3. O'Rourke's Liberality with Officials and Employees at the Division of Workmen's Compensation

Bart O'Rourke freely confessed monetary gifts to employees in the division in 1941. He testified at a private hearing that at Christmas time of that year he gave five or ten dollars each to the clerks, and that "every clerk that was in that department was labeled, as far as I was concerned, for a cash gift." These included the referees' clerks. He also donated merchandise to referees and State doctors.

4. His "Connection" with Assistant Attorney-General Joseph A. McLaughlin

(a) The duties of the Attorney-General

Section 132 of the Workmen's Compensation Law provides that:

The attorney-general may prosecute every person charged with the commission of a criminal offense in violation of this chapter, or of any rule, regulation or order made thereunder, or in violation of the laws of this state, applicable to or arising out of any provision of this chapter or any rule, regulation or order made thereunder. (Added by L. 1940, ch. 296.)

Joseph A. McLaughlin became an Assistant Attorney-General in 1931, and was practically at once placed in charge of matters relating to the Labor Department, including the Division of Workmen's Compensation. He remained in charge until he left the Attorney-General's office in December of 1942.

(b) His income from the O'Rourke organization

During those years, McLaughlin received a State salary of \$8,200, and as permitted by law, he also maintained a private law office. This private office for the last several years was on the floor immediately above Bart O'Rourke's. McLaughlin's testimony, or rather his reluctance with respect to testifying at the public hearings as to his relations with O'Rourke, is of interest, viz.:

Q. How many cases of injured workmen did Bart O'Rourke's office send you in 1942? A. I respectfully decline to answer on the ground that the answer might tend to degrade or incriminate me, sir.

Q. How much money did you gross in 1942 out of cases of injured workmen referred to you by Bart O'Rourke? A. I respectfully make the same answer, sir.

Q. Did you move your office over to 2 Lafayette Street to be near the office of Bart O'Rourke, because of the volume of business he was sending you as a private lawyer? A. I respectfully decline to answer on the ground that it might tend to incriminate or degrade me, sir.

He testified that the bulk of his private practice from 1938 to 1942 consisted of negligence actions.

At a prior private hearing he stated that Bart O'Rourke's brother, Walter, sent him a large number of negligence cases but that he did not try them. Instead, he engaged another lawyer to run his private office, and the actual trial work was farmed out. McLaughlin said he gave Walter O'Rourke from 40 to 50 per cent of the proceeds after paying trial counsel. McLaughlin admitted that a very substantial number of the cases related to workmen who had been injured under circumstances where they might claim compensation from the employer, and also have a cause of action against a third person who caused the injury.

Walter O'Rourke, in turn, testified that some of the cases he sent to McLaughlin came from members of unions his brother Bart "represented." Walter said that if Bart decided recovery could be had from a third person, he turned them over to Walter. On numerous occasions Papile brought such cases to Walter also. Walter then turned these cases over to McLaughlin.

We can only conclude that Bart O'Rourke was performing the services of

a runner for the Assistant Attorney-General to the latter's financial profit. On his own statement, McLaughlin performed no real service in the cases. O'Rourke's actions must have been motivated by other reasons.

(c) McLaughlin's services in insuring the continuance of fruitful fields for the rings

It appears to us, from the evidence, that by this means Bart O'Rourke effectively controlled the law officer in charge of prosecuting violations of the Workmen's Compensation Law, and thereby protected the business of his own "ring."

That was indicated by the testimony of Edward Wohl, who suffered a muscle injury while at work in 1933, and who was still suffering from the resultant disability in 1943. He testified that he received compensation until 1936, when his case was closed after he refused a settlement of \$2,000. Subsequently he continued under medical treatment, meanwhile unsuccessfully endeavoring to have his case reopened. Wohl went to the Attorney-General's office in 1939 or 1940 to complain of "corruption" in the compensation division, and was referred to McLaughlin. Wohl requested examination of his case at the Labor Department, but McLaughlin, according to Wohl, ". . . tapped me on the shoulder and he said, 'Son, I am very sorry. We used to interfere with the Labor Department quite a bit. We got strict orders to keep our hands off the Labor Department.'"

McLaughlin then recommended that Wohl go to Bart O'Rourke. Wohl testified that McLaughlin said that O'Rourke was "a very good compensation lawyer," and that "he may be able to do something for me."

McLaughlin wrote O'Rourke's name and address on his official card and gave it to Wohl. Wohl went to O'Rourke's office, and he was there referred to a "Mr." Sacharoff, who was in the office at the time. Wohl discussed his case with Sacharoff, and later brought his records to the office. He testified that the following conversation took place between himself and Sacharoff at a subsequent meeting:

He says to me, "Well, Mr. Wohl, I checked your records up and," he says, "the only way we can take your case is you will have to take our doctors; x-rays and examinations by our doctors."

I said, "Mr. Sacharoff, what will that stand me?" He said, "It will stand you about \$100." I told him at that time, I says I was on relief, being I was laid up since 1933, and what little money I had was gone, because I have seven children.

I told him I couldn't see where I could get the \$100 just now. He said, "Well, I am very sorry, I can't take your case."

A subsequent visit to O'Rourke's office, where he again saw Sacharoff and one of O'Rourke's employees, was equally fruitless, and nothing was done for him. He is still suffering from his injury.

The extent of O'Rourke's influence in workmen's compensation matters seem quite apparent when we see that a person seeking an investigation by a law officer of corruption in the Division of Workmen's Compensation is denied a hearing, and sent instead to its most active practioner, with the admonition that the Attorney-General had strict orders to keep hands off the Labor Department.

5. *How He Disposed of the Cases of Claimants*

With such a large organization. Bart O'Rourke needed quick turnover. He was not interested in appearing at a hearing at which an award of weekly compensation in a non-schedule case might bring him a \$10 fee. That would not pay the overhead, whereas a "lump sum" settlement of the claim would constitute a basis for asking a substantial percentage of the amount received. To induce the insurance carrier to accept a change from periodical payments to a lump sum settlement, O'Rourke would have to persuade the claimant to take a sum less than the probable total of installment payments.

As we have stated, if these lump sum settlements are permitted in large number they pervert the avowed purpose of the law that compensation "shall be paid, periodically and promptly in like manner as wages." They serve the needs of claimants only in exceptional cases, for instance where there is some special need for funds such as the purchase of a business by a disabled worker. Usually the claimant not only gets less than he should, while the fee of the licensed representative is more, but the money is used before the claimant is able to return to work. The intent of the law—that compensation shall be paid during the period when wages are withheld—is thus thwarted.

O'Rourke appears to have been adept at such settlements, to his own profit. According to the records of the Department of Labor, he disposed of hundreds of cases by non-schedule lump sum settlements during 1942, and the referees granted him more than thirty-two thousand dollars in fees out of the amounts awarded to the claimants. That was over 11 per cent. This was in addition to such fees as were allowed him in those cases at the time of prior awards of weekly compensation.

In recent years, the volume of lump sum settlements greatly increased annually. The Industrial Board took steps in December of 1942 which are belatedly decreasing it.

C. CURTIS-MADONNA-ENGELSHER-SACHAROFF

One of the most active and successful groups was headed by Thomas J. Curtis, a licensed representative, of 2 Lafayette Street, New York City. Prior to 1921 he had been a Deputy Commissioner of Compensation, an office today known as referee in the Division of Workmen's Compensation. His official actions had been caustically referred to in 1919 by Moreland Act Commissioner Jeremiah F. Connor, in a report with respect to his investigation of the State Industrial Commission. He reported that many claimants had been grossly underpaid in final adjustment cases by Curtis, who, he said, was "either unable or unwilling to resist the persuasion of the representatives and physicians employed by the insurance carriers." Curtis retired in 1921 and began to represent claimants.

Nevertheless, Curtis was appointed to the Industrial Council although he continued to represent claimants, and he held that office until after he was publicly examined in this investigation. After his appointment to the council, his income increased substantially.

The duties of the Industrial Council include advising the Industrial Commissioner; recommending changes of administration; cooperation with the Civil Service Commission in conducting examinations and in preparing lists of eligibles for positions requiring special knowledge or training, and advising the commissioner as to appointments thereto; advising the commissioner regarding the fitness of persons for appointment to positions involving the practice of medicine; prescribing rules to govern investigations by medical societies of charges against physicians authorized to treat claimants; investigating charges of misconduct by physicians and compensation bureaus authorized to treat claimants, and reviewing determination of charges of misconduct where an accused physician appeals from the decision of a medical society.

Thus for more than a dozen years Curtis was practicing before subordinates upon whose qualifications and appointments he was in a position to pass, and whose chief executive he officially advised. He also was in a position to stifle any possible charges of malpractice against physicians associated with him, who included Dr. Leo S. Sacharoff and Dr. Charles Engelsheer.

1. Curtis' Sources of Business and Organization

(a) His staff, and origin of his practice

In the 1920's Curtis was manager of the Building and Allied Trades Compensation Service Bureau at a salary of \$7,500 to \$8,500. Unions with a membership of 65,000 men were affiliated with the bureau. Each man paid one dollar a year, and in return was entitled to representation without fee in connection with claims for compensation. In about 1930 Curtis went into business

for himself, and began representing claimants on a fee basis. Only three unions with a membership of 700 remained in the Service Bureau in 1943, but claimants came to him from other unions. He grossed \$43,000 from his compensation practice in 1941, but said he couldn't state his gross for 1942, although he had signed his income tax return the morning he testified.

Curtis employed one lawyer on a commission basis; to another he paid a salary. Two of his sons were associated with him, and from 1928 until August 1942, Michael Madonna, a brother of Joseph Madonna, who is a reviewing examiner with the Industrial Board passing on appeals in death cases, was also associated with him. Michael Madonna became a partner with a 30 per cent interest in 1940. Madonna was licensed by the Industrial Commissioner in 1939 to represent claimants. He had been convicted of receiving stolen property in 1920.

Incidentally, Madonna left Curtis in August of 1942, practiced by himself as a licensed representative, and grossed from \$1,500 to \$2,000 a month. He represented four or five hundred claimants sent to him by unions. Because of pressure of business, he hired a lawyer, paying him nine to ten dollars a day; later he employed a successor for thirty to thirty-five dollars a week. Madonna evaded service of our subpoena for some time.

The records of Bendiner & Schlesinger X-Ray Laboratories, Inc., indicated that, during the first eleven months of 1942, Madonna had received \$489.01 as a kickback on \$1,222.52 of workmen's compensation x-ray business he referred to it. Madonna denied receiving any of this.

A witness testified that while Michael Madonna was associated with Curtis, Madonna told her that Dr. Charles Engelsher gave him money for sending cases to him, and that on one or two occasions she saw the money pass. This Madonna denied.

Curtis employed a Dr. Julius Oshlag from 1934 to 1939 on a fee basis which amounted to \$5,000 a year for appearing at the medical examinations of his claimants by the State doctors, and for testifying before the referees. From 1939 until July of 1942 Curtis employed a Dr. Saul Lehv at \$200 a month to examine claimants, and attend the examinations by the State doctors.

(b) His relations with Dr. Sacharoff

Beginning in 1942 he used Dr. Leo S. Sacharoff, previously mentioned, to examine claimants, and appear at the examinations by the State doctors.

Sacharoff declined to testify as to the amount he grossed in 1942 from workmen's compensation cases, and as to whether he bribed referees, doctors, employees or officials in the Division of Workmen's Compensation on the ground his answers might tend to degrade or incriminate him.

(c) Curtis' chief physician, Dr. Charles Engelsher, and the "ex-prisoners' unit" which aided in running the Parkchester General Hospital

(1) Dr. Engelsher's organization

Curtis' methods of doing business constitute a warning to labor leaders desirous of preventing their members from falling prey to the evils of the licensed representative-physician combination. If union members are required by their leaders to go to a particular representative or lawyer when injured, and then required by the latter in turn to go to a particular doctor, assembly line treatment to the lasting detriment of the worker generally results. Free choice of physician may be as effectively denied the worker by such means as by any employer's scheme.

When questioned in 1943, Curtis "guessed" his office had sent Engelsher about 125 cases in the past three years, while the latter said that that was the figure for 1941 alone. Curtis stated that Engelsher sent claimants to him for representation as a "kind of reciprocity." How Engelsher "treated" some patients with scores of injections will be hereinafter shown.

Engelsher maintained an office at 969 Park Avenue in Manhattan, and since 1940 he has operated the Parkchester General Hospital with about 85 employees at 1425 Zerega Avenue, in the Bronx. He testified it had eight floors, of which

five were in use, with 100 beds. Engelsher used the penthouse as his living quarters. He had engaged in workmen's compensation practice on a large scale.

The doctor's brother, Zangwill Engelsher, was executive director of the hospital. He had been convicted of robbery and counterfeiting. He testified that he became an addict as a result of injections of morphine by his brother, the doctor, for a pain in his knee. Dr. Charles Engelsher declined to testify as to this.

One individual whom Engelsher employed at the hospital to take x-rays and do laboratory work, was a doctor who had previously lost his license to practice medicine in New York because of unlawfully dispensing narcotics. He also had employed one Solomon L. Leibson, who had been previously convicted of grand larceny, possession of a revolver, assault and counterfeiting. Leibson's chief job was to sell a hospitalization plan among union members. As part of this scheme, Dr. Engelsher opened a branch office at 19 Hudson Street, in an industrial section of Manhattan. Dr. Engelsher's fourth ex-convict employee was one Joseph Freedman, who also promoted the sale of the hospitalization plan and had the title of Director of the Parkchester Hospital. He had been convicted of using the mails to defraud, and first met Zangwill in the Federal Penitentiary at Atlanta. He had also been convicted of conspiracy.

Madonna's criminal record has been referred to, as well as the testimony concerning his receiving money from Dr. Engelsher for sending him cases.

Samuel Smith, who had been employed as a business representative for a union, testified that Zangwill Engelsher told him that "Socks" Lanza, a notorious racketeer recently imprisoned, had given financial aid to Dr. Engelsher's Parkchester Hospital, and that they were getting a lot of compensation cases through his influence. Smith also testified that Joseph Freedman offered him a kickback on amounts paid as membership fees by such members of his union as he persuaded to subscribe to Engelsher's hospitalization plan. He also offered him a "cut" on compensation or other business sent to the hospital. Freedman told him he would be treated similarly to other union representatives.

Dr. Engelsher testified that: "The fact is that if a man has a criminal record he has more of a chance of getting a job with me than if he has led a blameless life."

The following is also an interesting excerpt from Dr. Engelsher's testimony:

Q. Well, what are you running up at the Parkchester General Hospital, a sanitarium for Workmen's Compensation cases or a reform school? A. It is a little of both.

This was the doctor and the hospital to whom Curtis, a member of the Industrial Council, sent workmen's compensation claimants for medical and surgical treatment.

(2) Dr. Engelsher's method of treatment

Dr. Engelsher appears to have made a perfect transference of assembly line methods from industry to his medical practice. Claimants were given scores of injections of novocaine, glucose and other preparations. Some received more than 100 injections, and even 200 were administered in several instances. He was about equally prolific with diathermy treatments.

One Thomas Turqman testified that he "broke his back" while fixing a boiler in October of 1939. He received medical treatment, and in 1941 was suffering from a rupture which he traced to the original accident. He was then sent to Dr. Engelsher by Thomas Quinn, heretofore mentioned, and the doctor operated on him for the rupture. He was in the hospital for five weeks, and then for almost nine months Dr. Engelsher gave him injections in the arm and back, as well as diathermy treatments. For a while he went three times a week to the doctor's office at 969 Park Avenue, where there were four diathermy machines. From ten to fifteen men would be waiting there for the doors to open. A girl would give the diathermy treatments, and an employed doctor the injections. Turqman never saw less than fifteen or twenty patients. He testified that:

Well, you see, it was like a restaurant or office or something, people always coming in. I asked one day Virginia, I said, "How many you have?" She said "Seventy-eight."

Sometimes he had to wait three or four hours for his treatment. Including travelling time, he lost almost half a day on each visit. The injections did not aid him, but merely killed the pain until he reached home.

Another claimant, George Joseph Hroch, testified that he was a patient at the Parkchester General Hospital from July 21 to July 31, 1941, having been referred to Dr. Engelsher by someone other than Curtis. He testified that he received no injections, and that Dr. Engelsher visited him two or three times. Dr. Engelsher billed The State Insurance Fund, the carrier, for eleven visits and injections. After leaving the hospital, Hroch visited Dr. Engelsher at his office three times for diathermy treatments. But the doctor billed for seventeen treatments, including injections.

The Parkchester General Hospital and Dr. Engelsher received \$181.55 while Hroch received only \$113 in compensation.

Dr. Engelsher attempted to justify his semi-permanent treatments as a matter of "placebo"—a lulling of the patient by administering harmless substances, such as bread pills to soothe his anxiety rather than as a remedy. However, a continuous series of injections of novocaine and other substances certainly would not fall into that class. The "lulling" might result in the postponing of a real cure, with harmful results. And of course these repeated treatments built up his bills.

The following is taken from certain case files which Dr. Engelsher made available to us, and amply illustrates his methods:

No.	Description of accident	Number and kind of injections	Referred by
1.	Fell 10 feet into river. Hit head on stone.	82 Glucose 51 Prostigmin	Kurach & Cassell
2.	Lost balance, hit back on ground.	110 Type not indicated 85 Various	T. Curtis (Madonna)
3.	Fell backward, hitting head on wall.	28 Prostigmin 24 Glucose	
4.	Pushed off running board of auto; fell on head and shoulder.	32 Glucose 43 Type not indicated	Madonna
5.	Slipped on wet floor, hurting lower back.	26 Novocaine	W. Curtis
6.	Slipped and fell while picking up bundle of overcoats.	16 Aolan 16 Sodi Cacodylate 14 Vit. B-1	Kurach & Cassell
7.	Thrown against pile of steel, hit back of head.	65 Glucose 97 Prostigmin	T. Curtis
8.	Slipped on wet floor and fell on right shoulder.	19 Novocaine 46 Various	W. Curtis
9.	Slipped while pulling wagon, hit knee.	78 Aolan and B-1 Complex	Curtis-German
10.	Sharp pain in back while unloading truck.	150 Novocaine 64 Type not indicated	
11.	Slipped while making up bed, fell on back and side.	37 Novocaine	J. Freedman
12.	Twisted shoulder while lifting container.	58 Novocaine	Curtiss-German
13.	Slipped and fell four steps into basement.	39 Novocaine	T. Curtis
14.	Tripped while carrying lumber and fell to floor.	138 Novocaine	Sala-Curtis
15.	Fell 10 or 12 feet.	36 Novocaine	L. C. Leighton
16.	Felt sharp pain in back while pulling bag of flour.	64 Novocaine	W. Curtis
17.	Pain in back while lifting can of milk	73 Novocaine 5 Type not indicated	T. Curtis
18.	Left arm caught between machine and flour box.	65 Novocaine 28 Type not indicated	L. C. Leighton

No.	Description of accident	Number and kind of injections	Referred by
19.	Fell on back while carrying heavy timber	52 Novocaine	W. Curtis
20.	Pain in back after lifting pail of mortar.	25 Novocaine	
21.	Wrench back while lifting piano.	74 Type not indicated	L. C. Leighton
22.	Sheet rock fell two stories and hit right shoulder.	3 Glucose	
23.	Pain in back while lifting heavy rug.	43 Prostigmin	
24.	Fell 25 feet from ladder on back.	99 Novocaine	Zeche
25.	" Snap " in back while carrying box spring.	26 Various	
26.	Fell 17 feet from scaffold on head, back, right knee	35 Novocaine	
27.	Pain in back while lifting piece of asphalt.	75 Novocaine	J. Freedman
28.	Picked up pail of dishes weighing 60 pounds.	105 Novocaine	W. Curtis
29.	Strained back.	23 Various	
30.	Carrying can of ashes, fell downstairs.	54 Novocaine	W. Curtis
31.	Pain in right lower back while carrying basket.	39 Novocaine	
32.	Metal gun of pressure hose (car wash) hit face.	32 Novocaine	
33.	Plank fell on back.	113 Glucose	Quinn & Meade
34.	Baker's shovel struck right side.	131 Various	
35.	Jumped from 8 ft. tower, landed on left heel, twisted back.	66 Novocaine	German-Curtis
36.	Box of dough slipped and hit right chest.	51 Glucose	
37.	Hit on head by iron pulley.	59 Various	L. C. Leighton
38.	Pain in back while lifting sack of flour.	31 Novocaine	T. Curtis
39.	Pushed delivery wagon, and felt back pain.	169 Glucose	
40.	Twisted right shoulder while lifting lumber.	56 Various	
41.	Slipped and fell on right shoulder.	37 Novocaine	W. Curtis
42.	Sharp pain in back while turning dough.	49 Sodi. Cacodylate	
43.	Pain in back and groin while lifting 175 lbs. of dough.	25 Aolan	W. Curtis
44.	Pain in back while picking up 200 lb. steel plate.	24 Vit. B-1	
45.	Fell ten feet off ladder.	117 Glucose	L. C. Leighton
46.	Slipped and fell on iron stairway.	22 Mag. Sulphate	
47.	Hit by cab driver.	84 Novocaine	W. Curtis
48.	" Snap " in back while carrying box of cabbages.	50 Novocaine	L. C. Leighton
		25 Novocaine	T. Curtis
		17 Novocaine	W. Curtis
		15 Various	
		65 Novocaine	German-Curtis
		141 Novocaine	T. Curtis
		25 Novocaine	
		80 Glucose	
		85 Various	T. Curtis
		56 Novocaine	
		87 Type not indicated	L. C. Leighton
		83 Various	
		27 Novocaine	

No.	Description of accident	Number and kind of injections	Referred by
49.	Slipped on potato peel striking left side of head against wall.	174 Type not indicated 30 Glucose 54 Sucrose	T. Curtis
50.	Air hose compressor struck back of head.	70 Type not indicated 25 Sucrose	T. Curtis

2. Curtis' Methods at the Division of Workmen's Compensation

Dr. Schmitter, one of the State physicians in the medical bureau, testified that Curtis "bawled" him "out," and that "He was quite given to browbeating me, as some lawyers do." The following is an excerpt:

"Q. Did he browbeat you as a member of the Industrial Council, or as a licensed representative? A. I don't know; just himself, because I didn't examine the claimants to suit him."

Dr. Schmitter also testified that he "heard grapevine rumors twice that he complained to the Industrial Commissioner about me."

Curtis frankly admitted that he told the referees and State doctors when he thought he wasn't getting the "breaks."

Curtis' authority as a member of the Industrial Council with respect to personnel before whom he practiced has already been adverted to. But this incongruous situation continued for years until this investigation.

D. OTHER LICENSED REPRESENTATIVES AND LAWYERS

We have examined numerous other licensed representatives and lawyers. To detail all the testimony with respect to the payment of kickbacks to, and other malpractices by, certain of them would unduly extend this report. The methods of the specialists in the field did not vary greatly, and the representatives to whom reference has been made were the "leaders."

The practices of one lawyer should be mentioned—he confessed at a public hearing to "clipping" a claimant who was under age, that is, he exacted a substantial fee from him in addition to that allowed by the referee. He admitted taking similar "gratuities" from other claimants, and volunteered to make restitution.

Such overcharges, while prohibited by the Workmen's Compensation Law, strangely enough are made a misdemeanor only when exacted by licensed representatives, and not when levied by lawyers.

Recommending Legislation to Guarantee Full Vote to Members of Armed Services from New York State

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 7, 1944*

To the Legislature:

I had hoped before now to be able to address your Honorable Bodies, suggesting modifications to the Soldier's Vote Law so that it would conform to new legislation by the Congress of the United States guaranteeing to all of the members of our armed forces the right to vote in the national election of this year. It appears that the Congress may act sometime soon but your session is quickly coming to a close and we can no longer await passage of federal legislation.

The Constitution of this State requires that the Legislature make adequate provision for a full vote by its citizens in the armed

forces wherever they may be. It requires that they be permitted to vote not only for national candidates but for local and State candidates.

At your 1942 session your Honorable Bodies passed extensive legislation to guarantee to the members of the armed forces from our State their right to vote. An entire new State Administration was to be chosen that year as well as a new Legislature and many important local officers. All nominating conventions were moved forward by many weeks, and the dates of primaries were changed so as to insure that candidates would be selected far enough in advance so that ballots could be mailed any place in the world. A bi-partisan War Ballot Commission was established, fully staffed and supported by an appropriation of \$100,000.

Again in 1943, a substantially similar law was enacted.

Despite these noteworthy efforts there was a comparatively small vote by New York citizens in the armed forces. In both those years the Army and the Navy refused on various grounds of military necessity to cooperate with the War Ballot Commission. As a result, despite every effort by the commission, ballots could be sent only to soldiers whose addresses were given by interested persons or obtained from some local selective service boards and to soldiers who voluntarily mailed in applications requesting ballots from this State.

We are, accordingly, still faced with the question whether our fighting men shall enjoy the rights guaranteed to them by our Constitution.

For the past eleven years the National Administration has assiduously cultivated the concept that state and local governments are trivial and of no consequence. It has demanded the complete centralization of governmental power in Washington and has attempted to crush all state and local government responsibility and initiative.

It is that concept of the National Administration which engendered the attempt to force upon the people of this country a blank piece of paper called a "soldier's ballot", limited to the election of Federal officials and without provision for the election of state and local officials. It is that concept which assumes that the thirty-odd governors and all the state legislators to be elected this year are not important enough to affect the interest of the soldier at home or abroad. It is that concept which propagates the view that the many local officials are all of no import in the life of the American soldier-citizen.

Fortunately for all of us, the Constitution of the State of New York rests upon another view. Our Constitution declares unequivocally that every official, State and local, for which the citizen at home may vote must also be subject to the vote of the citizen in the armed forces.

There is a perfectly simple solution to the problem. Every soldier can be provided with a ballot which will be valid under our Constitution. Any pretense of overburdening the military

or transport services is a sham. Purported literature many times the weight of all the paper ballots under the plan I propose have been shipped regularly abroad at the direction of officials in Washington. Moreover, we have, at last, been able to find out what the authorities in Washington say they are willing to transport and the size and weight of the ballots I shall propose to you comply with their own specifications.

The oft-repeated excuse that the military services would be required to keep in mind forty-eight different state laws is completely avoided; the distribution of our ballots will be handled just as ordinary correspondence between the soldier and his State.

The plan which I propose to your honorable Bodies is one which has been carefully worked out over the many weeks of this legislative session. Members of your Honorable Bodies have participated in its preparation. All available material indicating the needs and reasonable wishes of authorities in Washington has been considered and used in the design of this plan. Only a repetition of the strategy of obstruction which occurred in 1942 and 1943 when the National Administration was not as interested in the election as it is this year, would prevent this plan from giving every member of the armed services from this State a vote if he desires it.

This plan seeks no political advantage by any of the tricks or inventions involved in other proposed blank ballots, limited ballots, write-in ballots, party designation ballots, and other well-called "bobtail" ballots.

The plan is:

(1) Every member of the armed services desiring to vote would simply send to the Secretary of State of New York, his name, home address and service address.

Semi-addressed postcards may be distributed to the members of the armed services for this purpose or the soldier may send the simple information required in a letter, on a postcard or a scrap of paper.

(2) The War Ballot Commission would forward the postcards to the local election boards.

(3) The election boards would then mail directly to the soldier voter, a ballot and a self-addressed return envelope, all of a size and weight complying with the wishes of the Army and Navy.

(4) The soldier or sailor upon receiving his ballot would mark it for any or every office and mail it to the War Ballot Commission which would forward all the ballots to the proper local election boards to be counted.

This proposal provides a simple, workable means of voting to every New York member of the armed forces who wishes to vote. Voting is made simpler for a soldier in Italy or on Kwajalein Island than for the citizen at home. It is necessary for the citizen at home, if in a city, to go to the polling place once to register and again to vote. The soldier merely signs his name once on a piece of paper and later receives and marks his ballot and mails it in. Moreover, this method provides a valid ballot,

about which there will be no Constitutional question and with no opportunity for organized fraud such as might be the case with other proposals.

Citizens who fight for their country have the right to vote. That right must be made effective. They are entitled to have that right, free from partisan exploitation or perversion. They have a right to know that their vote will not be limited to some offices and denied as to others. They have a right to know that no clever devices are involved which violate the Constitution and might throw the whole election into the courts. The proposal submitted herewith accomplishes all of these objectives and I respectfully commend it to the favorable consideration of your Honorable Bodies.

(Signed) THOMAS E. DEWEY

**Recommending Transfer of Certain Dock Terminals and Facilities
to City of New York and Port of New York Authority**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 8, 1944*

To the Legislature:

For thirty years, the State of New York has been the owner of six canal terminal facilities, including piers in the metropolitan area. Almost \$10,000,000 of the State's funds have gone into this development. Since 1926, when the then Superintendent of Public Works first recommended disposal of the terminals, these properties have failed to maintain themselves. They have failed to provide the services to the people of the State for which they have been intended and have been a continuing drain upon the General Fund of the State. Since 1928, nothing has been done. Vainly, additional moneys have been spent without even the hope that these properties would fulfill their original purposes.

Last July, after consultation with the Superintendent of Public Works, I appointed a committee to study and report on the condition and use of the State properties used as Barge canal terminals in the New York harbor area. This committee included M. P. Catherwood, Commissioner of Commerce, as chairman; C. Chester DuMond, Commissioner of Agriculture and Markets; Walter P. Hedden, Director, Department of Port Development, Port of New York Authority; and Charles H. Sells, Superintendent of Public Works.

The committee has reported that these properties in the New York harbor have fallen into a desperate state of disrepair. During the past ten years, they have been operating at an average loss in cash and deferred maintenance of approximately \$100,000 a year. Only a small part of the Barge canal traffic uses them. At the same time, they have vital and substantial potentialities for increased harbor use, especially in the postwar period.

Of course, the State could, as it has been frequently urged to do sell these dock and terminal facilities. In private hands, they would

be repaired, improved and made useful. But if these facilities were in private hands, there would be left too few dock and terminal facilities available for general public use.

In cities all over the world, port facilities are customarily, in whole or in part, publicly-owned for the very reason that ports must be kept open to all for the benefit of all the people. To sell these facilities would tend to create the possibility of monopoly in the Port of New York.

The committee has carefully studied every possibility open to the State with respect to future policy in the handling of these properties. It has finally recommended that these terminals in New York harbor be divorced from canal operation and be turned over to the city of New York and to the Port of New York Authority for operation and development, subject to certain conditions and restrictions. Thus, the terminals will remain public property, operated by agencies equipped by organization and experience to administer them as vital and effective instruments of commerce for the greater development of the Port of New York and the State.

The city of New York already has pier facilities, to which the five dock terminals now held by the State would be a welcome addition. The city is prepared to accept and operate these piers as terminal facilities.

The Port of New York Authority is prepared to accept and operate the Gowanus terminal, including the Gowanus grain elevator, in which the city of New York has no interest, provided that funds are advanced to cover the rehabilitation, necessary improvement and initial development costs, amounting to \$1,150,000. The port authority, after careful investigation, estimates that the properties can be operated on a basis that will net \$65,000 per year above expenses. It is proposed that the Port of New York Authority reimburse the State out of the estimated earnings at the rate of \$65,000 per year in payment of interest at two per centum and amortization of the principal of the \$1,150,000 advance. It is also proposed that after such advance is reimbursed, the port authority will continue to pay to the State \$50,000 a year for ten years, at which time title would vest in the port authority free from other conditions except as to proper use.

The city of New York, which is not restricted in the use of its funds, requires no advance from the State.

All of the properties to be ceded to the city and the port authority would revert to the State in the event it should be necessary for the city or the port authority to relinquish their operation as harbor terminals.

These properties are still of great value, despite the non-use and abuse to which they have been subjected. At the same time, the interests of the State and its people require that their future be determined not by consideration alone of their asset or salvage values. Rather, our approach must look to the use of these properties for the greater benefit of the people of the State and the stimulation and assistance of commerce in the great Port of New York.

Accordingly, I respectfully recommend to your Honorable Bodies

that the recommendation of the committee be enacted into law, providing for the transfer of the five dock terminals to the City of New York and for the transfer of the terminal and grain elevator to the Port of New York Authority.

I recommend that the \$1,150,000 advance required for the rehabilitation, improvement and development of the properties by the Port of New York Authority be appropriated from the Post-War Reconstruction Fund. The proposed program will make possible the maximum use of important public property, and should avoid the drain on the State treasury which has resulted from operation of these properties in the past.

(Signed) THOMAS E. DEWEY

Recommending Stabilization of State Aid for Education and Authorizing Plans for Vocational and Technical Training

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 13, 1944

To the Legislature:

Within the next two or three years education in our State will come to the end of one period of change and readjustment and enter a new one. Sharp decline in school attendance will cease and some recovery in attendance levels will take place. The increase in the birth rate commencing in 1940 will be felt in the schools. A million veterans of this war will return home, some to continue their liberal education, some to complete practical technical education to enter new types of employment. In addition to all this, the wake of the war will bring social changes and new economic and social problems in the solution of which education must play an increasingly important role.

It is not too early now to prepare to meet the conditions we shall face.

The State of New York has always been a leader among the states for better public education. We must maintain that leadership. There must be continuing opportunity for improved education and practical adjustment by our people to the economic and social conditions of the society in which they will live. Only through progressive measures leading to better informed and better adjusted individuals can we avoid tragic crises in the history of mankind such as that through which we are now passing.

The education of our young people must be flexible, adjustable and intelligent. This is even more true in times such as the present or public education will freeze into an ingrown, selfish, sterile pattern. Today manpower and materials must be conserved to the limit for the successful prosecution of the war but education must, because of the strains of war be better and even more flexible than in ordinary times. Such improvement to meet critical conditions must obviously be achieved through the wiser expenditure of public

funds. It will be achieved only if everyone engaged in education and interested in its results makes the same intensified effort to meet and adjust to conditions that war demands of all our people.

The dislocations of war and its impact upon youthful minds are serious. Family life is disrupted. Atmospheres of tension, hate and violence are engendered. Whole segments of society are cast loose from their moorings. The very ideal of civilized society is to some extent transformed from one of peaceful development to slaughter and destruction.

These are some of the inevitable results of total war. It must be our purpose to ameliorate them during war and to plan now for the permanent eradication of these unhappy by-products of war from our society.

The increasing juvenile delinquency which has always accompanied war is again a matter of grave concern to every member of our State. Plans are now in process in the War Council to take steps in the near future which will strengthen the facilities by which juvenile delinquency is combatted.

At this time I desire to lay before you proposals to deal with the immediate and future educational needs of our State and to remove some fundamental misapprehensions which have been developed and fostered on the subject of State aid for education.

Education in our State is under the general direction of the Board of Regents, an independent administrative agency. The State Department of Education, which is wholly under the direction of the Regents, is in immediate charge of the supervision of public education in the State. Considerably more than one-fourth of the entire State budget is devoted to State aid for education. On this subject there is surprisingly widespread misunderstanding.

The major portion of all public education is supported by local taxation. State aid is merely a part, totaling less than one-third of the total cost. It is paid by the State to local communities pursuant to a State law embodying what is known as the Friedsam formula. This law operates on the entirely sound principle of distribution of supplemental funds contributed by the State primarily in accordance with school attendance. "Full State Aid" has always in the past meant payment by the State of the full amount called for by the Friedsam formula. If school attendance rose on the whole, there was an increase in State aid. If school attendance fell, there was a decline in State aid.

Certain misapprehensions about the budget which your Honorable Bodies have adopted for the fiscal year 1944-45 are widely held. The simple facts are:

First: The present State budget gives "full state aid."

Second: To the extent of 77 per cent of the total school aid the present State budget is simply reimbursement for educational expenditures already budgeted by local school authorities. It is 100 per cent reimbursement of the State aid under which communities are now operating. Except for errors of estimating school attendance by the localities, the amounts of our State aid just

appropriated were anticipated and budgeted by them for the present school year. This applies to the entire school budget of the City of New York and of the calendar year cities of the State.

The remaining 23 per cent of State aid represents amounts that have yet to be budgeted by school districts which operate on a fiscal year. Approximately one-half of the amount of State aid included in the present State budget for fiscal year districts has already been budgeted by them and is included in the above 77 per cent. Their budgets for the remaining half are still to be made up.

The history of State aid in recent years has been affected by various phenomena. The 10-year long depression from 1929 to 1939 caused an accelerated decline in the birth rate. In general, a decline in birth rate causes a drop in school attendance about six years after the decline commences. The effect of the depression, however, resulted in a large increase in enrollment in the high schools. This counteracted to some extent the losses of a declining birth rate reflected in elementary schools. Attendance reached a peak in 1933-34, but State aid continued to increase through 1938-39 because of the disproportionate increase in high school attendance for which State aid is apportioned at a higher rate than for elementary schools. In the early 40's the declining birth rate, employment in industry and the drain of the armed services joined forces sharply to accelerate declines in attendance.

Exhaustive studies of attendance trends have been made both by the educational experts of the Division of the Budget and by the Department of Education. These studies indicate a few important conclusions concerning the prospective rate of attendance at public schools.

It is presently anticipated that the decline in attendance caused by the lowered birth rate and the impact of the war will continue through 1944, 1945 and until 1946. While the possible earlier termination of the war may bring an immediate end to the departure from high school of children over 16, the effect of the increase in birth rate will not be felt in any event until the fall of 1946.

Adding together all of the factors to be considered, including those I have discussed, local school authorities will find it increasingly difficult to forecast school attendance with reasonable accuracy until the fall of 1945 or 1946 when it is hoped that more normal conditions will prevail. It is likely that under the Friedsam formula there would be continuing declines in the amount of State aid for next year's budget for 1945-46, and for the budget for 1946-47. It is these prospective declines to which I direct your specific attention.

While this whole subject of State aid for education appears tremendously complicated, it is in fact fairly simple. The budget you have just adopted for 1944-45 provides State aid based upon school attendance for the school year 1942-43, in accordance with the Friedsam formula, for 77 percent of the total State aid and upon the school year 1943-44 for 23 per cent of the total. It is, to the extent of the 77 per cent, simply reimbursement to the

local communities, including New York City, for the amount already budgeted for the present school year 1943-44.

For example, not only does our new budget provide full State aid for New York City, but the city is presently operating within our new appropriation and anticipates an actual surplus of \$1,300,000 in its school budget. Accordingly, all of the discussions and representations which have been made concerning the present State budget have been based upon a false premise.

The real problem which we face for New York City and the calendar year cities pertains to their school budgets to be made up for *next year* which will be reimbursed from our *next budget*, for 1945-46, to be passed next year.

For the present budget the only problem requiring immediate attention concerns the fiscal year school districts in which approximately one-half of their apportionment is based on the 1943-44 attendance and involves the remaining 23 per cent of State aid contained in our present State budget. These school districts include some cities and all of the union free schools and common schools. The amount in our budget for them is roughly one-half in reimbursement of the State's share of already budgeted expenses and one-half for forthcoming school budgets. As to the one-half not already budgeted and in process of being spent for these communities, our studies show that a need exists for special consideration at this time and in our present budget. As to the 77 per cent of State aid, which includes New York City's allotment the same need exists but it will be reimbursed from our next budget.

Since the new budgets of all school districts are made up before the Legislature meets again I propose that we shall meet and solve the problem of State aid now, at this session of the Legislature.

My general conclusions on this subject are based upon studies by the educational experts of the Division of the Budget, the studies of the Department of Education and the conclusions reached by members of the Board of Regents. I am happy to say that all of these groups have independently reached substantially identical conclusions concerning the proper course for the State during this difficult wartime period.

It is clear that the burden carried by our communities in preserving the high standards of our system of public education is necessarily more difficult in wartime. The challenge of wartime, however, is even greater than normal. A continuing marked disruption in attendance until the fall of 1946, or even 1945, would, in my judgment, work hardships on our school system. If the sharp decline in attendance were to continue indefinitely, permanent adjustments would, of course, have to be made. The people of our State should not be compelled to contribute to an educational system geared to an attendance which simply does not exist. Since, however, the decline now in effect and immediately ahead is in large part abnormal, such adjustments might create injury to the general structure of education which would be felt when

attendance again increased. This might seriously impair the education of our present youth and the oncoming generations.

The joint conclusion of all of the authorities to which I have referred, is that State aid for education, pursuant to the Friedsam formula should, during this war period, continue to be based upon the 1942-43 school attendance. This would result in an increase in the amounts presently authorized by \$1,300,000. Additional increases over the Friedsam formula will not be required before our next budget for 1945-46. In our next budget the appropriation should be approximately \$6,000,000 greater than the Friedsam formula would require if based on 1943-44 attendance. For example, the share of New York City in our 1945-46 appropriation would be approximately \$3,000,000 greater than 1943-44 attendance would require under the regular operation of the formula. This means that New York City will have an increase of \$3,000,000 for education available for its school year starting next July 1, beyond the amount which would be allotted under the regular application of the formula.

These provisions, I believe, will provide our schools in their budgets for the next school year with a cushion of extra funds above that which their attendance would warrant so that they can finance the extra efforts to meet problems brought on by the war. I also hope that this additional grant will make it possible for the schools to plan an increasing part in programs to combat juvenile delinquency and to make plans preparatory to handling in an enlightened and courageous way, the many problems of the postwar period.

One of these new proposals I wish to discuss with you at this time. One of the weaknesses of our present system of education is the limited opportunity for education adapted to meet the needs of the increasingly large number of boys and girls graduating from our high schools. Moreover, nearly one-half of our high school students now become restless and leave school before graduation. Too many of our high school students leave without completion of their work or are graduated with no definite objective for their life work and with no special knowledge of any particular calling. It is difficult for them to make social and economic adjustment and the result is a sad loss to society in social and human values.

Our system of private enterprise is rich in opportunities for young people with technical skill and special practical knowledge. It seems to me that we must, without delay, face the fact that a great majority of our children are not being adequately trained to meet the conditions of life as they presently exist and as they will exist after the war.

In addition, of the millions of veterans of this war who will be coming home there will be many who have not completed high school. They will have no training for any special kind of work. They will want and need such training and at the same time should certainly be given every opportunity to continue

liberal education under conditions likely to attract their interest.

The ordinary boy who left school at the age of 16 or 17 during the war and returns either from war industry or from the battlefields simply will not go back to high school with students three to five years his junior. This is a fundamental of human nature which should need no elaboration. A great many of these young men and women would eagerly accept further study either for special vocational training or in liberal arts if it were available to them under acceptable circumstances with others of their same general age groups and accelerated and intensified to meet their more adult capacity. Our modern society will need the benefit of these trained and educated people more than ever before.

In my message to your Honorable Bodies at the opening of this session I commended to your favorable consideration a plan of the Board of Regents calling for the establishment of means of giving technical and special training courses. These courses would be given in various communities of the State to provide training in such fields as aeronautics, agriculture, retail distribution, industrial processes, manufacturing, chemistry, building construction, power plant operation, food administration, medical and dental laboratory work.

The value of such training to young men and women of high school age and over and to our returning war veterans would be beyond measure both to them and to society. Many of the young men in the armed services will come back with special skills needing only some further training to adjust them fully to post war business development. This will also be true of many of the young men and women coming from war plants where they are now employed. As a permanent adjunct to our educational system, there must also be some facilities generally available to our high school students who cannot or will not benefit by the work now provided by the latter part of standard high school education but would be interested and challenged by special vocational training.

Much of this training can be given in existing institutions in various localities. This must and should be done so that present facilities shall not lie partly idle and so that the burden of expense upon our people shall not be increased. Existing buildings can also be used after regular school hours. New buildings might also be needed. What is important is that the Legislature indicate its general approval of a program of this kind so that plans may go forward.

In summary I respectfully make the following two recommendations to your Honorable Bodies:

First: That State Aid for Education for all school districts be stabilized for the next two fiscal years of the State upon the basis of the 1942-43 school attendance. This will prevent further lessening of State aid until attendance recovers from the present abnormal decline. Moreover, it will provide extra money for the schools to give specialized attention to wartime educational prob-

lems, more attention to juvenile delinquency and studies for meeting post war educational problems. This will require an additional \$1,300,000 beyond the sum now budgeted and I recommend that such additional funds be made available.

Second: That a bill generally authorizing the Department of Education to prepare plans for specialized vocational and technical training combined with liberal arts for the half of present high school children who now leave school because they cannot find the training they want and need, for the children who left school to enter war industries and for the returning veterans of this war.

(Signed) THOMAS E. DEWEY

Recommending Creation of Temporary Commission to Study Subject of Discrimination

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, March 17, 1944

To the Legislature:

Over a period of years, sincere and constructive but piecemeal efforts have been made by legislation to eliminate racial and religious discrimination among our people. We have learned something of the ways to combat these divisive forces and we have acquired much knowledge of the background of the forces which bring them into being. We are far short, however, of having established either a fundamental policy or a system of law which adequately meets the problem as a whole.

Today, out of the intensified emotions brought on by war, bigotry, intolerance and discrimination have been displayed in many ugly forms. Partly due to the long depression from 1929 to 1939 and partly due to the vicious totalitarian trends elsewhere in the world, we have seen a rising discord between men of differing race, color and creed. A free society must take adequate measures to meet such discord and to foster understanding and unity. No society can remain free if class is arrayed against class or group against group.

Of course we all recognize that legislation is only one means of influencing human conduct. Mutual tolerance and respect must come from within the hearts and minds of the people themselves. It must be led by the earnest efforts of every intelligent and decent member of the community. Religion, education and the family, together with an enlightened attitude by those in public office and in private enterprise must unite in achieving the broad objective. But achieve it we must. For it is fundamental that we should ever strive for the end of intolerance and for equality of opportunity without discrimination in employment in peace times as well as in war.

There have been many well intended proposals introduced at this session of the Legislature seeking to achieve these ends, particularly

including the bill proposed by the Governor's Committee on Discrimination in Employment. With the principles of this bill, I am thoroughly in accord. As it happens these various proposals are unrelated to each other. Many are difficult of administration and there appears to be the widest divergence of opinion concerning them, even among those most directly interested.

I have had many discussions with your leaders concerning the problems involved in these bills and it has been my hope that some of them would be possible of enactment in which hope I know that your leaders shared. Irrespective of your action on individual bills it is my hope that we can study all of the legislation previously enacted and now proposed, to the end that an integrated program can be achieved aimed at the elimination of racial and religious discrimination in our society.

I, therefore, recommend to your Honorable Bodies the creation of a temporary State commission to make a study of the entire subject of discrimination in our State and that the Commission be sufficiently large to include in its membership, legislators, representatives of industry, labor, various minority groups and others. It should be empowered to make forthwith a study of existing laws and to prepare recommendations which will give to our people an established basic policy aimed at eliminating discrimination in the social and economic structure of our State.

(Signed) THOMAS E. DEWEY

NOTE.—For Appointment of Commission, see page 340.

Urging Adoption of Bill Permitting Increases for Correctional Employees

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 18, 1944*

To the Legislature:

There is now pending before your Honorable Bodies, Senate Bill Pr. No. 2032, and Assembly Bill Pr. No. 2457, relative to salary grades under section 40 of the Civil Service Law for certain State employees in the Department of Correction. Because of misunderstanding concerning the nature of the bill, the majority leaders have requested me to call to your attention the important advances it represents in the State service and the much needed benefits it would confer upon State employees.

One of the misunderstandings concerning the bill is that it might result in the lowering of pay for present or new prison guards. That cannot and will not happen.

At the present time, attendants at Dannemora and Matteawan State Hospitals are compensated under a special schedule, which is but slightly higher than the present scales of pay at institutions under the jurisdiction of the Department of Mental Hygiene. These

two hospitals, however, are correctional institutions. Their employees have long sought recognition of the fact that although they were charged with the custody of insane people, the inmates were persons who had either been charged with or convicted of crime.

This measure would make possible a new allocation for these employees, approximately midway between the compensation now paid to Mental Hygiene attendants and prison guards. It would make possible a mean average raise in pay scale of more than \$250 per year over the old basic scale. Moreover, it permits creation of promotional grades for many who could rise in the service to a grade ranging from \$2,000 to \$2,600 per year.

This bill also makes possible increases in the salaries of instructors throughout the Department of Correction, involving twelve institutions located throughout the State. Should this bill fail of passage, all of these employees would be denied the increases for which money has already been provided in the supplemental appropriation bill.

This measure also makes possible proper allocation for custodial officers at the Albion State Training School and Westfield State Farm. The schedules of compensation thus permitted could also increase the pay at maximum now being received by these employees. Should this bill fail of passage, these employees would remain in the custodial service rather than be transferred to the prison safety service as this bill would permit. In the event that any inequities concerning title or allocation to grades remain, they can, of course, be corrected at your next session. Meanwhile, the money for all the raises in pay for all of these employees is provided in the budget or supplemental budget. But if this bill should fail of passage, all the raises would fail, also, for another whole year.

The morale of the State service, the efficient administration of custodial institutions, and proper allocation of the employees involved will be served by passage of this bill.

I respectfully urge its passage.

(Signed) THOMAS E. DEWEY

EXTRAORDINARY SESSION—CONVENED AND ADJOURNED OCTOBER 30

Recommending Enactment of Legislation Extending Voting Hours and Adjusting Compensation of Election Officials for General Election of 1944.

STATE OF NEW YORK—EXECUTIVE CHAMBER
ALBANY

To the Legislature (in Extraordinary Session):

On the basis of the attached report by Charles D. Breitell, Counsel to the Governor, setting forth the necessity for an Extraordinary Session for the purpose of extending the hours of voting at the

general election on November 7, and for the adjustment of the compensation of election officials, I recommend that you enact legislation to extend the voting hours throughout the State by two hours so that the polls will be open from six in the morning until nine in the evening, and that you make such provision as you deem necessary to adjust the compensation of election officials.

Therefore, pursuant to the provisions of section 3 of article IV of the State Constitution, I submit for your consideration the required changes in the Election Law.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day of [L. s.] October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

REPORT TO THE GOVERNOR CONCERNING REQUESTS TO CALL AN
EXTRAORDINARY SESSION OF THE LEGISLATURE TO EXTEND
THE HOURS OF VOTING AT THE GENERAL ELECTION IN 1944

October 26, 1944

To the Governor:

Under the Election Law, as amended in 1941, the hours of voting are from 6 A.M. until 7 P.M.

Six grounds have been offered as reasons for extending the hours of voting. They are:

1. The unusually heavy registration in New York City.
2. The insufficient number of voting machines.
3. The inadequacy of the number of election districts.
4. The desirability of enabling war workers to vote without taking time from their work.
5. The large number of new voters.
6. The inexperience of election officials.

I shall discuss each of these grounds. First, I shall address myself to the points which, in my opinion, are not established.

1. The current registration in New York City is not heavier than had been anticipated. This year's registration is 3,217,751. In 1940, the registration was 3,390,460.

In 1940, there was an extraordinary session and the hours of voting, which had been from 6 A.M. until 6 P.M., were extended from 6 A.M. to 9 P.M. As in 1936, there was a certified shortage of voting machines, although it was a declining shortage.

In 1941, at the regular session of the Legislature, for the express purpose of avoiding future extraordinary sessions because of the expected heavy registration in presidential years, the hours of voting were permanently fixed at from 6 A.M. until 7 P.M. Moreover, the ratio of voting machines to registered voters was then fixed at the present basis, having in mind the heavier registrations that occurred in presidential years. The proponents of the 1941 measure and Governor Lehman agreed that enactment of the measure would dispense with the need of extending voting hours in presidential years, when heavy registrations occurred.

2. There are sufficient voting machines to comply with the requirements of law as fixed in 1941 by agreement between New York City officials, the New York City Board of Elections, the Legislature and Governor Lehman. In the city of New York, the law provides that where the registration in an election district is under 951, there shall be one voting machine. Where the registration exceeds 950, there must be two voting machines.

There are available this year in New York City 4,950 voting machines. This is sufficient to provide one voting machine in each election district having a registration under 951 and sufficient to provide two voting machines in each district having a registration in excess of 950.

There are 1,164 election districts which have registrations in excess of 950. No one of them has a registration in excess of 1500. Each of these districts has, as required by law, two voting machines. In these districts, therefore, there is one voting machine for not more than 750 voters. There is evidently, then, no shortage of voting machines in the city of New York.

3. The number of election districts in the city of New York is determined by the board of elections of that city. This duty is conferred upon it by Section 64 of the Election Law. In the creation of election districts, the only limitation upon the board is the practical one of sufficiency of funds supplied by the city of New York.

There are presently 3,700 election districts in the city of New York. As pointed out above, no election district has a registration in excess of 1500. Where the registration exceeds 950, the district must have, pursuant to law, and actually has, two voting machines. Furthermore, where there is more than one voting machine in an election district, the law requires that besides the inspectors of election there be two clerks.

Had the city of New York deemed it necessary to have additional election districts, all it need have done would have been to make available funds for that purpose. The board of elections would have been, they advised me, perfectly willing to have increased the number of election districts to as many as 4200.

Accordingly, on none of these three grounds do I find any basis for the extension of the hours of voting. However, the remaining three grounds, although not susceptible of accurate proof, justify an extension.

1. Under existing law, the polls will be open for thirteen hours. In addition, under section 200 of the Election Law, employees are entitled to absent themselves for a period of two hours from their employment in order to vote. Nevertheless, it may be that a number of workers may find it difficult to visit the polls and exercise the right to vote, especially if there is a waiting line at the polls. Moreover, it is not desirable to require war workers to leave their employment, if that can be avoided.

2. There is a larger number of new voters, some who have just attained their majority and others who have become naturalized within the past few years. The number of new voters who have attained majority has not been supplied to me, but there is no dispute that the number is larger this year than in previous years. As to newly naturalized voters, instead of the usual 100,000 additional such voters, this year there are, roundly, 300,000. It is urged that new voters are apt to take a somewhat longer time to vote than the more practiced voter.

3. Because of the war there is a larger proportion of inexperienced inspectors of election and clerks. This would probably tend to slow up the process of voting. It is asserted, for instance, that it was such inexperience which caused delays before some boards during registration week.

These reasons satisfy me that the hours of voting should be extended, not because there is any evidence that any voter will be prevented from exercising his franchise but because there is some danger that they might be.

Accordingly, it is my recommendation that an extraordinary session of the Legislature be convened for the purpose of extending the hours of voting to

9 P.M., as recommended by the members of the Board of Elections of the city of New York who have requested an extraordinary session, and that the compensation of the election officials be correspondingly increased.

This report is a brief summary of all the documents, data and memoranda on the basis of which the report has been prepared.

Respectfully submitted,

(Signed) CHARLES D. BREITEL,
Counsel to the Governor

Recommending Extension of Hours for Receiving Soldier Ballots

STATE OF NEW YORK—EXECUTIVE CHAMBER
ALBANY

To the Legislature (in Extraordinary Session):

From evidence provided to me today by the New York State War Ballot Commission, it appears that soldier ballots will continue to arrive after the present deadline, Friday, November 3, at noon, at the rate of two thousand to three thousand per day for the next few days.

Accordingly, since the Legislature is meeting in Extraordinary Session to extend the hours of civilian balloting, I earnestly believe it should likewise extend the hours in which to receive soldier ballots.

I therefore recommend your consideration of a measure to extend the time of receipt of soldier ballots and to require that all ballots received up to such hour as you may fix on Monday, November 6, be delivered forthwith to the respective boards of election and permitting such ballots to be received in the respective election districts until the closing of the polls at the general election.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this thirtieth day of
[L. s.] October in the year of our Lord one thousand nine
hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

II

PART I

VETO MESSAGES

II
PART I
VETO MESSAGES

**To Amend the Tax Law, in Relation to Compensation Received
for Services for a Period of Thirty-Six Months**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 13, 1944*

To the Senate:

I am returning herewith, without my approval, Senate Bill, Int. No. 86, Pr. No. 86, entitled:

“AN ACT to amend the tax law, in relation to compensation received during a taxable or fiscal year for services rendered over a period of thirty-six months.”

NOT APPROVED.

This bill would provide that income earned for services performed over a period of thirty-six months or more would not be taxable as personal income in any one year in excess of the amount ratably earned during that year.

Unlike the Federal tax rates, the New York State income tax rates are extremely low. Moreover, there is no graduation in the tax rates above the rate for taxable incomes of \$10,000. Under this bill all returns would have to be retained for double the present period. Many of the returns would have to be recomputed. The great amount of administrative work which would be entailed is neither practicable nor is it justified by the small tax differences involved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Judiciary Law, in Relation to Evidence of
Exemption of Jurors**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 13, 1944*

To the Assembly:

I am returning herewith, without my approval, Assembly Bill, Int. No. 242, Pr. No. 245, entitled:

“AN ACT to amend the judiciary law, in relation to evidence of exemption of jurors.”

NOT APPROVED.

This bill provides a method for supplying evidence of exemption from jury duty for members of the armed forces. The bill is unnecessary because the War Emergency Act confers exemption from jury duty upon members of the armed forces and also provides a simple method for procuring such exemption.

I have today approved another bill by the same sponsor, Assemblyman Clancy, Assembly Int. No. 241, Pr. No. 244, which dispenses with the need for the statement required under the War Emergency Act to be under oath.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Three Bills Amending the Lien Law, the General Corporation Law
and the Stock Corporation Law, Duplicates of Bills Already
Approved**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 18, 1944*

To the Assembly:

I am returning herewith, without my approval, the following bills:

Assembly Bill, Int. No. 41, Pr. No. 41, entitled:

“AN ACT to amend the lien law, in relation to the place of filing of chattel mortgages.”

Assembly Bill, Int. No. 38, Pr. No. 38, entitled:

“AN ACT to amend the general corporation law, in relation to dissolution of corporations where stockholders are evenly divided.”

Assembly Bill, Int. No. 37, Pr. No. 37, entitled:

“AN ACT to amend the stock corporation law, in relation to corporations reorganized under the national bankruptcy act.”

NOT APPROVED.

These bills are disapproved because they are duplicates of bills which have already become law.

(Signed) THOMAS E. DEWEY

II
PART II
MEMORANDA ON LEGISLATIVE BILLS VETOED

II

PART II

MEMORANDA ON LEGISLATIVE BILLS VETOED

To Amend the Correction Law, in Relation to Issuance of Releases to Certain Persons in Military Service

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 21, 1944*

Memorandum filed with Assembly Bill, Int. No. 676, Pr. No. 1119, entitled:

“AN ACT to amend the correction law, in relation to permitting issuance of releases to certain persons in the military service.”

NOT APPROVED.

Although its draftsmanship has been improved, this bill is identical in substance with a bill which I vetoed last year. At that time I said:

This bill is designed to provide for the absolute release and discharge from imprisonment of parolees, who received an honorable discharge from the Armed Forces of the United States reciting service since the entrance of this country into the war.

This bill stigmatizes parole as a form of punishment. It fails to recognize that it is designed to be and should be a system for the rehabilitation and guidance of persons in need of it. A returning soldier should not be deprived of this guidance and supervision if it will serve his best interest or the interest of society. How his interests may best be served should be determined by considering the circumstances of each individual case. This may be done by an appeal for executive action terminating parole.

After careful consideration, no reasons appear which impel me to change my view.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Education Law, in Relation to Salaries of Junior School Clerks

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 21, 1944*

Memorandum filed with Assembly Bill, Int. No. 232, Pr. No. 232, entitled:

“AN ACT to amend the education law, in relation to salaries of junior school clerks.”

NOT APPROVED.

The purpose of this bill is to fix mandatorily the salaries and annual increments of junior school clerks in the city of New York. The persons affected are members of the non-instructional staffs of the schools. A similar bill was passed and vetoed in 1939, 1942 and again in 1943. There still appears to be no sufficient reason at this time why the State should, in violation of principles of local home rule, mandate the salary schedules of non-instructional employees of the schools in the city of New York.

Accordingly, the bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Judiciary Law, in Relation to Retirement of Officers and Employees of Court of General Sessions of County of New York

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 21, 1944*

Memorandum filed with Assembly Bill, Int. No. 662, Pr. No. 684, entitled:

“AN ACT to amend the judiciary law, in relation to the retirement of officers and employees of the court of general sessions of the county of New York.”

NOT APPROVED.

This bill involves the Retirement System covering certain officers and employees of the Court of General Sessions of the county of New York. It is an old retirement system, which is now closed to new members. Contributions were never made by the members on an actuarial basis. Instead, a flat and very low rate of contribution was made by all, with whatever deficiencies that arose being made up out of the general funds of the city of New York. There are only a handful of members now left. By this bill, they seek to obtain upon their death the return of their accumulated contributions to their designated beneficiaries. Under the New York City Employees' Retirement System, to which contributions are made on an actuarial basis, such return of contributions is made. The members of the old General Sessions System have for many years now had the option of joining the New York City Retirement System upon making up the difference in contributions. They chose not to do so.

It would not be fair to make a return of the accumulated contributions. The reason is that these contributions were made at a lower rate than under modern actuarially-based retirement systems. To return these contributions would be the same as if a purchaser of term insurance, who pays a lower premium, should receive the same benefits in the way of cash values as the purchaser of ordinary life insurance. Even though there may exist on the statutes of our

State precedents to the contrary, the wrong principle involved in this bill cannot be made right. Knowing of the many years of faithful service by many of the employees who would be benefited by the approval of this bill, it is with regret that I find it necessary to disapprove it.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Surrogate's Court Act, in Relation to Procedure
After Transfer of Proceeding**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 21, 1944

Memorandum filed with Senate Bill, Int. No. 235, Pr. No. 240, entitled:

“AN ACT to amend the surrogate's court act, in relation to procedure upon settlement or withdrawal of objections before trial, after transfer of proceeding to another court.”

NOT APPROVED.

This bill was disapproved by me in 1943. It has been reconsidered and no reason appears for changing my previous determination.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Claim of Helen M. Rogers

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 21, 1944

Memorandum filed with Assembly Bill, Int. No. 867, Pr. No. 917, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Helen M. Rogers against the state for compensation for services alleged to have been rendered to the state of New York as clerk to Hon. Frank H. Hiscock, official referee of the court of appeals, and to render judgment therefor.”

NOT APPROVED.

This bill was disapproved by me in 1943. It has been reconsidered and no reason appears for changing my previous determination.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Domestic Relations Law, in Relation to Orders
of Adoption in Nassau County

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 22, 1944*

Memorandum filed with Senate Bill, Int. No. 721, Assembly
Rep. No. 1615, entitled:

“AN ACT to amend the domestic relations law, in relation
to the filing and recording of orders of adoption in
Nassau county, and providing for the transfer of such
orders from the office of the county clerk to the office
of the surrogate of such county.”

NOT APPROVED.

In view of my approval today of Senate Bill, Int. No. 720, Pr.
No. 790, by Senator Duryea, enactment of this bill is rendered
unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Railroad Law, in Relation to Correction of
References

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Senate Bill, Int. No. 961, Pr. No. 1078,
entitled:

“AN ACT to amend the railroad law, in relation to correction
of references therein to sections of the highway law
which govern the acquisition of land for right of way
and other purposes, and to conform such references to
classification of state highways and county roads.”

NOT APPROVED.

This bill is intended to revise a section of the Railroad Law to
eliminate reference to obsolete sections. While it was pending in
the Legislature, the sections to which it referred were again
amended. Therefore, a further revision would be necessary next
year in any event.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Administrative Code of the City of New York, in
Relation to Definition of Final Compensation**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Assembly Bill, Int. No. 17, Pr. No. 2085,
entitled:

“AN ACT to amend the administrative code of the city of
New York, in relation to the definition of final com-
pensation.”

NOT APPROVED.

This bill is identical with a bill which I vetoed last year. No
reasons have been advanced which impel me to change my view.
The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Vehicle and Traffic Law, in Relation to Registration
of Vehicles Owned by the American Red Cross**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Assembly Bill, Int. No. 641, Pr. No. 663,
entitled:

“AN ACT to amend the vehicle and traffic law, in relation to
the registration for the year nineteen hundred forty-five
of motor vehicles owned by the American Red Cross.”

NOT APPROVED.

This bill would create an exemption for vehicles owned and oper-
ated by the American Red Cross from the payment of registration
fees. The purpose is highly laudable and would not seriously affect
State revenues. However, the selection of one agency rendering
great public service is discriminatory as compared with others. To
extend such exemption to all similar agencies would seriously affect
State revenues.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Military Law, in Relation to Compensation of State and Municipal Officers and Employees Absent on Military and Naval Duty

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Assembly Bill, Int. No. 677, Pr. No. 699, entitled:

“AN ACT to amend the military law, in relation to compensation of state and municipal officers and employees absent on military and naval duty.”

NOT APPROVED.

In view of my approval today of Senate Bill, Int. No. 1201, Pr. No. 1360, approval of this measure is rendered unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Making an Appropriation for Revision, Compilation and Distribution of Laws Relating to Veterans

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Assembly Bill, Int. No. 542, Pr. No. 555, entitled:

“AN ACT making an appropriation for the revision and bringing to date of the compilation and publication of the laws of New York state relating to veterans of the wars of the United States heretofore made, and the publication and distribution thereof by the secretary of state.”

NOT APPROVED.

This bill appropriates \$3,000 to the Department of State and directs that department to make a revised compilation of the laws of the State of New York relative to veterans.

Veterans' legislation is very much in flux at the present time and a compilation now would probably be outdated by the close of the next session of the Legislature. Moreover, the Legislature has passed a bill pursuant to my recommendation, creating a temporary State commission which, among other things, has the power to make recommendations concerning methods and procedures in the handling of benefits for veterans. It would be much better to await the study, work and recommendations of this commission.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Correction Law, in Relation to Releases to Certain
Persons in Military Service**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Senate Bill, Int. No. 334, Pr. No. 347,
entitled:

“AN ACT to amend the correction law, in relation to per-
mitting issuance of releases to certain persons in the
military service.”

NOT APPROVED.

This bill is substantially similar in principle with Assembly Bill,
Int. No. 676, which I vetoed on March 21, 1944. For the reasons
set forth in my memorandum relating to that bill, the bill now
before me is disapproved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Penal Law and the Vehicle and Traffic Law, in
Relation to Incorporating Certain Amendments into Single
Section**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Assembly Bill, Int. No. 1535, Pr. No.
1711, entitled:

“AN ACT to amend the penal law and the vehicle and traffic
law, in relation to incorporating in a single section or
subdivision the appropriate provisions of two amend-
ments of such section or subdivision enacted at the
same legislative session.”

NOT APPROVED.

In view of my approval today of Senate Bill, Int. No. 1172,
Pr. No. 1331, this bill, which is a duplicate thereof, is disapproved.
The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the General City Law, in Relation to Expenses of Meeting Rooms for Military Order of Purple Heart, Inc.

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 1848, Pr. No. 2073, entitled:

“AN ACT to amend the general city law, in relation to expenses of meeting rooms for the Military Order of the Purple Heart, Inc.”

NOT APPROVED.

In view of the enactment of chapter 266 of the Laws of 1944, approval of this measure, almost identical in its effect, would cause unnecessary confusion.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Vehicle and Traffic Law, in Relation to Erasing Endorsement of Conviction from License

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 559, Pr. No. 572, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to erasing endorsement of conviction from license.”

NOT APPROVED.

This bill has the excellent purpose of making clear that it is a misdemeanor for any person to erase or make illegible an endorsement of a conviction upon a motor vehicle operator's license. However, the bill fails of its purpose because it evidently erroneously refers to the provisions of “Section 11” of the Vehicle and Traffic Law rather than subdivision 11 of section 70 of that law, which is the applicable provision.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Administrative Code of the City of New York, in Relation to Retirement of Teachers

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Senate Bill, Int. No. 266, Pr. No. 275, entitled:

“AN ACT to amend the administrative code of the city of New York, in relation to retirement of teachers.”

NOT APPROVED.

This bill is identical with one which I vetoed last year. No reasons have been presented to cause me to change my views in this matter.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Relating to Salaries of Certain Employees Under Control of
Cornell University**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 2066, Pr. No. 2488, entitled:

“AN ACT in relation to salaries of certain employees under the management and control of Cornell university as the representative of the education department.”

NOT APPROVED.

This bill establishes salary increments for non-instructional employees of the New York State College of Agriculture, the New York State College of Home Economics, the New York State Veterinary College, the Drill Hall and the New York State Agricultural Experiment Station at Geneva and other institutions under the management and control of Cornell University. The bill provides that it shall not take effect until April 1, 1945.

Unfortunately, neither this bill nor any other law provides for the classification of these employees. Therefore, the increments provided under this bill would be imposed upon whatever salaries or wages these persons are now receiving. This is not the proper way to handle such a situation, nor is it typical of the manner in which the many different classes of State employees have been brought under the operation of section 40 of the Civil Service Law.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Education Law, in Relation to Salary Schedules
of Members of Faculty of College of Forestry at Syracuse**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Senate Bill, Int. No. 590, Pr. No. 634, entitled:

“AN ACT to amend the education law, in relation to salary schedule of members of faculty of the New York state college of forestry at Syracuse university.”

NOT APPROVED.

This bill establishes a salary schedule for the faculty of the New York State College of Forestry at Syracuse University. Unfortunately, the schedule does not compare properly with schedules now in force for other and similar state colleges. It would, therefore, seem that further study should be given to the subject.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Vehicle and Traffic Law, in Relation to Compensation of Peace Officers Dependent on Arrests

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Senate Bill, Int. No. 658, Pr. No. 711, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to compensation of peace officers dependent upon arrests.”

NOT APPROVED.

This bill amends certain provisions of the Vehicle and Traffic Law by changing the phrase “officer, agent or person” to the phrase “peace officer”, in reference to the persons who are forbidden to make certain kinds of arrests for violations if their compensation is dependent upon fees arising from such arrests.

The purpose of this bill is not too clear. In any event, the elimination of the words “agent or person” creates a hazard that persons might be employed who are not peace officers and who could be used thus to avoid the prohibition of these provisions of the Vehicle and Traffic Law.

Accordingly, the bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Election Law, in Relation to Period of Registration

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 710, Pr. No. 2292, entitled:

“AN ACT to amend the election law, in relation to period of registration.”

NOT APPROVED.

This bill advances from July 1 to June 1 the opening date for the period of central registration for voters.

The enactment of the State War Ballot Law (chapter 183 of the Laws of 1944) covering the general election of 1944 renders enactment into law of this bill unnecessary for the time being since that law similarly advances the opening date for central registration to June 1st.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Civil Service Law, in Relation to Extending Application of Certain Loan and Repayment Provisions for Members of Retirement System Absent on Military Duty

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Senate Bill, Int. No. 311, Pr. No. 324, entitled:

“AN ACT to amend the civil service law, in relation to extending the time of application of certain provisions thereof, relating to loans and repayment thereof by members of the New York state employees' retirement system absent on military duty.”

NOT APPROVED.

In view of my approval today of Assembly Bill, Int. No. 428, Pr. No. 1723, introduced by Mr. Ostertag, enactment of this measure is rendered unnecessary.

The Assembly Bill which I have approved protects the status of those members of the armed services who were members of the New York State Employees Retirement System and who withdrew their contributions prior to the enactment of chapter 524 of the Laws of 1943.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Civil Practice Act, in Relation to Fees of County Clerks for Certificates Furnished Members of Armed Forces

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 754, Pr. No. 1487, entitled:

“AN ACT to amend the civil practice act, in relation to fees of county clerks for certificates furnished members of the armed forces.”

NOT APPROVED.

This bill amends the Civil Practice Act to exempt members of the armed forces from the payment of a twenty-five cent fee for certifications obtained from county clerks and other public officers. No reasons have been tendered, nor do any appear to me to justify this unusual exemption. It is not limited to certificates necessary in connection with the induction, service or discharge of members of the armed forces. While the measure is undoubtedly motivated by a high sense of gratitude to the men who are sacrificing their lives for our country, this is not the way for the State or its people to demonstrate such gratitude.

Moreover, the effect of this bill would be a mandate by the State upon local officials and unsalaried public officers, such as notaries public, who would bear the burden of this bill, since State revenues would not be affected in the slightest degree.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Military Law, in Relation to Providing Service Credit for Certain Military Service

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 884, Pr. No. 938, entitled:

“AN ACT to amend the military law, in relation to providing that certain military service in the armed forces of the United States be credited as service or prior service in the pension funds and retirement systems maintained in whole or in part by the political subdivisions of the states.”

NOT APPROVED.

This bill would require retirement systems and pension funds maintained by political subdivisions of the State to give credit for the period of military service as a prior service credit, irrespective of whether the individual was a member of the system at the time that he entered military service.

The bill creates certain distinct actuarial problems as well as broad questions of policy. It would seem that the matter should receive further study. It would also seem that its enactment now is not advisable in view of my approval today of a bill creating a temporary state commission to make a study of and recommendations in connection with measures designed to assist the veterans of this war. Such commission, I am sure, will turn its attention to matters of the character involved in this bill.

The bill is therefore disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Insurance Law, in Relation to Issuance of Temporary Licenses to Accident and Health Agents Without Examination

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 1874, Pr. No. 2116, entitled:

“AN ACT to amend the insurance law, in relation to the issuance of temporary licenses to accident and health agents without examination.”

NOT APPROVED.

This bill is identical to a bill which I vetoed last year. No reasons have been advanced which impel me to change my previous view. The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Agriculture and Markets Law, in Relation to Sale of Horse Meat

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 1792, Pr. No. 2017, entitled:

“AN ACT to amend the agriculture and markets law in relation to the sale of horse meat.”

NOT APPROVED.

This bill seeks to achieve a most desirable end; namely, the prevention of fraud in the sale of horse meat. However, its scope is too broad. It would prevent the sale by grocery stores of canned horse meat and horse-meat products, processed under Federal supervision and properly labeled to prevent fraud. Moreover, the Commissioner of Agriculture and Markets has written me concerning this bill as follows:

The Department has had few complaints as to the illegal use of horse meat and these have been adjusted promptly. The present law, article 17, apparently gives ample authority to meet any situation that has appeared to date. If the use of horse meat increases, it may be advisable to confine the sale of raw or unprocessed horse meat to such stores as is required in this bill.

Accordingly, the bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Education Law, in Relation to Sick Leave

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 30, 1944*

Memorandum filed with Assembly Bill, Int. No. 1053, Pr. No. 1132, entitled:

“AN ACT to amend the education law, in relation to sick leave.”

NOT APPROVED.

This bill would mandate the city of New York to grant sick leaves with full pay to members of the school teaching and supervisory staffs and all other employees, who are members of the Teachers Retirement Association, for periods of thirty days each year. It further would require that the city permit such persons to accumulate unused sick leave up to 150 days. Such accumulated sick leave when added to the proposed thirty day current sick leave period would permit absence with full pay for 180 days in one year. One hundred and eighty days is only eleven days less than a full school year.

Sick leave is a matter which obviously should be left to the rules and regulations of the appropriate board of education.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Relating to the Transfer of Certain Canal Terminal Lands to City of Newburgh

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 30, 1944*

Memorandum filed with Senate Bill, Int. No. 1437, Pr. No. 1984, entitled:

“AN ACT in relation to the transfer of certain canal terminal lands to the city of Newburgh.”

NOT APPROVED.

This bill authorizes the Superintendent of Public Works to transfer certain Barge canal lands to the city of Newburgh.

The proper procedure to follow is for the city of Newburgh to make application to the Board of Commissioners of the Land Office for such conveyance, in accordance with the usual procedure provided by law. The situation involved here is wholly unlike that which resulted in the passage by the Legislature of Senate Bill, Int. No. 1688, Pr. No. 1988, and Senate Bill, Int. No. 1689, Pr. No. 1989.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Changing Effective Date for Payment of Proceeds from Sale of Stolen Motor Vehicle

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 30, 1944

Memorandum filed with Assembly Bill, Int. No. 1712, Pr. No. 1915, entitled:

“AN ACT to amend chapter six hundred ninety-nine of the laws of nineteen hundred forty-three, entitled ‘An act to amend the vehicle and traffic law and the abandoned property law, in relation to the disposition of certain unclaimed moneys,’ in relation to the time of taking effect of such chapter.”

NOT APPROVED.

This bill is identical with Senate Bill, Int. No. 1379, Pr. No. 1570, which I have today approved. Accordingly, it is unnecessary for this bill to become a law.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Education Law, in Relation to Employment of Custodians by Board of Education in New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 30, 1944

Memorandum filed with Assembly Bill, Int. No. 798, Pr. No. 2464, entitled:

“AN ACT to amend the education law, in relation to the employment and compensation of custodians and custodian-engineers by boards of education in cities having a population of one million or more.”

NOT APPROVED.

This bill would mandate upon the city of New York the conditions of employment and the compensation to be paid to a group of non-instructional employees of the school system; namely, custodians and custodian-engineers.

The bill, if it became law, would seriously and shockingly violate the principles of local home rule.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Surrogate's Court Act, in Relation to Authorizing Appointment of Temporary Administrator for Protection of Property of Certain Persons in Military Service

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 30, 1944*

Memorandum filed with Assembly Bill, Int. No. 1567, Pr. No. 1751, entitled:

“AN ACT to amend the surrogate's court act, in relation to authorizing and providing for the appointment of a temporary administrator for the protection and conservation of property of certain persons absent on account of service in or with the armed forces of the United States.”

NOT APPROVED.

In view of my approval today of Assembly Bill, Int. No. 1588, Pr. No. 1779, enactment of this bill into law is rendered unnecessary. The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Town Law, in Relation to Incorporating Two Amendments into Single Subdivision

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 30, 1944*

Memorandum filed with Assembly Bill, Int. No. 1534, Pr. No. 1710, entitled;

“AN ACT to amend the town law, in relation to incorporating in single subdivisions the appropriate provisions of two amendments of such subdivisions enacted at the same legislative session.”

NOT APPROVED.

This is a corrective bill. Much of the correction to be accomplished has already been done by the enactment of chapter 126 of the Laws of 1944. Moreover, my approval today of Senate Int. 1312, Pr. 1503, would undo whatever correction would be accomplished by the approval of this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Labor Law, in Relation to Employment of Minors
on Farms**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 30, 1944

Memorandum filed with Senate Bill, Int. No. 1536, Pr. No. 1763, entitled:

“AN ACT to amend the labor law, in relation to the employment of minors in farm service.”

NOT APPROVED.

In view of my approval today of Assembly Bill, Int. No. 1931, Pr. No. 2459, and Senate Bill, Int. No. 1407, Assembly Rep. 2463, enactment of this bill into law is rendered unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Providing for Transportation of Farm Workers to and from Places
of Employment**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 30, 1944

Memorandum filed with Assembly Bill, Int. No. 921, Pr. No. 2342, entitled:

“AN ACT to provide for transportation of farm workers to and from their places of employment.”

NOT APPROVED.

This bill would provide authorization for the use of school district motor vehicles to be used in transporting emergency agricultural workers. It is unnecessary since under the War Emergency Act and Resolutions of the War Council made thereunder, adequate provision now exists for such use of school district motor vehicles.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Highway Law, in Relation to Limited Access Roads
in Towns Outside Cities and Villages**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 31, 1944

Memorandum filed with Senate Bill, Int. No. 63, Pr. No. 63, entitled:

“AN ACT to amend the highway law, in relation to limited access town roads in towns outside cities and villages.”

NOT APPROVED.

A bill identical with this was vetoed by me last year. No reasons have been submitted which impel me to change my determination.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Definition of Term
"Preceding Roll" and "Preceding Assessment Roll"

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Senate Bill, Int. No. 1246, Pr. No. 2071,
entitled:

"AN ACT to amend the tax law, in relation to the definition of
the terms 'preceding roll' and 'preceding assessment
roll.' "

NOT APPROVED.

This bill includes in the Tax Law the definition of "preceding roll" and "preceding assessment roll." The definition would require the deduction from the aggregate of assessments of such reductions as may be made as a result of court determinations or from any other cause.

This bill is opposed by the Mayor of the city of New York, the Comptroller of the city of New York, the city of Yonkers, the city of Buffalo, the Temporary State Commission for the Revision and Codification of the Laws relating to Municipal Finance, and others. The basis of the criticism of the bill is that it would require municipalities who are up to their tax limit to reopen and recompute their budgets from time to time as reductions in the aggregate of assessments are required under this bill. The Conference of Mayors has pointed out that this bill would have a very deleterious effect upon the budgetary practices of the cities of Buffalo, Syracuse, Oswego, Albany, Schenectady and other cities.

What the proponents of this bill seek to avoid is the inflation of assessments, if only temporarily, in order to have a large assessment roll. The large assessment roll permits a city to base its budget and its tax collection on the basis of the larger assessment. Under the present law, as the assessments may be reduced by court determinations or otherwise, there is no requirement for reducing the taxation or the budget of the city affected.

This bill, with the perfectly laudable purpose of assisting real estate, is in effect seeking to alleviate the economic ills of real estate and municipal finance by legislative fiat.

The great problems of real estate and of the municipalities are still the subject of study by the commission appointed by me and

headed by State Comptroller Moore. Among their recommendations was the diversion of certain State revenues to the cities of the State. These recommendations were enacted during the past session of the Legislature. This commission is continuing its work and has now been given statutory status. It will report to the Legislature and myself in the early months of 1945. Only by the application of great study and the consideration of all aspects of the problem will a solution be achieved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Education Law, in Relation to Issuance of Certificates of Physical Fitness for Employment Certificates

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 31, 1944

Memorandum filed with Assembly Bill, Int. No. 2008, Pr. No. 2276, entitled:

“AN ACT to amend the education law, in relation to the issuance of certificates of physical fitness as required for the issuance of standard employment certificates.”

NOT APPROVED.

The purpose of this bill is to relieve the pressure on the New York City Department of Health in connection with the medical examination of minors for employment certificates.

A change in provisions relating to certain cities would result inadvertently in administrative difficulties.

For this reason, the bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Preparation of Real Property Assessment Manual by State Tax Commission

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 31, 1944

Memorandum filed with Senate Bill, Int. No. 1249, Pr. No. 2074, entitled:

“AN ACT to amend the tax law, in relation to the preparation of a manual by the state tax commission for the assessment of real property for taxation.”

NOT APPROVED.

This bill would mandate the State Tax Commission by statute to prepare an assessor's manual and distribute it by a certain day.

The State Tax Commission has advised me that the manual is in the process of preparation and is almost ready and will be distributed prior to the date fixed in the bill.

I see no point to cluttering the statutes with needless laws.
The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Providing Limitations for Enforcement of Certain Franchise Taxes on Business Corporations

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 31, 1944

Memorandum filed with Assembly Bill, Int. No. 1823, Pr. No. 2048, entitled:

“AN ACT to amend the tax law, in relation to providing limitations for the enforcement of certain franchise taxes on business corporations.”

NOT APPROVED.

This bill is a duplicate of Senate Bill, Int. No. 1430, Pr. No. 1629, which I have approved today. Therefore, its enactment into law is rendered unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Workmen's Compensation Law, in Relation to Compensation for Disability

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 1, 1944

Memorandum filed with Assembly Bill, Int. No. 2019, Pr. No. 2521, entitled:

“AN ACT to amend the workmen's compensation law, in relation to compensation for disability.”

NOT APPROVED.

In view of my approval today of Senate Bill, Int. No. 1666, Pr. No. 2108, this bill which is a duplicate of that is disapproved.

(Signed) THOMAS E. DEWEY

Claim of Morris L. Idelevitz

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Assembly Bill, Int. No. 1327, Pr. No. 1460, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Morris L. Idelevitz of Glen Cove, Long Island, New York, against the state for damages alleged to have been sustained by reason of his having been falsely imprisoned in Kings Park state hospital, as a result of the wilfulness, negligence and gross negligence of the state, its officers, agents, servants or employees, as alleged, and to make an award and to render judgment therefor.”

NOT APPROVED.

A bill similar to this was vetoed in 1935 and 1938. Also, a bill identical with this was vetoed by me in 1943. A similar bill was introduced in the Legislature in 1936 and 1939, but failed of passage.

No reasons not before presented have appeared which would justify approval of this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Claims of James Stanton

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with the following bills:

Senate Bill, Int. No. 1317, Pr. No. 1508, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of James Stanton against the state of New York for damages on account of personal injuries sustained by him by reason of the alleged negligence of the state, its officers, agents, servants or employees, and to render judgment therefor.”

Assembly Bill, Int. No. 1571, Pr. No. 1755, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of James Stanton against the state of New York for damages on account of personal injuries sustained by him by reason of the alleged negligence of the state, its officers, agents, servants or employees, and to render judgment therefor.”

NOT APPROVED.

These two bills are duplicates. Similar bills were vetoed in 1940, 1941 and 1942.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

Claim of Syracuse Yacht and Country Club, Inc.

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Senate Bill, Int. No. 1587, Pr. No. 1814, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Syracuse Yacht and Country Club, Inc., against the state for damages to real and personal property alleged to have been caused by the negligence of the state, its officers, agents, servants and employees, and to render judgment therefor.”

NOT APPROVED.

A bill identical with this was vetoed in 1940, 1941 and 1942. Also, a bill identical with this was vetoed by me in 1943.

No reasons not before presented have appeared which would justify approval of this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Claim of Frederick C. Helbing

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Assembly Bill, Int. No. 850, Pr. No. 899, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Frederick C. Helbing, formerly superintendent of the New York State vocational institution at West Coxsackie, and formerly superintendent of the New York house of refuge at Randall’s island, against the state for such accumulated deficiencies in appropriations made for him for compensation as such superintendent since July first, nineteen hundred thirty-two, pursuant to section one hundred eleven of the correction law.”

NOT APPROVED.

A bill identical with this was vetoed in 1939, 1940 and 1941. Also, a bill identical with this was vetoed by me in 1943.

No reasons not before presented have appeared which would justify approval of this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Claim of Frank A. Clyne and Pearl A. Clyne

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Senate Bill, Int. No. 1586, Pr. No. 1813, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Frank A. Clyne and Pearl A. Clyne against the state for damages to real and personal property alleged to have been caused by the negligence of the state, its officers, agents, servants and employees, and to render judgment therefor.”

NOT APPROVED.

A bill identical with this was vetoed in 1941. Also, a bill identical with this was vetoed by me in 1943.

No reasons not before presented have appeared which would justify approval of this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Claim of Robert A. Donohue

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Assembly Bill, Int. No. 1486, Pr. No. 1647, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Robert A. Donohue against the state, for certain damages on account of the alleged wrongful act, neglect, or default of the state, its officers, agents, or employees, by which injuries of said claimant were caused, occasioned, or complicated and aggravated while an inmate of Jamesville penitentiary and to make an award and render judgment therefor.”

NOT APPROVED.

This is a claim bill by a former inmate of a county penitentiary. He seeks to recover from the State for injuries sustained as a result of an assault upon him by another inmate.

The existence of any liability is dubious, but in any event, there is no liability on the part of the State, since no institution operated by it is involved nor are any of its officers or employees involved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Abandoned Property Law, in Relation to Unclaimed
Funds of Insurance Corporations**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Assembly Bill, Int. No. 1711, Pr. No. 1914, entitled:

“AN ACT to amend the abandoned property law, in relation to the unclaimed funds of life insurance corporations.”

NOT APPROVED.

I have today approved Senate Bill, Int. No. 1216, Pr. No. 2107, which contains provisions identical with this bill, but in addition contains amendments to the Abandoned Property Law, which will result in a saving of money either to the State or to the claimants of funds from the life insurance companies.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Conservation Law, in Relation to Licensed Deer
Preserves and Manner of Killing Deer Thereon**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Senate Bill, Int. No. 362, Pr. No. 377, entitled:

“AN ACT to amend the conservation law, in relation to licensed deer preserves, and to the manner of killing domestic deer thereon.”

NOT APPROVED.

This bill is a duplicate of chapter 316 of the Laws of 1944, approved on March 29, 1944.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Conservation Law, in Relation to Taking Otter
and Fisher**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Assembly Bill, Int. No. 1517, Pr. No. 2307, entitled:

“AN ACT to amend the conservation law, in relation to the taking of otter and fisher.”

NOT APPROVED.

This bill would permit the taking of otter and fisher, now prohibited. A few years ago these species were considered almost extinct. I am not satisfied that their increase has been great enough to justify the creation of open seasons for their taking. The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the City Home Rule Law, in Relation to Amendment
of Title and to Adoption of Local Laws After Veto by Mayor**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Senate Bill, Int. No. 913, Pr. No. 1021, entitled:

“AN ACT to amend the city home rule law, in relation to amendment of title to conform with the state constitution and to adoption of local laws after veto by the mayor.”

NOT APPROVED.

In view of my approval today of Assembly Bill, Int. No. 1206, Pr. No. 1307, this bill, which is a duplicate of that bill, need not be enacted into law.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Permitting Compromise of Penalties and Interest on Unpaid Local Taxes Levied Prior to February 1, 1944

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Senate Bill, Int. No. 800, Pr. No. 894, entitled:

“AN ACT to amend chapter nine hundred seventeen of the laws of nineteen hundred thirty-four, re-entitled by chapter eight hundred twenty of the laws of nineteen hundred forty ‘An act to provide for the payment of certain unpaid taxes, assessments and water rents levied on real property by municipal corporations without penalties,’ in relation to extending the application of such act and the powers of municipal corporations thereunder.”

NOT APPROVED.

This bill would permit the cancellation, revocation or reduction of penalties and interest on unpaid local taxes levied prior to February 1, 1944, upon payment of the arrears by the taxpayer.

It is substantially identical with a bill vetoed by me last year.

It is a most dangerous bill because it would penalize the prompt taxpayer in favor of the dilatory taxpayer.

Concerning this bill the State Comptroller has written as follows:

The conditions which gave rise to the granting of permission to cancel penalties and interest on taxes levied prior to April 1, 1941, are no longer present. The power to compromise taxes is dangerous as when exercised it removes the incentive to pay taxes. Such power to compromise or waive the payment of interest and penalties should not be extended, as proposed in this bill.

The President of the State Tax Commission has said about this bill and the principle involved that:

In my opinion the practice of cancelling all penalties and interest is highly objectionable in principle. It removes the incentive to pay taxes promptly, and accordingly, has the effect of penalizing those who pay their taxes promptly. I fully appreciate the reasons which prompted the enactment of the original measure in 1934 and its continuance for many years, but in my judgment these reasons have wholly disappeared. Furthermore, it should be noted that the interest charges on unpaid real property taxes were substantially reduced in 1943 by chapter 272.

The Citizens Union of the city of New York has written me about this bill as follows:

Although there is unfortunately plenty of precedent for it, the bill is a clear discrimination in favor of the dilatory taxpayer and against persons who paid their taxes on time, possibly at great sacrifice, as well as against persons who may already have paid up back taxes with interest and penalties.

While there may be exceptional cases in which a remission of interest and penalties is necessary as a practical matter, we believe that the general remission provided for in this bill is unjustified. It encourages taxpayers

who are behind in their taxes or have other uses for their money to withhold their taxes as long as they can without danger of losing their property, in the hope that interest and penalties will later be remitted. With this extension of a measure which has already been on the books for some time to taxes levied as recently as February 1st of this year, taxpayers would be likely to feel certain that there will be further extensions and that the same relief will be granted to them when they get around to paying. As a result the financial condition of some localities might be seriously affected.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Village Law, in Relation to Cancellation or Compromise of Unpaid Village Taxes upon Real Property

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Assembly Bill, Int. No. 488, Senate Rep. No. 2075, entitled:

“AN ACT to amend the village law, in relation to authorizing and providing for the cancellation or compromise by certain villages of unpaid village taxes, assessments and penalties upon real property acquired by the county.”

NOT APPROVED.

This bill is identical with one vetoed by me last year. No additional reasons have been advanced which impel me to change my view.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Authorizing County Treasurer of Rockland County to Pay School Moneys to Collector of School District

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

Memorandum filed with Assembly Bill, Int. No. 883, Pr. No. 1244, entitled:

“AN ACT to authorize the county treasurer of Rockland county to pay school moneys to the collector or treasurer of any common school district in the county qualifying therefor by filing a bond, and to provide for disbursement of such money on order of the school trustee.”

NOT APPROVED.

In view of my approval today of Assembly Bill, Int. No. 199, Pr. No. 1372, which is statewide in its effect, this bill, which relates only to the county of Rockland, need not be enacted.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Multiple Dwelling Law, in Relation to Motor
Vehicle Storage**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Senate Bill, Int. No. 1403, Pr. No. 2069, entitled:

“AN ACT to amend the multiple dwelling law, in relation to motor vehicle storage.”

NOT APPROVED.

Under existing section 60 of the Multiple Dwelling Law space may be maintained in a multiple dwelling in the city of New York for the storage of passenger motor vehicles. However, under subdivision 5 of that section the sale, storage or handling of gasoline and oil, among other things, in such space is forbidden.

This bill would remove that prohibition. Such prohibition should not be removed without the benefit of additional safeguards. Those safeguards should be as detailed and as carefully designed as the safeguards provided in the other provisions of this section with respect to the use of storage space for motor vehicles. A simple repeal, as this bill involves, of the prohibition does not adequately handle the situation.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Six Bills Relating to Police Pension Systems of Towns and Villages
in Westchester County**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with the following bills:

Senate Bill, Int. No. 223, Assembly Rep. 1232, entitled:

“AN ACT to amend the village law, in relation to pensions of members of a village police force.”

Assembly Bill, Int. No. 330, Pr. No. 333, entitled:

“AN ACT to amend the village law, in relation to pensions of members of a village police force.”

Assembly Bill, Int. No. 331, Pr. No. 1792, entitled:

“AN ACT to amend chapter seven hundred ninety-one of the laws of nineteen hundred twenty-eight, entitled ‘An act to authorize the establishment of a police pension fund and the appointment of trustees in towns within certain counties adjoining cities of the first class having a population of one million and upwards, and to define the powers and duties of such trustees of said police pension fund,’ in relation to pensions.”

Senate Bill, Int. No. 224, Assembly Rep. 1993, entitled:

“AN ACT to amend chapter seven hundred ninety-one of the laws of nineteen hundred twenty-eight, entitled ‘An act to authorize the establishment of a police pension fund and the appointment of trustees in towns within certain counties adjoining cities of the first class having a population of one million and upwards, and to define the powers and duties of said police pension fund,’ in relation to pensions.”

Senate Bill, Int. No. 902, Pr. No. 1010, entitled:

“AN ACT to amend chapter one hundred four of the laws of nineteen hundred thirty-six, entitled ‘An act providing for the establishment, organization and operation of police departments in the towns of Westchester county,’ in relation to certain reservations.”

Senate Bill, Int. No. 1162, Pr. No. 2098, entitled:

“AN ACT to amend the village law, in relation to the application of the provisions of article seven-a thereof.”

NOT APPROVED.

These six bills, four of which are substantially similar in effect to two bills that were vetoed by me last year, involve the police pension systems of the towns and villages respectively in the county of Westchester. These pension systems are now closed to new members. They have been abandoned as current retirement systems because of the fact that they were never based upon actuarial factors.

In accordance with the change in times and view, public opinion and the judgment of retirement experts is that any retirement system should be self-sufficient, based upon a rate of contribution from the members of the system and the employers of the members. The systems involved in these bills partake of none of those modern features. Despite that fact, these bills, directly or indirectly, seek

still further to extend additional benefits to the members of the respective systems. This can only be done by an increase in moneys expended. Such increased moneys must, in turn, be obtained from the local taxpayers.

Accordingly, these bills are in effect a mandate upon the taxpayers of Westchester county to pay additional benefits to certain special classes of employees and, incidentally, discriminate against other employees who under modern systems must pay for what they get.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Tax Law, in Relation to War Losses for Bank Tax Purposes

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 1913, Pr. No. 2181, entitled:

“AN ACT to amend the tax law, in relation to war losses, for purposes of the bank taxes imposed by articles nine-b and nine-c of the tax law.”

NOT APPROVED.

Because this bill is a duplicate of Senate Bill, Int. No. 1494, Pr. No. 1721, which was approved by me today, it is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Civil Practice Act, in Relation to Mortgages Covering Both Real and Personal Property

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 1554, Pr. No. 1738, entitled:

“AN ACT to amend the civil practice act, in relation to mortgages covering both real and personal property.”

NOT APPROVED.

This bill amends the appropriate section of the Civil Practice Act relative to the mortgage moratorium in two particulars. First, it would exclude from the moratorium certain personal property covered by a mortgage. Secondly, it extends the moratorium for

another year. However, it does not change the rate of amortization from one per cent to two per cent. I have today signed another bill, Senate Bill Int. 1146, Pr. 1295, which accomplishes the purposes of increasing the rate of amortization from one to two per cent per annum and of extending the moratorium for an additional year. Were this bill to be approved, grave question would be raised as to the Legislature's intent as to what the rate of amortization should be. This would be true because this bill makes the two amendments mentioned, instead of confining its effect to the reference to personal property.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Claim of A. L. De Lucia

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 1610, Pr. No. 1806, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of A. L. De Lucia against the state for damages caused or occasioned by the breach of, or by the unreasonable interpretation or misinterpretation, construction or misconstruction, of the provisions of the contract or specifications for the construction of a new power plant, north cell block, et cetera at Auburn prison, Auburn, New York, and growing out of alleged delays in the completion of the said contract; and to render judgment therefor.”

NOT APPROVED.

This is a claim bill brought on behalf of a subcontractor. Similar bills on behalf of the contractor have been passed by the Legislature and vetoed by the Governor in the years 1936, 1937, 1938, 1939, 1941, 1942 and 1943. No reason has been advanced which impels me to change the determination I reached on the contractor's bill in 1943. The same determination is applicable to this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Claim of A. Lee Herman and Lulu Herman

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Senate Bill Int. No. 1552, Pr. No. 1779, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claims of A. Lee Herman and Lulu Herman, his wife, against the state for damages alleged to have been sustained by them by reason of the acts or omissions of the state, its officers, agents or employees in the construction of a bridge approach at East Second and Bridge streets in the village of East Syracuse, causing overflow of waters onto claimants' land and property, and to make an award therefor.”

NOT APPROVED.

This is a claim bill. Similar bills were vetoed in 1935 and 1936. No sufficient grounds for approval of this bill appear.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Code of Criminal Procedure, in Relation to When Courts of Special Sessions in Certain Counties May be Divested of Jurisdiction

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Senate Bill, Int. No. 840, Pr. No. 944, entitled:

“AN ACT to amend the code of criminal procedure, in relation to when courts of special sessions and police courts of Westchester, Putnam, Orange and Dutchess counties, may be divested of jurisdiction.”

NOT APPROVED.

In view of the fact that today Senate Bill, Int. No. 432, has become law, the provisions of this bill are now unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the General Municipal Law, in Relation to Making Effective Certain Amendments Relating to Exemption from Taxation of Certain Property, Revenue and Bonds

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 1467, Pr. No. 1628, entitled:

“AN ACT to amend the general municipal law, in relation to making effective the amendments to section four hundred eleven thereof, relating to the exemption from taxation of the property, revenue and bonds of certain revenue-producing undertakings, separately made by chapters four hundred fifty-eight and seven hundred ten of the laws of nineteen hundred forty-three.”

NOT APPROVED.

This bill has the purpose of correcting the confusion resulting from two amendments to the same section of the law enacted at the 1943 session of the Legislature. However, because the Local Finance Law will be postponed as to its effective date until April 2, 1945, were this bill to become law, for the period from July 1, 1944 until April 2, 1945, certain bonds and other obligations issued by municipalities would become taxable. No one has intended that effect.

Accordingly, I am disapproving this bill with the suggestion that at the 1945 session of the Legislature another bill of similar tenor be introduced, but with the effective date of April 2, 1945.

The bill is disapproved.

(Signed) _____ THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Powers and Duties of State Tax Commission

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 463, Pr. No. 2411, entitled:

“AN ACT to amend the tax law, in relation to powers and duties of state tax commission.”

NOT APPROVED.

This bill would mandate the enforcement of compliance with instructions of the State Tax Commission, which instructions are furnished to local assessors. At the present time, the statute merely provides the Commission may enforce compliance. The amendment

would change the "may" to "shall" and require the Commission to enforce compliance. On this bill, the President of the State Tax Commission has written me as follows:

The question of whether the State Tax Commission should merely be an advisor to local officials or should issue commands has long been the subject of debate. The policy in this state has been one of helpful cooperation rather than coercion. This is reflected in other provisions of section 171 of the Tax Law and in sections 173-a and 173-b. This approach in my judgment is sound. It reflects the general attitude throughout the states of the United States. This view is best expressed at page 67 of the Proceedings of the Thirty-fourth National Conference of the National Tax Association, as follows:

"The approach to the development of a supervisory policy in any of the states, including a goodly proportion of those which do excellent jobs, is predicated on the attempt to become a helpful advisor rather than a powerful boss. It is the consensus of assessment officers generally that this approach is eminently sound."

Furthermore, as set forth in the letter of the State Tax Commission to you, dated January 27, 1944, discussing this question generally, the word "instruction" as used in the statute has, in addition to its meaning of "orders as to duty or procedure" the connotation of "teaching or imparting of knowledge." To impose the absolute requirement upon the Tax Commission to enforce compliance both with its "orders" and its "teachings" would only, in my opinion, create confusion as to the line of demarcation between the authority of the Commission and of the assessor over the exercise of an essentially local function. Carried to its logical conclusion, it would shoulder the State Tax Commission with a burden of bureaucratic control impossible for it to assume with its present staff and, in any event, inadvisable for it to attempt to assume in the interests of better local self government.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Education Law, in Relation to Powers of Boards of Education as to Certain Salaries

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 33, Pr. No. 500, entitled:

"AN ACT to amend the education law, in relation to the powers of boards of education as to certain salaries."

NOT APPROVED.

This bill would require the six cities of Westchester county to establish salary schedules for school employees, fixing their salaries at the present rate and making future reduction impossible. Thus certain public salaries would be "frozen."

This is an unjustified and unreasonable mandate upon the affected cities and violates the principles of home rule. There has

been no request for this legislation by any of the cities involved. On the contrary, all of these cities, from whose representatives we have received communications, are opposed to this measure.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Relating to the Printing of Registry Lists in New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Senate Bill, Int. No. 1715, Pr. No. 2047, entitled:

“AN ACT in relation to the printing of registry lists in the city of New York in the year nineteen hundred forty-four.”

NOT APPROVED.

The secretary of the board of elections of the city of New York has written me with regard to this bill as follows:

This bill increases the time, in the City of New York, for the delivery of registration lists from 108 hours to 216 hours after the close of annual registration. This late delivery date would work a hardship on all candidates for public office who must depend on these lists for whatever canvassing and mailing campaign they may desire to conduct. For your further information I would advise that the Board of Elections in the City of New York releases daily to The City Record, or the printer designated by them, through the Police, the names of all persons registered on that day in order to expedite and enable the printer to meet time requirements as to delivery. The Board of Elections in the City of New York is opposed to this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Rapid Transit Law and the Public Service Law, in Relation to Sick Leave Allowances

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Senate Bill, Int. No. 3, Pr. No. 3, entitled:

“AN ACT to amend the rapid transit law, in relation to sick leave allowances of employees of the board of transportation, and repealing section one hundred thirty-three-b of the public service law, relating to such allowances.”

NOT APPROVED.

This bill is designed to accomplish substantially the same purpose of a bill which I vetoed last year. No reasons have been advanced which impel me to change my view.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Tax Law, in Relation to Exclusion of Members of
Armed Forces from Term "Gross Income"**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 1379, Pr. No. 1522, entitled:

“AN ACT to amend the tax law, in relation to the exclusion of the compensation of members of the armed forces of the United States from the term “gross income” for the purpose of the personal income tax during the war emergency.”

NOT APPROVED.

This bill exempts from State income taxation dependents' allowances, given to dependents of members of the armed forces of the United States.

The bill is wholly unnecessary, since such sums are not taxable as income in any event. They are deemed a gift from the Federal Government to the dependents. The State Tax Commission has so ruled heretofore.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Permitting Compromise of Penalties and Interest on Local Taxes

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 1277, Pr. No. 1402, entitled:

“AN ACT to amend chapter nine hundred seventeen of the laws of nineteen hundred thirty-four, re-entitled by chapter eight hundred twenty of the laws of nineteen hundred forty ‘An act to provide for the payment of certain unpaid taxes, assessments and water rents levied on real property by municipal corporations without penalties,’ in relation to installment payments of back taxes and water rents.”

NOT APPROVED.

This bill would further liberalize the compromise of local taxes on real property by permitting the waiver of penalties and interest. The great evil of proposals of this character is that they penalize the prompt taxpayer to the benefit of the dilatory one. In the absence of the most compelling circumstances, a measure such as this is most dangerous. This bill is particularly bad because it would permit the waiver of penalties and interest on taxes not only prior to 1941, but on taxes levied subsequent thereto.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the County Law, in Relation to Compensation of Supervisors of Greene County

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, April 5, 1944

Memorandum filed with Senate Bill, Int. No. 837, Pr. No. 1422, entitled:

“AN ACT to amend the county law, in relation to the compensation of supervisors of Greene county.”

NOT APPROVED.

This bill is designed to increase the annual salary of supervisors of the county of Greene. The increase is from \$200 to \$1200 in the case of the regular members and from \$200 to \$1500 in the case of the chairman of the board. Per diem compensation would be eliminated.

Concerning this bill, the State Comptroller has commented as follows:

It is claimed by the local officials that if these salaries are fixed, as proposed by this bill, fewer committee meetings will be held and a savings will result in mileage charges. This Department feels, however, that the salaries contained in the bill are much greater than the compensation paid in other similar counties. If this bill were to become a law, the responsibility for the amounts paid then becomes the responsibility of the State. The responsibility for the committee meetings which have been held in the past is solely one of the local officials. This bill would shift the responsibility for the amounts paid from such officials to the State and thus the responsibility is evaded locally.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Civil Service Law, in Relation to Extending Term of Eligible List for Dock-Builders in New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Senate Bill, Int. No. 1694, Pr. No. 2002, entitled:

“AN ACT to amend the civil service law, in relation to extending the term of the eligible list for dock-builders in the city of New York.”

NOT APPROVED.

Concerning this bill, the President of the State Civil Service Commission has written as follows:

The instant bill adds a new section (14-e) to the Civil Service Law providing for the extension of the term of eligibility of the list for dock-builders in the city of New York from May 7, 1944, for a period of two years.

The State Civil Service Commission, as a general policy, is opposed to the extension of eligible lists for periods beyond the original four years of their regular terms. Bills seeking to extend the terms of eligibility for candidates on other eligible lists have been vetoed in recent years. Specifically, the instant bill is objectionable, for the following reasons:

1. It accords special privileges to persons on certain designated lists and not to persons on all lists due to expire within the year.

2. It seeks to circumvent the mandate of the constitution that appointments be made on the basis of merit and fitness. As stated by Judge Lehman in the case of *Hurley v. Board of Education*, 270 N. Y. 267, 280, “A competitive examination may demonstrate merit and fitness at the time of the examination. As time passes, its value as a test of merit and fitness diminishes. Others may, then, be better prepared and more fit to fill a position than those who are upon a list.”

3. The maximum life of an eligible list fixed for all lists by the Legislature is four years. The Legislature has not yet altered this general provision. Presumably, then, a four year maximum for an eligible list is still the policy of the State. There are no significant reasons why this eligible list should be singled out for special consideration.

The mayor of the city of New York has indicated his vigorous disapproval of this measure, which affects only the city of New York. The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Administrative Code of the City of New York, in Relation to Retirement at Age Fifty-five

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 6, 1944*

Memorandum filed with Senate Bill, Int. No. 253, Pr. No. 1285, entitled:

“AN ACT to amend the administrative code of the city of New York, in relation to selection of age fifty-five for retirement.”

NOT APPROVED.

This bill is identical to a bill which I vetoed last year. No reasons have been advanced which impel me to change my previous view.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Local Finance Law Generally

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 6, 1944*

Memorandum filed with Assembly Bill, Int. No. 2041, Pr. No. 2400, entitled:

“AN ACT to amend the local finance law, generally.”

NOT APPROVED.

Because this bill is a duplicate of Senate Bill, Int. No. 1653, Pr. No. 1930, which I have today approved, this bill is disapproved.

(Signed) THOMAS E. DEWEY

Two Bills Making Appropriations for Construction and Repair of Armories in Buffalo

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 6, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 581, Pr. No. 599, entitled:

“AN ACT providing for the replacing of the heating system in the armory of the one hundred seventy-fourth infantry in the city of Buffalo and making an appropriation therefor.”

Assembly Bill, Int. No. 1538, Pr. No. 2098, entitled:

“AN ACT providing for the construction of a balcony and for the installation therein of balcony chairs in the Sixty-fifth Regiment armory in the city of Buffalo, and making an appropriation therefor.”

NOT APPROVED.

These two bills would permit the use of State funds for improvements to two armories in the city of Buffalo. At the present time, there are not available the materials to perform this work. Under

the circumstances, there is no purpose served in the enactment of the measures at this time.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Administrative Code of the City of New York, in
Relation to City Employees Injured in Line of Duty**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Senate Bill, Int. No. 1183, Pr. No. 1342, entitled:

“AN ACT to amend the administrative code of the city of New York, in relation to city employees injured in course of duty.”

NOT APPROVED.

Concerning this bill, the mayor of the city of New York has written me as follows:

The purpose of the above-captioned bill which is now before you for executive action is to impose upon the City liability for the hospital care and treatment of certain employees of the Board of Water Supply injured in the course of duty. The bill is expressly made retroactive to December 30, 1937. The particular vice of the proposed bill is that it is retroactive for seven years with the result that it might impose upon the City a number of unknown claims which have accumulated over all those years.

In the present state of the law, the group of persons whom this bill is designed to benefit have recourse to other provisions of law under which they may apply for the payment of equitable claims which may lack a technical legal basis. Procedure under the equitable claims provisions is, I think, far more preferable to the enactment of a statute which would be retroactive over many years.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Executive Law, in Relation to Compilation and
Publication of State Department Rules and Regulations and
Making an Appropriation**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Assembly Bill, Int. No. 1997, Pr. No. 2265, entitled:

“AN ACT to amend the executive law, in relation to the compilation, publication and distribution of state department reports and of codes, rules and regulations, repealing section eleven thereof, relating thereto, and making an appropriation therefor.”

NOT APPROVED.

Because I have today approved Senate Bill, Int. No. 1561, Pr. No. 1788, of which this is a duplicate, enactment of this bill into law is unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the City Charter of the City of Mount Vernon, in
Relation to the City Court

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Assembly Bill, Int. No. 1585, Pr. No. 1776, entitled:

“AN ACT to amend chapter four hundred ninety of the laws of nineteen hundred twenty-two, entitled ‘An act to provide a charter for the city of Mount Vernon,’ in relation to the city court.”

NOT APPROVED.

Because this bill is a duplicate of Senate Bill, Int. No. 1289, Pr. No. 1918, which I have approved today, enactment into law of this bill is unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Workmen's Compensation Law, in Relation to
Disfigurement

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Assembly Bill, Int. No. 1937, Pr. No. 2480, entitled:

“AN ACT to amend the workmen's compensation law, in relation to disfigurement.”

NOT APPROVED.

This bill is a duplicate of Senate Bill, Int. No. 1501, Pr. No. 1728, which I approved on April 6, 1944.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Civil Service Law, in relation to Removal of
Veterans and Volunteer Firemen

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Assembly Bill, Int. No. 1670, Pr. No. 1873, entitled:

“AN ACT to amend the civil service law, in relation to the removal of veterans and volunteer firemen.”

NOT APPROVED.

This bill purports to amend, among other things, a subdivision of section 22 of the Civil Service Law which was repealed by chapter 42 of the Laws of 1944, because of its unconstitutionality. Accordingly, without passing upon the merits, the bill is disapproved.

(Signed) THOMAS E. DEWEY

Relating to Construction of Bridge or Tunnel Between Boroughs of
Richmond and Brooklyn, and Making an Appropriation
Therefor

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Assembly Bill, Int. No. 1884, Pr. No. 2466, entitled:

“AN ACT authorizing and directing the superintendent of public works to determine which of either a bridge or tunnel should be constructed after the war, and as a part of the state's post-war construction program, over or under the Narrows between the boroughs of Brooklyn and Richmond, and making an appropriation therefor.”

NOT APPROVED.

This bill directs the Superintendent of Public Works to make a study to determine whether a bridge or tunnel over or under the Narrows between the boroughs of Brooklyn and Richmond should be constructed and appropriates \$10,000 for that purpose.

It is quite obvious that this is a matter in which local authorities should participate. At the present time, the municipal authorities in New York city are not agreed as to the procedure to be followed. This project, in any event, would be one for the postwar period and under the circumstances the bill should be disapproved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Six Bills Amending the Lien Law, in Relation to Chattel Mortgages**STATE OF NEW YORK—EXECUTIVE CHAMBER****ALBANY, April 7, 1944**

Memorandum filed with the following bills:

Senate Bill, Int. No. 1421, Pr. No. 1620, entitled:

“AN ACT to amend the lien law, in relation to certain chattel mortgages.”

Senate Bill, Int. No. 1418, Pr. No. 1617, entitled:

“AN ACT to amend the lien law, in relation to delivery of certain chattel mortgages.”

Senate Bill, Int. No. 1423, Pr. No. 1622, entitled:

“AN ACT to amend the lien law, in relation to extinguishment of lien of chattel mortgage and removal of mortgaged property.”

Senate Bill, Int. No. 1426, Assembly Rep. 2450, entitled:

“AN ACT to amend the lien law, in relation to period of validity and renewal of chattel mortgages.”

Senate Bill, Int. No. 1425, Pr. No. 1624, entitled:

“AN ACT to amend lien law, in relation to chattel mortgages to secure purchase price of or moneys borrowed for agricultural purposes.”

Senate Bill, Int. No. 1422, Pr. No. 1621, entitled:

“AN ACT to amend the lien law, in relation to certain chattel mortgages upon certain property.”

NOT APPROVED.

These six bills are a part of the program sponsored by the New York State Bankers Association. They have the most worthwhile purpose of enabling banks in the rural areas to supply the credit and funds needed by the New York farmer in the latter's contribution to the wealth and prosperity of the State. The part played by the New York State banker has been handicapped to the detriment of the farmer by the handicaps imposed upon the banker by various provisions of the Lien Law affecting chattel mortgages. These provisions, which have caused the difficulty, are themselves a product of the well thought-out program achieved after years of labor to protect the interests of mortgagors and to remove the practices of the charlatan in the field of lending.

Unfortunately, these bills in their attempt to remove the competitive hazards to which I have referred have at the same time inadvertently removed the protection intended for the mortgagor.

Moreover, at least two of the bills in their references to the filing of mortgages ignore the fact that under our law chattel mortgages need not necessarily be filed in the community where the property is located.

It should be noted that members of the Bar without dissent have opposed the enactment of these measures. Similarly, organizations representing chattel mortgagees are opposed to the enactment of these measures for fear that they may unintentionally reopen the doors to the improper practices which were so recently mitigated by the provisions of the Lien Law.

The purpose of these bills is laudable. I cannot refrain from suggesting that the matter be pursued further and I hope that at the next session of the Legislature better legislation may be passed and approved.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Mental Hygiene Law, in Relation to Retirement of
Officers and Employees of Hospital System**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Assembly Bill, Int. No. 2047, Pr. No. 2406, entitled:

“AN ACT to amend the mental hygiene law, in relation to the retirement of officers and employees of the state hospital system.”

NOT APPROVED.

This bill extends benefits to members of a retirement system, consisting of officers and employees exclusively of the State Hospital System. The retirement system is presently closed to all new members and has been so closed for many years. There may be much merit to the argument that the members of this system should receive the additional benefits which this bill provides. However, it is impossible at this time to make an adequate study of the effect of extending these benefits or the justice of doing so. A much better plan would be if the proposals embraced by this bill were discussed with the affected departments during the course of the year and then, as a result, an agreed bill could be introduced at the next session of the Legislature. Thus, all the standards and policies which the State should uphold for all of its employees can be maintained.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Real Property Law, in Relation to Qualifications of Applicants for Real Estate Brokers Licenses

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Assembly Bill, Int. No. 1406, Pr. No. 2126, entitled:

“AN ACT to amend the real property law, in relation to qualifications of applicants for real estate brokers’ licenses.”

NOT APPROVED.

A bill similar to this was vetoed by me in 1943. Its purpose is to increase the requirements for the licensing of real estate brokers. It eliminates the provision giving the Secretary of State discretion to recognize certain kinds of general business experience as the equivalent for the prerequisite of employment as a licensed real estate salesman. Moreover, it increases the required period of employment as a licensed real estate salesman to two years from one year.

There has been no showing that the public interest requires a raising of the standards for licensed real estate brokers. In my veto memorandum of last year, I pointed out that except as to deferring the time when a person may become a full-fledged real estate broker, there seemed to be no important objective to be attained by the bill. This is true of this bill as well. The purpose of regulation and of standards in regulation is not to eliminate competition.

The bill is disapproved.

(Signed) _____ THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Including Date of Assessment in Tax Roll Certification

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Senate Bill, Int. No. 512, Pr. No. 539, entitled:

“AN ACT to amend the tax law, in relation to including date of assessment in verification of tax roll before filing.”

NOT APPROVED.

This bill would require the insertion in the assessment roll of the date of assessment. Section 9 of the Tax Law provides that “Real property shall be assessed as of July 1 in the tax district in which it is situated.”

It would seem that no useful purpose would be served by including in the assessment roll the date which is fixed as a matter of law.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Highway Law, in Relation to Post-War Construction
of Arterial Highways Through Cities**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Senate Bill, Int. No. 124, Pr. No. 692, entitled:

“AN ACT to amend the highway law, in relation to the post-war construction and reconstruction by the state of arterial highways for through traffic in cities having a population of less than fifty thousand.”

NOT APPROVED.

In view of my approval of Assembly Bill, Int. No. 2052, Pr. No. 2428, providing for the designing and planning of arterial routes through cities, enactment into law of this bill would be undesirable.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Code of Criminal Procedure, in Relation to
Jurisdiction of Courts of Special Sessions**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Senate Bill, Int. No. 417, Pr. No. 435, entitled:

“AN ACT to amend the code of criminal procedure, in relation to jurisdiction of courts of special sessions.”

NOT APPROVED.

This bill would remove from the Court of Special Sessions outside of the city of New York jurisdiction over the crime of cruelty to children. However, there is no clear language in the Children's Court Act giving that court such jurisdiction. I am disapproving it so that it may be considered next year simultaneously with a bill which will expressly give the Children's Court jurisdiction over this offense.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Two Bills Amending the Tax Law, in Relation to Tax on Stock Transfers

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 945, Pr. No. 1361, entitled:

“AN ACT to amend the tax law, in relation to tax on transfers of stock and other corporate certificates.”

Assembly Bill, Int. No. 1399, Pr. No. 1546, entitled:

“AN ACT to amend the tax law, in relation to tax on transfers of stock and other corporate certificates.”

NOT APPROVED.

These two bills reduce the rates of taxes on the transfers of shares of stock. The subject matter of these bills received great study by the Department of Taxation and Finance of the State, especially in connection with the claim and belief that a reduction in rates would actually result in an increase in revenues by encouraging a greater number of transactions in the New York markets. Because of need for further study, the Department postponed its action. Under the circumstances, I consider it necessary that the bills be disapproved.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

Making an Appropriation for Plans and Surveys for Construction of Kingston-Rhinecliff Bridge over Hudson River

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Senate Bill, Int. No. 2, Pr. No. 2, entitled.

“AN ACT authorizing and directing the superintendent of public works to prepare plans and make preliminary surveys and test borings necessary for the construction of a highway bridge over the Hudson river, and approaches, between the city of Kingston, Ulster county, and the hamlet of Rhinecliff, Dutchess county, and making an appropriation therefor.”

NOT APPROVED.

This bill appropriates the sum of fifty thousand dollars (\$50,000) and directs the Superintendent of Public Works to do certain preliminary work with respect to a highway bridge over the Hudson

river between the city of Kingston and the hamlet of Rhinecliff.

This is a matter which requires further study. There is some doubt as to whether there is need for a bridge at this point and whether, if a bridge is built there, it will be economically self-sufficient.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Making an Appropriation to Provide State Aid to Towns for
Expenditures for Bridges on Highways**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Assembly Bill, Int. No. 1963, Pr. No. 2230, entitled:

“AN ACT to provide state aid to towns for expenditures on account of bridges, including retaining walls and approaches, heretofore constructed at town expense on state highways, including those formerly designated as county highways, and to provide the money to pay the cost of construction for which town bonds were issued and sold pursuant to law; authorizing payments to such towns in each year of unpaid installments maturing on or after April first, nineteen hundred forty-four, and making an appropriation for the fiscal year commencing April first, nineteen hundred forty-four.”

NOT APPROVED.

The purpose of this bill is to have the State undertake the payment of bond obligations which were issued by various towns for the construction of bridges on State highways, the repair and maintenance of which were subsequently assumed by the State.

There is much merit to the position of the proponents of this bill. It is true that those towns which diligently constructed bridges at their own expenses, without waiting for aid from the State now find themselves in a position of paying off obligations. Had they waited, their situation might have been different. However, there is a very broad question of precedents involved here. Over the past decades, the State has increased its functions in connection with many matters including the field of highways. As its functions have increased, it has assumed additional financial burdens and to that extent relieved the local communities of such burdens. Were a bill of this character approved, it would mean that wherever the State has increased its participation in the cost of these new or added functions, it would have the added obligation of paying off any local obligations that were incurred before the State had acted. Moreover, it would supply an argument

for those communities which had already completed paying their obligations to be reimbursed for such payments. To this story, there would be no end.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the War Emergency Act, in Relation to Appointment of Temporary Firemen and Patrolmen in Westchester County

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Senate Bill, Int. No. 790, Pr. No. 873, entitled:

“AN ACT to amend the New York state war emergency act, in relation to the appointment of temporary patrolmen and firemen in cities, towns and villages of Westchester county.”

NOT APPROVED.

In view of my approval of Senate Bill, Int. No. 327, Pr. No. 689, which has become chapter 273 of the Laws of 1944, approval of this measure is rendered unnecessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Town Law, in Relation to Appropriations for Certain Patriotic Celebrations

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Assembly Bill, Int. No. 60, Pr. No. 587, entitled:

“AN ACT to amend the town law, in relation to appropriations for certain patriotic celebrations.”

NOT APPROVED.

This bill has a technical defect. It purports to amend subdivision 13 of section 64 of the Town Law as last amended by a chapter of the Laws of 1942. However, this subdivision was amended in a substantial matter in 1943 and this bill does not take cognizance of that amendment.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Administrative Code of the City of New York, in
Relation to Credit for Service in Teachers' Retirement System**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Assembly Bill, Int. No. 830, Senate Rep. No. 2103, entitled:

“AN ACT to amend the administrative code of the city of New York, in relation to credit for service in the teachers' retirement system.”

NOT APPROVED.

Concerning this bill, the mayor of the city of New York has written me as follows:

The above-entitled bill, which is before you for executive action, is substantially the same as a measure vetoed by you last year (Senate Int. 1531, Pr. 1787). This year's measure provides that the number of hours of teaching constituting “a full teaching program for one year” in any division of the municipal colleges shall be credited as a year of service for purposes of retirement as a member of the New York City Teachers' Retirement System. For over 25 years since the establishment of the System, the Teachers' Retirement Board has always required that 1000 hours of teaching be done in order to earn a year's service credit, whether such teaching be done in the grammar schools, the high schools or the municipal colleges. The System members with college teaching experience now seek to reduce this requirement by approximately 50%. Moreover, by means of this measure, they propose to compel the Retirement Board to go back through the years and by applying this new standard, recompute the service of every teacher who has given college instruction. The bill seems to mandate the same credit for non-regular teaching as for teaching as a permanent appointee, although permanent teachers render a more substantial type of service.

This bill is simply an attempt by a special group to be singled out for preferential treatment. Other such attempts, of which last year's vetoed bill and this year's measure are typical, have been made before by individual groups. If one of these unwarranted demands is granted, the other groups not so favored would swarm in and clamor for the same special privilege. The breaking down of the 1000-hour requirement—and this bill is a part of a campaign to accomplish exactly that—would imperil the solvency of the Teachers' Retirement System and at the same time thrust an unjustified financial burden upon the city.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Education Law, the Penal Law and the Labor Law,
in Relation to Certain Employment of Children**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Assembly Bill, Int. No. 701, Pr. No. 726, entitled:

“AN ACT to amend the education law, the penal law and the labor law, in relation to prohibiting and regulating certain employment of children.”

NOT APPROVED.

The purpose of this bill is to provide a more liberal procedure and a more liberal scope of employment for children. However, the bill is so drastic in its breadth that it would permit the employment of children in many occupations concerning which there is great doubt in my mind as to whether children should ever be employed. On the other hand, there seems no reason why children who possess unusual talents in the finer arts, and where there is a need and opportunity for them to exercise these talents in those arts, should be denied the development and inspiration of participation.

I recommend reconsideration of the entire problem and the preparation of a much more modest and much more safeguarded bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Tax Law, in Relation to Consolidating Petitions
in Certiorari**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Senate Bill, Int. No. 1276, Pr. No. 1449, entitled:

“AN ACT to amend the tax law, in relation to consolidating petitions in certiorari.”

NOT APPROVED.

In view of my approval today of Senate Bill, Int. No. 1245, Pr. No. 1411, which would confer upon the court the discretion of uniting cases involving similar issues in the review of real estate assessments, I do not believe that this bill is either necessary or desirable. Since this bill permits the joinder of parties in petition, irrespective of the similarity of issues, it would involve a great hazard that cases of great and confusing complexity would be united.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Public Health Law, in Relation to Quarantine of
Persons Suspected of Venereal Disease**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 10, 1944*

Memorandum filed with Assembly Bill, Int. No. 1303, Pr. No. 1428, entitled:

“AN ACT to amend the public health law, in relation to the examination or quarantine of persons suspected of venereal disease, and the treatment or quarantine required or provided in the case of persons infected therewith.”

NOT APPROVED.

This bill has the excellent purpose of tightening up the control of the procedure for handling persons suspected of having venereal disease. However, there are two defects in the bill. One is that in the case of the city of New York, it confers jurisdiction of the proceedings in the City Court of the city of New York. Unlike most city courts throughout the State, this court has no criminal jurisdiction whatsoever, nor does it have any kind of jurisdiction which is even remotely similar to that of the kind that would be conferred by this bill. Secondly, the bill does not make adequate provision for the giving of notice to persons who will be affected by the court proceedings, which may be brought under section 343-gg of the Public Health Law.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Alcoholic Beverage Control Law, in Relation to Sale
to Persons Outside State by Wholesalers**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 10, 1944*

Memorandum filed with Assembly Bill, Int. No. 1385, Pr. No. 2136, entitled:

“AN ACT to amend the alcoholic beverage control law, in relation to the sale and delivery of liquor and wine to persons outside the state by liquor or wine wholesalers.”

NOT APPROVED.

This bill confers upon the State Liquor Authority the power to regulate, supervise and prohibit, until July 1, 1945, the sale and delivery outside the State of New York of liquors and wines, with certain limited exceptions. The purpose of the bill is to assist in the enforcement of the Federal allocations of liquors and wines in respective states and to have an additional instrument in the elimination of the “black market” in liquors and wines.

The purpose of the bill is unquestionably a good one. Phrased as it is, however, the bill, in my opinion, falls too clearly within constitutional prohibitions. It would permit a complete embargo on the

movement of liquor and wine from within the State to outside the State of New York. Our Federal Constitution and our Federal system are based upon the proposition that for purposes of trade and commerce, the Nation is an inseparable unity. It is upon that proposition that our country has grown great and strong.

This bill might very well produce retaliatory legislation by other states of similar import. Its principle might well be extended in times of shortage to commodities other than alcoholic beverages and, in due, time, were the courts to uphold it, this system of legislation could Balkanize the United States.

Because of the excellent purpose of this bill and the great need to which it is directed, I regret very much that I am unable to approve it.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the State Law, in Relation to Clarifying Descriptions of
Boundaries of Senate Districts**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 10, 1944

Memorandum filed with Assembly Bill, Int. No. 827, Pr. No. 869, entitled:

“AN ACT to amend the state law, in relation to clarifying the descriptions of boundaries of certain senate districts of the state.”

NOT APPROVED.

This bill is a duplicate of Senate Bill, Int. No. 603, Pr. No. 647, which I have today approved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Military Law, in Relation to Penalties and Interest
on Taxes Levied Against Real Property of Persons in Military
Service**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 10, 1944

Memorandum filed with Assembly Bill, Int. No. 839, Pr. No. 887, entitled:

“AN ACT to amend the military law, in relation to penalties and interest on taxes or assessments levied against the real property of certain persons in the military service of the United States.”

NOT APPROVED.

This bill would create difficulties in that it fails to make clear whether its provisions are intended to be retroactive to taxes and assessments which became due prior to its effective date but which have not yet been paid. Furthermore, this type of legislation would best be considered by the Temporary State Commission which has been created by chapter 416 of the Laws of 1944.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Public Officers Law, in Relation to Time for Filling
Vacancies in Elective Offices**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 10, 1944*

Memorandum filed with Assembly Bill, Int. No. 1689, Pr. No. 1892, entitled:

“AN ACT to amend the public officers law, in relation to time for filling vacancies in elective offices.”

NOT APPROVED.

This bill amends section 42 of the Public Officers Law. That section was amended by chapter 3 of the Laws of 1944 and enactment of this bill might create confusion as to the Legislature's intent concerning this section, because it does not take cognizance of the amendment.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Vehicle and Traffic Law, in Relation to Registration
of Manufacturers and Dealers**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 10, 1944*

Memorandum filed with Assembly Bill, Int. No. 1653, Pr. No. 2451, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to registration of manufacturers and dealers.”

NOT APPROVED.

This bill provides for a more formal application for the use of dealers' plates by automobile dealers and requires the putting up of a bond. It also adds provisions for the suspension or revocation of the right to use such plates in the event of certain violations or the breach of certain conditions.

The purpose of the bill is an excellent one. Its purpose is the elimination of some of the evils that have grown up in connection with "wildcat" second-hand car dealers, particularly those who operate outside city lines free from city regulation. However, there is need for further study of the subject. The bill is not in the best of form and the bond requirement under the existing provisions could not be used to the best advantage.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Civil Practice Act, in Relation to Proceedings
Relative to Incompetent Veterans**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 11, 1944

Memorandum filed with Senate Bill, Int. No. 1641, Pr. No. 1884, entitled:

"AN ACT to amend the civil practice act, in relation to including within the provisions of article eighty-one-a of such act, respecting proceedings relative to incompetent veterans and infant wards of the United States Veterans' Bureau, incompetent veterans not wards of the United States Veterans' Bureau."

NOT APPROVED.

The amendments contained in this bill are contradictory with the purposes and plan of the article amended.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Two Bills Amending the Education Law, in Relation to Teachers'
Service in New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 11, 1944

Memorandum filed with the following bills:

Assembly Bill, Int. No. 940, Pr. No. 1006, entitled:

"AN ACT to amend the education law, in relation to the employment of teachers in cities having a population of one million or more."

Assembly Bill, Int. No. 941, Pr. No. 1007, entitled:

"AN ACT to amend the education law, in relation to the restoration of teachers to service in cities having a population of one million or more."

NOT APPROVED.

These bills are substantially similar to two bills vetoed by me last year. During the ensuing year and in connection with the consideration of the present bills, the entire subject matter has been very carefully reviewed, but no grounds have appeared which cause me to change my determination.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Real Property Law, in Relation to Modification of
Mortgages on Real Property**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 12, 1944*

Memorandum filed with Assembly Bill, Int. No. 1308, Pr. No. 2318, entitled:

“AN ACT to amend the real property law, in relation to the modification or liquidation of mortgages, deeds of trust or indentures relating to real property and the securities covered thereby.”

NOT APPROVED.

This bill, improperly and without justification, would involve the Attorney-General in all proceedings for the modification or liquidation of certain mortgages brought under the provisions of this bill. For this reason and without further consideration of the merits, the bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Civil Service Law, in Relation to Emergency
Extension of Eligibility for Reinstatement of Persons on
Preferred Lists**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 12, 1944*

Memorandum filed with Assembly Bill, Int. No. 280, Pr. No. 283, entitled:

“AN ACT to amend the civil service law, in relation to emergency extension of eligibility for reinstatement of persons on preferred lists.”

NOT APPROVED.

This bill extends the period of time in which certain persons may be retained upon a preferred list. Neither the bill, nor other information supplied me, discloses whether the bill would

reinstate a person upon the list even though his right to remain thereon has already terminated. (See *Hurley v. Board of Education*, 270 N. Y. 275, and *Ciaccia v. Board of Education*, 271 N. Y. 336.)

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Labor Law, in Relation to Labor Organizations' Labels, Brands and Marks

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, April 12, 1944

Memorandum filed with Senate Bill, Int. No. 750, Pr. No. 1047, entitled:

“AN ACT to amend the labor law, in relation to labels, brands and marks used by labor organizations.”

NOT APPROVED.

A highly salutary and progressive law was enacted by chapter 474 of the Laws of 1943, giving for the first time modern, enlarged and sound protection to the labels, brands and marks used by labor organizations.

This bill makes certain amendments to that law. Unfortunately, amongst the amendments proposed are some which would constitute improper burdens on interstate commerce. For that reason, and without further consideration of the merits, I regret that I am unable to approve the bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Authorizing City of Utica to Borrow Moneys for Salary Increases to Municipal Employees

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, April 12, 1944

Memorandum filed with Senate Bill, Int. No. 1613, Pr. No. 1851, entitled:

“AN ACT authorizing and empowering the city of Utica to borrow moneys on temporary loans to pay increases in salaries of municipal employees and to issue bonds of the city to provide for the retirement of a portion thereof.”

NOT APPROVED.

This bill permits the city of Utica to increase salaries after its budget has been adopted and to issue certificates of indebtedness

to cover such increases, payable during the next fiscal year.

The State Comptroller has held many conferences with the officials of the city of Utica and has endeavored to assist them in improving the budgetary position of the city. As a result of those conferences, two bills passed the Legislature and have today received my approval. I refer to Senate Bill, Int. No. 1591, Pr. No. 1825, and Senate Bill, Int. No. 1361, Pr. No. 1552. They give much-needed assistance to the city of Utica.

This bill, however, represents, as the Comptroller has pointed out, a violation of the principles of sound municipal finance. As stated in his communication to me,

If the bill were approved and 1944 salary increases were financed in the manner authorized by the bill, the taxpayers of Utica would be required each year, for the next ten years, to pay taxes for 1944 salary increases.

Accordingly, the bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Public Health Law, in Relation to Registrar of Vital Statistics

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 12, 1944

Memorandum filed with Assembly Bill, Int. No. 1058, Pr. No. 1137, entitled:

“AN ACT to amend the public health law, in relation to the registrar of vital statistics.”

NOT APPROVED.

In view of the enactment of chapter 303 of the Laws of 1944, it would be confusing for this bill to be approved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Town Law, in Relation to Authorizing Fire Commissioners to Maintain Fire Fighting Facilities

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 12, 1944

Memorandum filed with Assembly Bill, Int. No. 879, Pr. No. 2439, entitled:

“AN ACT to amend the town law, by authorizing town boards and boards of fire commissioners of fire districts to provide and maintain fire fighting facilities.”

NOT APPROVED.

This bill permits town boards and boards of fire commissioners of fire districts to provide and maintain certain fire-fighting facilities. A serious question has been raised as to whether such power should be given to town boards. It would seem that under our system of local government where expenditures for fire fighting reach the proportions envisaged by this bill, such expenditures should be made through fire districts exclusively.

The Association of Towns of the State of New York, which represents the vast majority of the local units of government affecting towns and districts, has urgently requested disapproval of this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Administrative Code of the City of New York, in
Relation to Retirement of Teachers

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 12, 1944

Memorandum filed with Assembly Bill, Int. No. 1831, Pr. No. 2056, entitled:

“AN ACT to amend the administrative code of the city of
of New York, in relation to retirement of teachers.”

NOT APPROVED.

Concerning this bill, the President of the New York City board of education has addressed me as follows:

This bill affects members of the New York City Teachers' Retirement System who lost status as “present teacher” upon termination of service, and who thereafter reentered the service. Under the retirement law such persons are classed as “new entrants.” This bill would permit such teachers to regain status as “present teacher” on the return by them of their withdrawn contributions, with interest at four percent.

A “present teacher” is given many advantages over a “new entrant,” e.g., the setting up by the city of reserves comparable to what the teacher would have contributed prior to 1917 had the system been on an actuarial basis; the privilege of retirement after 30 years instead of 35 years; selection of a three-percent contribution rate instead of the actuarial rate; etc.

The sound actuarial basis upon which the New York City Retirement System is built has made it a model for the establishment of other systems in this state and throughout the country. No attempts to weaken this sound system should be permitted. As the number of teachers who would be affected is somewhat speculative, it is not possible to offer any exact figure as to the additional cost that would be imposed upon the city in setting up the extra reserves required in the case of a “present teacher.” It may be said without question, however, that this would run to a very considerable amount.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the General Municipal Law, in Relation to Application
of Public Service Law to Municipal Utilities**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 12, 1944*

Memorandum filed with Senate Bill, Int. No. 313, Pr. No. 326,
entitled:

“AN ACT to amend the general municipal law, in relation to
the application of the public service law to municipal
utilities.”

NOT APPROVED.

The purpose of this bill is to restrict action by the Public Service Commission to reduce rates charged by municipally owned electric utilities to cases where the consent of ten per cent of the consumers has been obtained.

There are a number of technical defects in the bill. More than that, however, I believe that the difficulties with the municipal utilities, toward which this bill is directed, may very well be achieved by agreement with the Public Service Commission or by the drafting of a better bill.

Concerning this bill, the Chairman of the Public Service Commission, has written me as follows:

However, apart from defects of draftsmanship, the bill raises many questions which should receive further study and consideration. The Commission and the municipalities are public bodies. Their problems are similar, and the successful operation of public utilities requires technical engineering and accounting skill of high character. In many instances, surveys and investigations conducted by the technical staff of the Commission have frequently given helpful advice to many municipalities, and this assistance has been generously acknowledged. Fundamentally regulation by the Commission is of assistance to municipal authorities and their citizens. There is no basic reason for any conflicting viewpoint and I believe that an attempt should be made through conferences and discussions to solve the problems of all.

I am sure that the members of the Commission would be very happy to confer with the representatives of the municipalities or any group of them so that mutually satisfactory working arrangements may be secured. If, however, after further study and consultation, it is concluded that legislation of some kind is desirable, it can be drawn with such care that it may accurately give effect to any changes that may be found necessary.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Incorporate Rambam Yeshiva and Maimonides University

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Assembly Bill, Int. No. 763, Pr. No. 2321, entitled:

“AN ACT to incorporate the Rambam Yeshiva and Maimonides University.”

NOT APPROVED.

This bill purports to incorporate a university. It has many technical defects. Its terms are too broad. It would create a university although there is only one school or college contemplated at the present time. The term "university" is confined in this State to the description of a group of colleges or schools merged under unified leadership. None of the standards of the Education Law or of the Board of Regents for the financial responsibility, educational standards, degree qualification or other requirements would be imposed as limitations upon the institution to be incorporated by this bill.

No substantial number of persons has sponsored the incorporation of this institution. No agreement was obtained from the Department of Education concerning the standards or other requirements to be imposed upon the institution to be created by this bill. Had the standards imposed by law been complied with, application could have been made to the Department of Education for incorporation without the necessity for a special statute. However, special conditions and special circumstances frequently justify special incorporation and with that effort there is no quarrel so long as some standards are required.

In my consideration of this measure, I have consulted with the clerical leaders and educational leaders who would be affected or interested in this university. Without dissent they have recommended that the incorporation of an institution under the broad and general terms of this bill would be highly undesirable. It seems very unfortunate that before the bill was put through in its present form, the agreement of interested State officials had not first been obtained. It is also unfortunate that broader sponsorship for the institution had not been first obtained.

More than any other type of incorporation which will bear the seal of State approval, a degree-granting school may not be created too hastily and without ample safeguards. Otherwise, a precedent may be created whereby irresponsible groups, unlike the sincere people who have sought this measure, may obtain the indicia of State recognition and permit them to do great harm to the people of this State. The Board of Regents, in whose particular province matters of this kind peculiarly fall, earnestly request disapproval of the bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Exemption of Municipally Owned Real Property from Taxation

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Senate Bill, Int. No. 290, Pr. No. 300, entitled:

“AN ACT to amend the tax law, in relation to exemption of municipally owned real property from taxation.”

NOT APPROVED.

Concerning this measure the President of the State Tax Commission has written me as follows:

It amends subdivision 3 of section 4 of the Tax Law to provide that, except in New York City, property of a municipal corporation acquired by it as a result of a tax deed or referee's deed in tax foreclosure, or a deed given in lieu of a foreclosure of tax lien, shall be deemed to be held for a public use for a period of three years from the date of said deed or for a year after the termination of the present war, whichever is greater, and that such property shall be exempt from school taxation during such period.

Under the present provisions of said section an exemption is allowed for such property for a period of three years. It is my opinion that the extension of the tax exemption in such cases is undesirable. In 1939 Article VII-A was added to the Tax Law for the primary purpose of providing a uniform, statewide, inexpensive and simple method of foreclosing tax liens. Its provisions have been adopted by several of the states, as well as a considerable number of tax districts in this state. A uniform, statewide procedure is rapidly being developed thereon. Section 66-i of the Tax Law, contained in said Article VII-A allows a two year exemption for real property acquired by a tax deed as a result of an Article VII-A proceeding. Approval of this measure would further lengthen the now longer exemption for property acquired by other methods, and hence would tend further to discourage the use of Article VII-A resulting in a return to the former unsatisfactory and expensive method of tax deeds. In this connection you will recall that last year you vetoed Assembly Bill, Int. No. 579, Senate Reprint 1987, which would have provided a six year exemption for such property.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Judiciary Law Generally

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Senate Bill, Int. No. 38, Pr. No. 1983, entitled:

“AN ACT to amend the judiciary law generally.”

NOT APPROVED.

This bill has been prepared by the Judicial Council. It purports to effect little substantive change and seeks merely to revise the

present Judiciary Law. It is the result of careful and thorough study and for the most part represents a welcome and desirable recodification.

Unfortunately, in the reenactment and revision of the Judiciary article, no provision was made for statutes enacted at the current session of the Legislature. The result is that this bill, which would become effective on September 1, 1944, is in direct conflict and inconsistent with laws enacted since its introduction. Thus, the salaries of certain judicial employees, for which appropriations have been made by the budget and supplemental budget for 1944-45, are fixed by this bill at different amounts, sometimes higher and sometimes lower. Other sections of this bill are similarly in conflict with substantive changes to the Judiciary Law enacted by the 1944 Legislature.

Should the bill be reintroduced at the next session of the Legislature, an appropriate savings clause as to statutes which may be enacted at the same session would be desirable.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Relating to Establishment of Border City Water District in Town of Waterloo, Seneca County, and Legalizing Acts of Town Board

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Assembly Bill, Int. No. 1665, Pr. No. 2442, entitled:

“AN ACT to legalize the acts and proceedings of the town board of the town of Waterloo, Seneca county, and the officers and agents of said town, in relation to establishing Border City Water District in said town; to authorize the amendment of plans for the water system to be provided for said district, and the acceptance of aid or grants from either or both the federal and state governments, and the construction of such system and carrying out such amended plan either as a town project or with such federal and state aid, and in relation to the financing of the cost of such purpose and improvements.”

NOT APPROVED.

Because the procedure provided for under this bill fails to comply with the terms of article XI of the Conservation Law, the bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Town Law, in Relation to Cellar and Building
Excavations**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Senate Bill, Int. No. 1590, Pr. No. 1824,
entitled:

“AN ACT to amend the town law, in relation to cellar and
building excavations.”

NOT APPROVED.

This bill fails to provide for the giving of notice to resident owners of land before the excavations referred to may be filled by the town.

Accordingly, the bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the County Law, in Relation to Creation of County
Water Districts**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Senate Bill, Int. No. 1010, Pr. No. 1894,
entitled:

“AN ACT to amend the county law, in relation to the creation
of county water districts and water distributing dis-
tricts, and defining the powers and duties thereof.”

NOT APPROVED.

Last year in disapproving Senate Bill, Int. No. 1187, Pr. No. 2025, I stated:

This bill permits the creation of county water departments. At the present time, the water supply in communities outside the large cities is handled by water districts. This bill, if enacted, would represent another step in the transfer of responsibility for government from the people in the localities where they live to larger aggregates of government. There has been no showing of necessity for this measure. In the absence of such showing I hesitate to have this State contribute further to the centralization of government and the enhancement of the distance between the people and their government.

Substitute the words “county water districts” for the words “county water departments” and the views then expressed become absolutely applicable to this bill.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

Two Bills Providing County Tax Act for Suffolk County

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 14, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 1394, Pr. No. 2310, entitled:

“AN ACT relating to the collection of taxes in Suffolk county and repealing certain provisions of law inconsistent therewith.”

Assembly Bill, Int. No. 1456, Pr. No. 2416, entitled:

“AN ACT to amend the tax law, in relation to the collection of taxes in Suffolk county.”

NOT APPROVED.

These bills are designed to provide Suffolk county with a new codified County Tax Act. Because of the task involved in codifying the whole tax act, a number of errors in the draftmanship have occurred. These are too numerous to detail. Were the bills to become law, they would lead to much confusion and perhaps a great amount of needless litigation.

Moreover, the second bill fails to provide, perhaps inadvertently, any limitations upon the period of time for which property acquired by tax deed will be exempt from taxation.

Also, it permits local authorities to reduce penalties and interest on unpaid taxes in a manner which, as I have previously indicated regarding other bills, is not in the public interest.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

To Amend the Education Law, in Relation to Disposition of Law Books by Law Libraries

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 14, 1944*

Memorandum filed with Assembly Bill, Int. No. 477, Pr. No. 486, entitled:

“AN ACT to amend the education law, in relation to the disposition of law books by law libraries.”

NOT APPROVED.

This bill is designed to make provision for the sale of surplus law books by law libraries. Unfortunately, it has at least two defects.

In the first place, it would provide for the turning into the State Treasury of the proceeds of sales of books which may have been purchased out of municipal funds. Secondly, the bill does not make adequate provision for approval by the Director of the Budget for the sale of State property, nor for the approval by the Department of Education for the disposition of any books or records no longer deemed of value in accordance with the provisions of the Education Law.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Two Bills Amending the Alcoholic Beverage Control Law, in
Relation to Interlocking Interests**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 14, 1944*

Memorandum filed with the following bills:

Senate Bill, Int. No. 885, Pr. No. 2109, entitled:

“AN ACT to amend the alcoholic beverage control law, in relation to interlocking interest between brewer or beer wholesaler and manufacturer or wholesaler of liquor or wine.”

Assembly Bill, Int. No. 1162, Pr. No. 2440, entitled:

“AN ACT to amend the alcoholic beverage control law, in relation to interlocking interest between brewer or beer wholesaler and manufacturer or wholesaler of liquor and manufacturer or wholesaler of wine.”

NOT APPROVED.

These bills have the purpose of making it impossible for licensees under the Alcoholic Beverage Control Law to have interlocking interests in the manufacture and distribution of liquor and wine or liquor and beer.

The occasion for the introduction of the bills has been the growing concern of the State Liquor Authority and others interested in the cause of proper regulation of alcoholic beverages regarding the increasingly frequent acquisition of wineries and breweries by large liquor distillers and distributors. There is foreseen not only an undue tendency toward monopoly, but a development of too close a relationship between the sales of liquor and wine or liquor and beer. There is the fear that such interlocking interests will result in what are known as “tied sales,” where the acceptance of one type of beverage is made a condition of the sale of another.

With the purposes of these bills, I have unqualified sympathy.

The bills were originally introduced at the request of the State Liquor Authority, but after their introduction they were amended and re-amended, and in their present state they will not achieve

validly the purposes for which they are intended. At least one of the bills is probably unconstitutional in its present form.

The subject matter of these bills should be studied further and, at the next session of the Legislature, proper bills should be introduced which will achieve the excellent purposes intended.

The bills are disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the Tax Law, in Relation to Filing Lists of Delinquent
Taxes in Tax Lien Foreclosure Actions**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, April 14, 1944

Memorandum filed with Senate Bill, Int. No. 1160, Pr. No. 1319, entitled:

“AN ACT to amend the tax law, in relation to filing of lists of delinquent taxes in connection with foreclosure of tax liens by actions in rem.”

NOT APPROVED.

Concerning this bill, the President of the State Tax Commission has written me as follows:

It amends the opening paragraph of subdivision 1 of section 165-a of the Tax Law primarily to provide that a collecting officer of a tax district which has adopted Title III of Article VII-A of the Tax Law shall file a list of the parcels affected by unpaid tax liens which the tax district elects to foreclose. It also provides that a list of the remaining parcels or a list of the parcels that the tax district may elect to foreclose may be filed thereafter when authorized by resolution of the legislative body of the tax district.

Article VII-A was added to the Tax Law by Chapter 692 of the Laws of 1939. The bill which became said chapter was sponsored by the State Tax Commission, and was prepared jointly by the State Tax Commission and the Committee on Municipal Law of the New York State Bar Association. It was designed to provide a summary and inexpensive method of foreclosing tax liens in place of the haphazard and expensive method theretofore in force. Under its provisions (section 165) if a tax district elects to foreclose tax liens by an action *in rem* under Title III of said article, it is required to foreclose all liens which are unpaid for at least four years. This requirement was inserted primarily to insure equality in treatment among taxpayers and to obviate the possibility of pressure being brought upon the tax collectors not to foreclose particular parcels.

The bill under consideration is apparently designed to permit a tax district to elect which parcels it wishes to foreclose. In my opinion it would be extremely unwise and possibly unconstitutional to confer such a power on local officials. Furthermore, although this bill purports to give the collecting officer authority to elect to foreclose particular parcels, under the present provisions of section 165 of the Tax Law the foreclosure of all tax liens over four years old is mandatory.

The bill is likewise opposed by the County Officers' Association of the State of New York and the Association of Towns.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**To Amend the General Municipal Law, in Relation to Authorizing
Towns to Provide Hospital Service in Adjoining Town**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 14, 1944*

Memorandum filed with Assembly Bill, Int. No. 1163, Pr. No. 2123, entitled:

“AN ACT to amend the general municipal law, in relation to authorizing any town having no hospital established therein to provide hospital service in an adjoining town and to raise and expend money therefor.”

NOT APPROVED.

This bill does not comply with the requirements of Article VIII, section 1, of the State Constitution in that it does not make the expenditures by the municipalities subject to the rules established by the State Board of Social Welfare or other State department having the power of inspection of the affected institutions. The bill is disapproved.

(Signed) THOMAS E. DEWEY

**Providing for Collection of Tolls on Parkways in Westchester
County**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 14, 1944*

Memorandum filed with Assembly Bill, Int. No. 1056, Pr. No. 1135, entitled:

“AN ACT authorizing and providing for the collection of tolls on and over the various parkways and parkway system in the county of Westchester, authorizing installation of necessary toll stations and equipment in connection therewith, and providing for the disposition of the tolls collected.”

NOT APPROVED.

Concerning this bill, I have received the following communication from the County Executive of the County of Westchester:

This bill now before you for consideration provides for the collection of tolls over the various parkways and parkway system in the County of Westchester.

The Federal Public Roads Administration disapproves of the bill in its present form, claiming that it would violate the provisions of the Federal Highway Act of November 9, 1921. This act provides that all roads constructed with the aid of Federal funds should be free from tolls.

While our parkways are not a part of the State Highway System, during the depression Federal funds were used for the purpose of connecting the parkways with through routes in New York City, Connecticut and northerly

through New York State. The Federal expenditure was relatively small as compared with the total outlay made by the county. The equities are all with us; the technicalities against us.

I am hopeful that some plan may be developed with the cooperation of the State and Federal authorities whereby the taxpayers of Westchester County can be relieved of the burden of servicing the bonds outstanding and meeting the annual cost of maintaining our parkway system.

If such an arrangement can be accomplished, a new bill should be prepared and submitted to our Legislature. At this time, however, in view of the objection of the Federal authorities the present act should be disapproved.

The bill is disapproved.

(Signed) THOMAS E. DEWEY

**The Following Bills Were Vetoed by the Governor Without
Memoranda on Dates as Indicated**

**STATE OF NEW YORK—EXECUTIVE CHAMBER
ALBANY**

March 21

Assembly Bill, Int. No. 1104, Pr. No. 1183, introduced by Mr. J. D. Bennett, entitled:

“AN ACT to amend the Nassau county administrative code, in relation to service of the notice to the owner of real property by the holder of an unsatisfied tax lien.”

March 22

Assembly Bill, Int. No. 268, Pr. No. 271, introduced by Mr. Schwartz, entitled:

“AN ACT to amend the New York city municipal court code, in relation to the time for filing summons, summons and complaint, or precept, with proof of service thereof, when the last day for filing falls on Saturday.”

Assembly Bill, Int. No. 1447, Pr. No. 1596, introduced by Mr. Sullivan, entitled:

“AN ACT to amend the general municipal law, in relation to the readjustment of pensions of policemen and other officers involved in the enforcement of the criminal law who were retired prior to present schedules of compensation and retirement pensions from the service of the state or of any municipal corporation.”

March 23

Senate Bill, Int. No. 588, Pr. No. 632, introduced by Mr. DiCostanzo, entitled:

“AN ACT to amend the penal law, in relation to the punishment for second offenses of felony.”

Assembly Bill, Int. No. 54, Pr. No. 54, introduced by Mr. Dalzell, entitled:

“AN ACT to amend the civil service law, in relation to costs, counsel fees and expenses of employees reinstated by court order.”

Senate Bill, Int. No. 130, Pr. No. 444, introduced by Mr. DiCostanzo, entitled:

“AN ACT to amend the social welfare law, in relation to promotion qualifications.”

Senate Bill, Int. No. 680, Pr. No. 742, introduced by Mr. Warner, entitled:

“AN ACT to amend the correction law, in relation to damages for an escape.”

Assembly Bill, Int. No. 805, Pr. No. 840, introduced by Mr. Hollinger, entitled:

“AN ACT to amend the civil practice act, in relation to damages for an escape.”

March 28

Assembly Bill, Int. No. 1002, Pr. No. 1076, introduced by Mr. Davidson, entitled:

“AN ACT to amend the judiciary law, in relation to the classification of attendants to judges of the county court and surrogates in cities having a population of one million or more and to judges of the court of general sessions of the county of New York.”

Senate Bill, Int. No. 343, Pr. No. 358, introduced by Mr. Coudert, entitled:

“AN ACT to amend the judiciary law, in relation to the classification of attendants to judges of the county court and surrogates in cities having a population of one million or more and to judges of the court of general sessions of the county of New York.”

March 29

Assembly Bill, Int. No. 439, Pr. No. 446, introduced by Mr. Bormann, entitled:

“AN ACT to amend the civil practice act, in relation to places of trial of actions against the city of New York in certain cases.”

Senate Bill, Int. No. 661, Pr. No. 714, introduced by Mr. Warner, entitled:

“AN ACT to amend the judiciary law, in relation to appointment of terms of appellate division.”

Assembly Bill, Int. No. 1947, Pr. No. 2215, introduced by Mr. Mitchell, entitled:

“AN ACT to amend the education law, in relation to the issuance of certificates of physical fitness as required by the issuance of standard employment certificates.”

Assembly Bill, Int. No. 1563, Pr. No. 1747, introduced by Mr. Turshen, entitled:

“AN ACT to amend the New York city criminal courts act, in relation to conferring jurisdiction upon a city magistrate sitting as a court of special sessions to hear, try and determine violations of section twenty hundred forty of the penal law.”

Assembly Bill, Int. No. 946, Pr. No. 1012, introduced by Mr. Ehrlich, entitled:

“AN ACT to amend the tax law, in relation to the definition of ‘dividend.’ ”

Senate Bill, Int. No. 1404, Pr. No. 1603, introduced by Mr. Young, entitled:

“AN ACT to amend the education law, in relation to the qualifications of members of the teaching staff of the New York state maritime academy.”

Senate Bill, Int. No. 406, Pr. No. 1406, introduced by Mr. Pierce, entitled:

“AN ACT to amend the conservation law, in relation to payment by the state of the cost of extinguishing fires on Indian reservations located in certain counties.”

Assembly Bill, Int. No. 958, Pr. No. 1024, introduced by Mr. Marble, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to additional information required to be given upon arraignment to persons charged with violations of the vehicle and traffic law and repealing section three hundred thirty-five-a of the code of criminal procedure relating thereto.”

Senate Bill, Int. No. 783, Pr. No. 866, introduced by Mr. Bainbridge, entitled:

“AN ACT to authorize the town of Stony Point, in the county of Rockland, to borrow money by temporary loan, to pay a certain obligation of said town outstanding on December thirty-first, nineteen hundred thirty-four, and legalizing such outstanding obligation.”

Senate Bill, Int. No. 493, Pr. No. 694, introduced by Mr. Burney, entitled:

“AN ACT to amend the tax law, in relation to prescribing a time limitation with respect to the collection or enforcement of the tax on the transfer of estates of persons dying on or after September first, nineteen hundred thirty.”

Senate Bill, Int. No. 860, Pr. No. 964, introduced by Mr. Hampton, entitled:

“AN ACT to amend the insurance law, in relation to reserve investments by life insurance companies and fraternal benefit societies.”

Senate Bill, Int. No. 9, Pr. No. 1283, introduced by Mr. Wicks, entitled:

“AN ACT to amend the education law, in relation to the practice of optical dispensing and making an appropriation therefor.”

Assembly Bill, Int. No. 1304, Pr. No. 1429, introduced by Mr. Sullivan, entitled:

“AN ACT to provide for the extension of licenses to possess or carry a pistol or revolver for persons in the military service of the United States.”

Senate Bill, Int. No. 106, Pr. No. 106, introduced by Mr. Pierce, entitled:

“AN ACT to amend the tax law, in relation to limiting the duration of liens imposed by articles ten, ten-a, ten-b and ten-c.”

Senate Bill, Int. No. 957, Pr. No. 1074, introduced by Mr. Burney, entitled:

“AN ACT to amend the tax law, in relation to the time limitation with respect to collection or enforcement of the tax on the transfer of estates.”

Assembly Bill, Int. No. 1132, Pr. No. 1219, introduced by Mr. Dwyer, entitled:

“AN ACT to amend the judiciary law, in relation to age of trial jurors.”

Assembly Bill, Int. No. 1196, Pr. No. 1297, introduced by Mr. Crews, entitled:

“AN ACT to amend the judiciary law, in relation to age qualification of trial jurors until July first, nineteen hundred forty-four.”

Assembly Bill, Int. No. 1683, Pr. No. 1886, introduced by Mr. Demo, entitled:

“AN ACT to amend the civil service law, in relation to service allowance to members of the retirement system in the division of state police for certain military service.”

Assembly Bill, Int. No. 445, Pr. No. 452, introduced by Mr. Friedman, entitled:

“AN ACT to amend the civil practice act, in relation to the limitation of plaintiff's costs in actions brought in the supreme court which could have been brought in the city court of the city of New York.”

Senate Bill, Int. No. 359, Pr. No. 374, introduced by Mr. Seelye, entitled:

“AN ACT to amend the civil service law, in relation to accidental disability retirement of members of the New York state employees' retirement system.”

March 30

Assembly Bill, Int. No. 886, Pr. No. 940, introduced by Mr. Farbstain, entitled:

“AN ACT to amend the civil practice act, in relation to fees of clerks of the counties comprising the city of New York.”

Assembly Bill, Int. No. 942, Pr. No. 1008, introduced by Mr. Butler, entitled:

“AN ACT to amend the social welfare law and the code of criminal procedure, in relation to liability for support of certain relatives.”

March 31

Senate Bill, Int. No. 398, Pr. No. 416, introduced by Mr. W. J. Mahoney, entitled:

“AN ACT to amend the insurance law, in relation to insurance on the lives of minors.”

Assembly Bill, Int. No. 648, Pr. No. 928, introduced by Mr. MacKenzie, entitled:

“AN ACT to amend the civil service law, in relation to the appointment of officers and employees of the classification division.”

April 1

Assembly Bill, Int. No. 1275, Pr. No. 1400, introduced by Mr. Turshen, entitled:

“AN ACT to amend chapter six hundred thirty-two of the laws of nineteen hundred forty-three, entitled ‘An act to amend the personal property law, in relation to rights of payees in non-transferable United States savings bonds,’ in relation to the applicability of section twenty-four of the personal property law.”

Assembly Bill, Int. No. 700, Pr. No. 2304, introduced by Mr. Doige, entitled:

“AN ACT to amend the social welfare law, in relation to the acquisition of settlement by persons residing on Indian reservations.”

Assembly Bill, Int. No. 35, Pr. No. 35, introduced by Mr. Sellmayer, entitled:

“AN ACT to amend the highway law, in relation to awarding of contracts by a board of supervisors to a town board for the maintenance or repair of county roads.”

Assembly Bill, Int. No. 1186, Pr. No. 1287, introduced by Mr. Rudd, entitled:

“AN ACT to amend the civil practice act, in relation to authorizing the maintenance of an action for divorce by the committee of the person of an incompetent husband or wife.”

Assembly Bill, Int. No. 1935, Pr. No. 2510, introduced by Mr. Wilber, entitled:

“AN ACT to amend the civil practice act, in relation to the granting of letters of administration.”

Assembly Bill, Int. No. 1934, Pr. No. 2202, introduced by Mr. Wilber, entitled:

“AN ACT to amend the surrogate’s court act, in relation to the granting of letters of administration with will annexed.”

Senate Bill, Int. No. 1633, Pr. No. 1876, introduced by Mr. Bainbridge, entitled:

“AN ACT to amend the judiciary law, in relation to attorneys exercising the powers of a notary public.”

Assembly Bill, Int. No. 188, Pr. No. 188, introduced by Mr. Rapp, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to rates of speed of vehicles passing interurban or street cars.”

Assembly Bill, Int. No. 741, Pr. No. 775, introduced by Mr. Gans, entitled:

“AN ACT to amend the civil practice act, in relation to admissions as to matters of fact, papers, documents and photographs.”

Assembly Bill, Int. No. 315, Pr. No. 318, introduced by Mr. Van Cleef, entitled:

“AN ACT to amend the conservation law, in relation to expenses of game protectors and assistant district game protectors.”

Senate Bill, Int. No. 1583, Pr. No. 1810, introduced by Mr. Warner, entitled:

“AN ACT to amend the penal law, the code of criminal procedure and the civil practice act, in relation to infractions.”

Assembly Bill, Int. No. 1879, Pr. No. 2147, introduced by Mr. L. A. Lawrence, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of William H. Borden for property injuries alleged to have been caused by reason of the negligence of the state, its officers, agents or employees, and to render judgment therefor.”

Senate Bill, Int. No. 1166, Pr. No. 2037, introduced by Mr. Hampton, entitled:

“AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claims of certain persons in the state employ against the state to recover compensation for overtime services performed at the Rome State School, and to render judgment therefor.”

Assembly Bill, Int. No. 1547, Pr. No. 2426, introduced by Mr. Converse, entitled:

“AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claims of certain persons in the state employ against the state to recover compensation for overtime services performed at the Rome State School, and to render judgment therefor.”

Assembly Bill, Int. No. 1798, Pr. No. 2023, introduced by Mr. Wilber, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Antonio Lattanzio and Liberator Lattanzio, a copartnership doing business as Lattanzio Brothers, against the state for compensation for rental of trucks alleged to have been furnished to the division of highways, department of Public Works of the state of New York, and to render judgment therefor.”

Assembly Bill, Int. No. 1587, Pr. No. 1778, introduced by Mr. L. A. Lawrence, entitled:

“AN ACT to amend chapter two hundred ninety of the laws of nineteen hundred forty-two, entitled ‘An act in relation to the municipal commission and the police, fire, sewer, water and electric departments of the village of Herkimer, and repealing certain acts relating thereto,’ in relation to the improvement and repair of the electric, water and sanitary sewer system of the said village.”

Senate Bill, Int. No. 1215, Pr. No. 1975, introduced by Mr. Hampton, entitled:

“AN ACT to amend the abandoned property law, in relation to life insurance corporations.”

April 5

Assembly Bill, Int. No. 1073, Pr. No. 2089, introduced by Mr. Shaw, entitled:

“AN ACT to amend the public health law, in relation to the State Reconstruction Home at West Haverstraw.”

Senate Bill, Int. No. 1345, Pr. No. 1536, introduced by Mr. Seelye, entitled:

“AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claim of Blanche Allen O'Connor against the state of New York for damages for the appropriation of and trespass upon real property and to render judgment therefor.”

Senate Bill, Int. No. 1646, Pr. No. 1889, introduced by Mr. Wickes, entitled:

“AN ACT to confer jurisdiction upon the court of Claims to hear, audit and determine the claim of Jacob Grossman against the state for personal injuries, and to render judgment therefor.”

Senate Bill, Int. No. 1616, Pr. No. 1854, introduced by Mr. Anderson, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to the registration of used motor vehicles brought into this state to be sold.”

Senate Bill, Int. No. 733, Pr. No. 803, introduced by Mr. Anderson, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to giving limited peace officer powers to motor vehicle licenses examiners.”

Assembly Bill, Int. No. 1061, Pr. No. 1140, introduced by Mr. Hults, entitled:

“AN ACT to amend the election law, in relation to objections to petitions or certificates of designation or nomination and proceedings in connection therewith.”

Assembly Bill, Int. No. 281, Pr. No. 284, introduced by Mr. C. Lawrence, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of the estate of Charles T. Harvey, deceased, for certain outlays made by him at the solicitation of the state in erecting an illustrative experimental elevated railway in the city of New York, which outlay was in effect forfeited by subsequent legislation by the state, with no provision to compensate him for said outlay.”

Senate Bill, Int. No. 1515, Pr. No. 1742, introduced by Mr. Hampton, entitled:

“AN ACT to amend the state finance law, relative to the release of liens on real property arising out of judgments in favor of the people, state officers, departments or agencies.”

Assembly Bill, Int. No. 1895, Pr. No. 2163, introduced by Mr. Ryan, entitled:

“AN ACT to amend the town law, in relation to the number of justices of the peace to be elected in the town of Plattsburg, Clinton county.”

Senate Bill, Int. No. 1390, Pr. No. 1589, introduced by Mr. W. J. Mahoney, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of S. A. Anderson, Inc. against the state for refund of certain unemployment contributions alleged to have been erroneously made.”

Assembly Bill, Int. No. 1744, Pr. No. 1948, introduced by Mr. Gugino, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of S. A. Anderson against the state for refund of certain unemployment insurance contributions alleged to have been erroneously made.”

Assembly Bill, Int. No. 1393, Pr. No. 1540, introduced by Mr. Allen, entitled:

“AN ACT to amend the agriculture and markets law, in relation to the definitions of ‘ice cream,’ ‘frozen custard’ and ‘milk sherbert,’ and the analysis of frozen desserts.”

Assembly Bill, Int. No. 633, Pr. No. 651, introduced by Mr. Olliffe, entitled:

“AN ACT to amend the education law, in relation to the appointment of teachers, clerks, laboratory assistants and librarians in cities having a population of one million or more.”

Assembly Bill, Int. No. 404, Pr. No. 409, introduced by Mr. Crews, entitled:

“AN ACT to amend the education law, in relation to the appointment from eligible lists of regular teachers to fill certain temporary vacancies.”

Assembly Bill, Int. No. 609, Pr. No. 2424, introduced by Mr. Bannigan, entitled:

“AN ACT to amend the education law, in relation to examination of experienced non-regular or substitute teachers in a city having a population of one million or more.”

Senate Bill, Int. No. 1659, Pr. No. 1936, introduced by Committee on Rules, entitled:

“AN ACT to amend the penal law, in relation to parole of certain prisoners.”

Senate Bill, Int. No. 1338, Pr. No. 1529, introduced by Mr. Griffith, entitled:

“AN ACT to amend the decedent estate law and the surrogate’s court act, in relation to wills of persons in actual military or naval service or of mariners and the probate thereof.”

Senate Bill, Int. No. 999, Pr. No. 1972, introduced by Mr. Hampton, entitled:

“AN ACT to amend the real property law, in relation to voting trustees and voting trust agreements.”

Assembly Bill, Int. No. 820, Pr. No. 862, introduced by Mr. Knauf, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Arthur J. Duffy against the state for damages for personal injuries alleged to have been sustained by him by reason of the negligence and carelessness of the state, its officers, agents and employees, and to render judgment therefor.”

Senate Bill, Int. No. 939, Pr. No. 1056, introduced by Mr. Duryea, entitled:

“AN ACT to amend the town law, in relation to powers of town boards, with respect to the use of town highways by heavy commercial vehicles.”

April 6

Senate Bill, Int. No. 1462, Pr. No. 1689, introduced by Mr. Coudert, entitled:

“AN ACT to amend the public housing law, in relation to payments under the military law.”

Senate Bill, Int. No. 777, Assembly Rep. No. 2355, introduced by Mr. Duryea, entitled:

“AN ACT to amend the public health law, in relation to filing duplicate certificates of birth when the birth occurs outside the registration district in which the mother resides.”

Assembly Bill, Int. No. 1453, Pr. No. 1602, introduced by Mr. Kreinheder, entitled:

“AN ACT to amend the penal law, in relation to children in bowling alleys.”

Assembly Bill, Int. No. 840, Pr. No. 888, introduced by Mr. Hollowell, entitled:

“AN ACT to amend the tax law, in relation to the deductions for contributions for the purpose of taxes on personal incomes.”

Senate Bill, Int. No. 419, Pr. No. 437, introduced by Mr. Young, entitled:

“AN ACT to amend the children's court act of the state of New York, in relation to the appointment of prosecuting and defense attorneys.”

Assembly Bill, Int. No. 1118, Pr. No. 1464, introduced by Mr. Gans, entitled:

“AN ACT to amend the New York city municipal court code, in relation to the final orders in summary proceeding to recover possession of real property.”

Senate Bill, Int. No. 242, Pr. No. 1466, introduced by Mr. Baum, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to the reporting of judgments.”

April 7

Senate Bill, Int. No. 1496, Pr. No. 2110, introduced by Mr. Condon, entitled:

“AN ACT to amend the labor law, in relation to the appointment of referees.”

Senate Bill, Int. No. 933, Pr. No. 1041, introduced by Mr. Warner, entitled:

“AN ACT to amend the real property law, in relation to registering title to real property.”

Assembly Bill, Int. No. 531, Pr. No. 544, introduced by Mr. Friedman, entitled:

“AN ACT to amend the New York City municipal court code, in relation to jurisdiction in respect to assault.”

Senate Bill, Int. No. 1642, Pr. No. 1885, introduced by Mr. W. J. Mahoney, entitled:

“AN ACT to amend the mental hygiene law, in relation to expenditures of institutions and repealing section thirty-seven of such chapter relating thereto.”

Assembly Bill, Int. No. 1444, Pr. No. 1593, introduced by Mr. Sellmayer, entitled:

“AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claims of certain persons against the state to recover compensation for over-time services performed at the state agricultural and industrial school at Industry, and to render judgment therefor.”

Assembly Bill, Int. No. 996, Pr. No. 1070, introduced by Mr. Brees, entitled:

“AN ACT to amend the domestic relations law, in relation to examinations of and petitions, agreements, consents and affidavits by persons in the military or naval service.”

Senate Bill, Int. No. 453, Pr. No. 476, introduced by Mr. W. J. Mahoney, entitled:

“AN ACT to amend the real property law, in relation to experience qualifications of applicants for real estate brokers' licenses.”

Assembly Bill, Int. No. 1691, Pr. No. 1894, introduced by Mr. Marble, entitled:

“AN ACT to amend the town law, in relation to water rates in improvement districts.”

Assembly Bill, Int. No. 1188, Pr. No. 1289, introduced by Mr. Schulman, entitled:

“AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claim of Louis J. Marasco against the state to recover unpaid balances of compensation for services rendered as steward at the state agricultural and industrial school at Industry, and to render judgment therefor.”

Assembly Bill, Int. No. 1704, Pr. No. 1907, introduced by Mr. Molinari, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claims of The Staten Island Rapid Transit Railway Company and/or The Staten Island Railway Company, or their successor or successors in interest, against the State of New York for compensation and damages due by reason of the appropriation and/or use and occupation by the State of New York of lands, land under water and/or easements in connection with railroad grade crossing eliminations, and to render judgment therefor.”

Senate Bill, Int. No. 162, Pr. No. 1459, introduced by Mr. Hampton, entitled:

“AN ACT to provide for the payment of compensation, medical and hospital expenses of certain policemen, who have been disabled as a result of the performance of police duty.”

Senate Bill, Int. No. 487, Pr. No. 514, introduced by Mr. Bewley, entitled:

“AN ACT to amend the highway law, in relation to state highways in the county of Niagara.”

Senate Bill, Int. No. 1325, Pr. No. 1516, introduced by Mr. Burney, entitled:

“AN ACT to amend the town law, in relation to sewer, drainage, water or water distributing districts.”

April 9

Assembly Bill, Int. No. 1948, Pr. No. 2216, introduced by Mr. Mitchell, entitled:

“AN ACT to amend the New York city court act, in relation to officers of the court.”

Senate Bill, Int. No. 7, Pr. No. 1964, introduced by Mr. Wicks, entitled:

“AN ACT to amend the administrative code of the city of New York, in relation to allowance of service for certain members of the New York city employees' retirement system.”

Senate Bill, Int. No. 471, Pr. No. 821, introduced by Mr. Bainbridge, entitled:

“AN ACT to amend the administrative code of the city of New York, in relation to ‘credit for service’ of members of the New York city employees’ retirement system.”

Assembly Bill, Int. No. 930, Senate Rep. No. 1919, introduced by Mr. Hollowell, entitled:

“AN ACT to amend the pari-mutuel revenue law, in relation to the time in which pari-mutuel tickets may be presented for payment.”

Senate Bill, Int. No. 571, Pr. No. 603, introduced by Mr. W. J. Mahoney, entitled:

“AN ACT to amend the civil practice act, in relation to compensation of committees of incompetent persons.”

Assembly Bill, Int. No. 1887, Pr. No. 2155, introduced by Mr. Owens, entitled:

“AN ACT to amend the general business law, in relation to the issuance of licenses to private detectives and detective agencies.”

Assembly Bill, Int. No. 1986, Pr. No. 2254, introduced by Mr. Molinari, entitled:

“AN ACT to amend the public health law, in relation to the removal, destruction and abatement of noxious weeds and growths in cities by any authorized and designated private person without compensation, as agent of local board of health.”

Assembly Bill, Int. No. 1897, Pr. No. 2444, introduced by Mr. Steingut, entitled:

“AN ACT to amend the personal property law, in relation to salary or earnings of a public officer or employee, and repealing section eighty-six-a of the general municipal law relating thereto.”

Senate Bill, Int. No. 366, Assembly Rep. No. 1566, introduced by Mr. Wallace, entitled:

“AN ACT to amend the lien law, in relation to fees for discharge of criminal surety bond lien.”

Assembly Bill, Int. No. 1143, Pr. No. 2334, introduced by Mr. Backus, entitled:

“AN ACT authorizing the town board of the town of Otego, Otsego county, subject to a permissive referendum, to borrow money and to purchase a fire truck or fire trucks and equipment and authorizing such town board and the board of trustees of the village of Otego to enter into a contract or contracts providing for the use, operation and maintenance of such truck or trucks and equipment and the furnishing by such village of fire protection to such town and its inhabitants, and authorizing such village to use such truck or trucks and equipment in adjoining towns and authorizing such town to collect and receive charges therefor.”

Assembly Bill, Int. No. 1483, Pr. No. 1644, introduced by Mr. Marble, entitled:

“AN ACT to amend the highway law to provide for the separation of highway-railroad grades in the construction or reconstruction of state highways on new locations.”

Assembly Bill, Int. No. 1941, Pr. No. 2209, introduced by Mr. Marble, entitled:

“AN ACT to amend the highway law, in relation to state highways in the county of Ontario.”

Assembly Bill, Int. No. 1872, Pr. No. 2114, introduced by Mr. Demo, entitled:

“AN ACT to amend the highway law, in relation to state highways in the county of Lewis.”

Assembly Bill, Int. No. 1346, Pr. No. 1489, introduced by Mr. Marble, entitled:

“AN ACT to amend the highway law, in relation to the designation of state highways.”

Senate Bill, Int. No. 1708, Pr. No. 2029, introduced by Committee on Rules, entitled:

“AN ACT in relation to the employment of temporary employees in post-war public works projects of the state.”

Assembly Bill, Int. No. 1708, Pr. No. 1911, introduced by Mr. Shaw, entitled:

“AN ACT to amend the education law, in relation to assessment for school taxes of certain lands in the town of Ithaca, Tompkins county.”

Assembly Bill, Int. No. 152, Pr. No. 2370, introduced by Mr. Washburn, entitled:

“AN ACT to amend the tax law, in relation to the distribution by the town supervisors of revenues collected from franchise tax on business corporations.”

Senate Bill, Int. No. 1061, Pr. No. 1189, introduced by Mr. Hastings, entitled:

“AN ACT to amend the tax law, in relation to review and revision of local assessments.”

Assembly Bill, Int. No. 1006, Pr. No. 1080, introduced by Mr. Hatfield, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claims of Molly Packer, Sophie Hollinger, Ruth Hollinger Rauch (formerly known as Ruth Hollinger), Harry Hollinger, Hyman Packer and George Hollinger, respectively, etc.”

Senate Bill, Int. No. 1636, Pr. No. 1879, introduced by Mr. Burney, entitled:

“AN ACT to amend the town law and the village law, in relation to authorizing the town board of any town and the board of trustees of any village in either the counties of Erie or Cattaraugus to designate as the official newspaper of such town or village any newspaper published in a village located partly in each such county, provided such newspaper is of general circulation in such town or village.”

Assembly Bill, Int. No. 1692, Pr. No. 1895, introduced by Mr. Marble, entitled:

“AN ACT to amend the town law, in relation to building codes.”

Assembly Bill, Int. No. 441, Pr. No. 448, introduced by Mr. Ehrlich, entitled:

“AN ACT to amend the real property law, in relation to termination of monthly tenancy or tenancy from month to month outside the city of New York.”

Senate Bill, Int. No. 990, Pr. No. 1577, introduced by Mr. Warner, entitled:

“AN ACT to amend chapter eight hundred sixty-two of the laws of nineteen hundred thirty-six, entitled ‘An act authorizing the state of New York to participate in a federal program of flood control, making an appropriation for the same purpose,’ in relation to certain work of construction.”

Assembly Bill, Int. No. 969, Pr. No. 2306, introduced by Mr. Bennison, entitled:

“AN ACT to amend the tax law, in relation to assessment of state lands in certain towns.”

Assembly Bill, Int. No. 936, Pr. No. 1002, introduced by Mr. Morgan, entitled:

“AN ACT to amend chapter five hundred seventy of the laws of nineteen hundred nine, entitled ‘An act to establish the city court of Buffalo, defining its powers and jurisdiction and providing for its officers,’ in relation to appointment and removal of court stenographers.”

Assembly Bill, Int. No. 1881, Pr. No. 2443, introduced by Mr. Molinari, entitled:

“AN ACT to amend the vehicle and traffic law, in relation to traffic control signals.”

April 10

Senate Bill, Int. No. 1699, Pr. No. 2007, introduced by the Committee on Rules, entitled:

“AN ACT to amend the pari-mutuel revenue law, in relation to providing for the licensing of persons employed in the pari-mutuel system of betting, creating in the department of state a pari-mutuel employees’ licensing bureau, defining its powers and providing for the appointment of a license director, and making an appropriation to the department of state for its expenses.”

Senate Bill, Int. No. 596, Pr. No. 1938, introduced by Mr. W. J. Mahoney, entitled:

“AN ACT to amend the civil practice act, in relation to commissions of trustees of express trusts.”

Assembly Bill, Int. No. 1203, Pr. No. 1304, introduced by Mr. Jarema, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Margaret (O’Connor against the state for damages for alleged false imprisonment and to render judgment therefor.”

Assembly Bill, Int. No. 571, Pr. No. 2362, introduced by Mr. Suitor, entitled:

“AN ACT to amend the surrogate’s court act, in relation to commissions of testamentary trustees.”

Assembly Bill, Int. No. 1408, Pr. No. 1555, introduced by Mr. J. D. Bennett, entitled:

“AN ACT to amend the Nassau county administrative code, in relation to fees for indexing in the office of the county clerk.”

Assembly Bill, Int. No. 1479, Pr. No. 1640, introduced by Mr. Marble, entitled:

“AN ACT to amend the town law, in relation to general town improvements in towns of the second class.”

April 11

Assembly Bill, Int. No. 1311, Pr. No. 1444, introduced by Mr. Friedman, entitled:

“AN ACT to amend the civil practice act, in relation to affidavits used in support of or in opposition to motions for examinations before trial.”

Senate Bill, Int. No. 1449, Pr. No. 2100, introduced by Mr. Pierce, entitled:

“AN ACT to amend the conservation law, in relation to authorizing the leasing of oil and gas rights in Allegany state park.”

Senate Bill, Int. No. 1585, Pr. No. 2045, introduced by Mr. Warner, entitled:

“AN ACT to amend the election law, in relation to ballots for absentee voters and rules for counting votes.”

Assembly Bill, Int. No. 1764, Pr. No. 1968, introduced by Mr. Reoux, entitled:

“AN ACT to amend the stock corporation law and the penal law, in relation to dividends.”

Assembly Bill, Int. No. 1763, Pr. No. 1967, introduced by Mr. Reoux, entitled:

“AN ACT to amend the stock corporation law, in relation to changes in respect to shares, capital stock or capital.”

April 12

Assembly Bill, Int. No. 1773, Pr. No. 1998, introduced by Mr. Austin, entitled:

“AN ACT to amend the domestic relations law, in relation to actions by poor persons to procure the annulment of marriage on the ground of incurable insanity.”

Assembly Bill, Int. No. 1894, Pr. No. 2162, introduced by Mr Riley, entitled:

“AN ACT to amend the county law, in relation to the county clerk obtaining security from depositaries of moneys.”

Assembly Bill, Int. No. 1733, Pr. No. 1937, introduced by Mr. Foy, entitled:

“AN ACT to amend the highway law, in relation to state highways in the county of Albany.”

Assembly Bill, Int. No. 1389, Pr. No. 1536, introduced by Mr. Walmsley, entitled:

“AN ACT to amend the education law, in relation to the applicability to central school district number one of the town of Ramapo of certain provisions of section one hundred eighty-five thereof, relating to building quotas.”

Senate bill, Int. No. 1225, Pr. No. 1387, introduced by Mr. Dur-yea, entitled:

“AN ACT to legalize and validate certain land purchase and construction bonds of Amagansett fire district in the town of East Hampton, Suffolk county.”

Senate Bill, Int. No. 951, Pr. No. 1068, introduced by Mr. Hampton, entitled:

“AN ACT to amend the insurance law, in relation to grounds for rehabilitation of mutual and non-stock insurers.”

April 13

Assembly Bill, Int. No. 638, Pr. No. 656, introduced by Mr. Wright, entitled:

“AN ACT to amend the insurance law, in relation to provisions governing adjuster's licenses.”

Assembly Bill, Int. No. 1041, Pr. No. 1115, introduced by Mr. Wright, entitled:

“AN ACT to amend the general business law, in relation to business adjusters for insurance companies.”

Senate Bill, Int. No. 1352, Pr. No. 1543, introduced by Mr. W. J. Mahoney, entitled:

“AN ACT to amend the penal law, in relation to release on parole of certain prisoners.”

Assembly Bill, Int. No. 1185, Pr. No. 1694, introduced by Mr. G. B. Parsons, providing that no moneys shall be appropriated from proceeds of \$60,000,000 state bonds authorized for highways

and parkways unless certified by governor as necessary to interests of national defense, this provision to be deemed to have been in force from and after January 1, 1942 and to remain in force until July 1, 1945 or until end of war if it terminates prior thereto.

Assembly Bill, Int. No. 434, Pr. No. 1216, introduced by Mr. Stephens, providing moneys appropriated from \$60,000,000 bond issue for state parkway lands along west bank of Niagara river on Grand Island shall be made available to Niagara Frontier state park commission which may acquire such lands by gift, by purchase or by entry and appropriation.

Assembly Bill, Int. No. 781, Pr. No. 2119, introduced by Mr. Shaw, entitled:

“AN ACT to amend the real property law, in relation to definition of the term ‘subdivided lands.’ ”

Assembly Bill, Int. No. 1133, Pr. No. 1609, introduced by Mr. Stephens, entitled:

“AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Fort Orange Press, Inc., against the state for increased cost and expense of work performed in printing and binding the legislative journal and documents for the fiscal year commencing July first, nineteen hundred forty, and damage sustained because of changes in author’s copy after the contractor had set the original composition, and to render judgement therefor.”

April 14

Senate Bill, Int. No. 1487, Pr. No. 2014, introduced by Mr. Stokes, entitled:

“AN ACT to amend the conservation law, in relation to drainage.”

Assembly Bill, Int. No. 1537, Senate Rep. No. 2017, introduced by Mr. Suitor, entitled:

“AN ACT to amend the penal law, in relation to abortion and defining a therapeutic abortion and amending the education law in relation to revocation of certificates and the annulment and suspension of registration of physicians.”

III
MEMORANDA ON LEGISLATIVE BILLS
APPROVED

III

MEMORANDA ON LEGISLATIVE BILLS APPROVED

To Amend the Banking Law, in Relation to Powers of Industrial Banks

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 22, 1944*

Memorandum filed with Assembly Bill, Int. No. 372, Senate Rep. No. 1046, entitled:

“AN ACT to amend the banking law, in relation to the powers of industrial banks.”

APPROVED.

This bill has the excellent purpose of preventing industrial banks from acquiring, in the first instance, investments which are in default. Question has been raised that the proviso contained in the bill will permit such banks to continue to hold investments which have been properly acquired and which were not in default long after they have become in default. This is hardly true. In the case of banks and trust companies under subdivisions 1 and 2 of section 97 of the Banking Law, such corporations may invest in various classes of investments so long as they are not in default as to “either principal or interest when acquired.” This has not been construed to permit such banking corporations to retain the investments long after they have become in default. Moreover, under section 39 of the Banking Law, there is ample safeguard in the power of the Superintendent of Banks to prevent a banking organization from conducting its business in an unauthorized or unsafe manner. The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Fees, Penalties and Interest Payments in Towns in Dutchess County

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 22, 1944*

Memorandum filed with Senate Bill, Int. No. 832, Pr. No. 929, entitled:

“AN ACT to amend the tax law, in relation to fees, penalties and interest payments in towns of Dutchess county.”

APPROVED.

This bill amends section 96-f of the Tax Law. The section as it now exists provides a schedule of fees, payments and interest in relation to the collection of taxes in towns of Dutchess county. This bill amends the schedule of penalty and interest charges. Last year, chapter 272 was enacted and provided a modern rational schedule of penalties and interest payments on the collection of local taxes. That law did not attempt to impair or affect existing provisions of laws. For that reason section 96-f remained unaffected.

I am approving this bill but in doing so cannot refrain from saying that our laws would be much simplified if our local communities availed themselves more of existing general statutes covering the operations of local government.

The bill is approved.

(Signed) THOMAS E. DEWEY

**Authorizing Creation of State Debt for Housing Purposes and
Making an Appropriation to the Division of Housing**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 23, 1944

Memorandum filed with Assembly Bill, Int. No. 409, Pr. No. 1788, entitled:

“AN ACT authorizing the creation of a state debt for housing pursuant to article eighteen of the constitution, and making an appropriation to the division of housing in the executive department.”

APPROVED.

This bill authorizes the creation of a State debt in the additional sum of \$35,000,000 for the purpose of public housing in the city of New York. This is exactly the amount requested by the authorities in that city. It will provide the funds for the completion of the public housing program as conceived by that city's planners, as represented to the New York State Postwar Public Works Planning Commission, upon whose recommendation this bill was introduced.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Military Law, in Relation to Compensation and Rights of Public Officers and Employees Absent on Duty with State Guard

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 23, 1944*

Memorandum filed with Senate Bill, Int. No. 1201, Pr. No. 1360, entitled:

“AN ACT to amend the military law, in relation to compensation and rights of public officers and employees absent on military duty with the New York guard.”

APPROVED.

This bill revives the right of public officers and employees to absent themselves while on military duty with the New York Guard without impairment of their compensation and vacation privileges. In 1942 this right was cut off. Knowing, as I do, of the great sacrifices made by members of the New York Guard in using substantial portions of their leisure time in order to serve the State in the absence of the National Guard, I am gratified indeed to add my approval to this bill.

This bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Military Law, in Relation to Toll-Gates and Toll-Bridges

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with Assembly Bill, Int. No. 435, Pr. No. 442, entitled:

“AN ACT to amend the military law, in relation to toll-gates and toll-bridges.”

APPROVED.

This bill would permit the charging of tolls at toll-gates and toll-bridges in connection with the passage through them of members of the armed forces.

The Federal Government makes provision for the payment of such tolls and the War Department has indicated that it would not be justified in making any objection to this measure becoming law.

Moreover, the War Department has made arrangements with the Port of New York Authority for the payment of tolls through the facilities owned and operated by that agency. Enactment of this measure will be of great assistance to the many self-liquidating facilities in the State whose ordinary revenues have been severely

affected by the curtailment of vehicular traffic during the war. Yet they constitute an important and strategic asset in the prosecution of the war effort.

Accordingly, the bill is approved.

(Signed) THOMAS E. DEWEY

Three Bills Designed to Aid Returning Veterans

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 29, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 1454, Senate Rep. No. 2114, entitled:

“AN ACT creating a temporary state commission to make studies, analyses and plans and to maintain services for war veterans inducted from New York State, and making an appropriation for the expenses of the commission.”

Assembly Bill, Int. No. 476, Pr. No. 1815, entitled:

“AN ACT to amend the labor law, in relation to payment of unemployment benefits to New York state veterans released from active military service on or after December seventh, nineteen hundred forty-one.”

Assembly Bill, Int. No. 1891, Pr. No. 2159, entitled:

“AN ACT to amend the education law, in relation to state war service scholarships, and making an appropriation therefor.”

APPROVED.

These three measures lead the way in the State of New York for full but sensible assistance to the veterans of this war. The first bill creates a temporary State commission to study the many valuable proposals that have been made to assist in the rehabilitation of veterans and to set up a service agency throughout the State to assist veterans and their families in learning of the many provisions, both State and local, which exist for assistance to veterans. The substantial sum of \$100,000 is appropriated for the expenses of this commission.

The second bill provides for unemployment insurance for all New York State veterans, whether they were in covered employment or not prior to their entrance into the armed forces. It is a measure designed to fill the gap which exists until the Federal Government makes adequate provision for unemployment benefits to veterans.

The third measure creates 1,200 scholarships for the returning

veterans in order to inspire and assist them in the resumption of the educational opportunities which they were forced to abstain from utilizing because of the service they were called upon to render for their country. The enactment of this measure is particularly important now since many New York State veterans will be discharged from the armed forces during the ensuing year. The Legislature has appropriated the sum of \$420,000 to accomplish the purposes of this bill.

This is not the only legislation enacted this year by the Legislature of New York in order to fulfill the obligation of the State to its sons and daughters in the armed forces, but they are the substantial, principal parts of a great program worked out in cooperation between the legislative and executive branches of the State Government.

The bills are approved.

(Signed) THOMAS E. DEWEY

**Two Bills Amending the Labor Law and the Education Law, in
Relation to Employment of Minors in Farm Service**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 30, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 1931, Pr. No. 2459, entitled:

“AN ACT to amend the labor law, in relation to the employment of minors in farm service.”

Senate Bill, Int. No. 1407, Assembly Rep. No. 2463, entitled:

“AN ACT to amend the education law, in relation to the issuance of vacation permits for employment in farm service.”

APPROVED.

These two bills remove an inconsistency between the Labor Law and the special emergency statutes which permit minors between the ages of fourteen and sixteen years to be released from school for a period not in excess of thirty days to engage in certain kinds of agricultural work. Moreover, the bills set up additional safeguards in connection with such employment of minors. The bills, neither singly nor together, extend the possible employment of minors in such agricultural work. Neither of the bills permits such employment of minors while attendance at school is required.

The bills are approved.

(Signed) THOMAS E. DEWEY

**To Amend the Judiciary Law, in Relation to Salary of Clerks to
Justices of Supreme Court in Sixth Judicial District**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March* 30, 1944

Memorandum filed with Senate Bill, Int. No. 776, Pr. No. 859,
entitled:

“AN ACT to amend the judiciary law, in relation to salary
of clerks to justices of supreme court in the sixth
judicial district.”

APPROVED.

This bill increases the salaries of confidential clerks to Justices of the Supreme Court in the Sixth Judicial District from \$2,500 to \$3,000 per annum.

All of the local authorities and representatives have indicated they desire the approval of this bill. The moneys to pay the increases in salaries, as well as the salaries increased, must be disbursed through State appropriations. Although the moneys are paid in the first instance by the State, this is not a burden upon the State. It is a financial burden upon the localities comprising the judicial district. This is so because of the operation of the so-called court and stenographers tax. This tax, which has frequently been described, but quite erroneously, as a State tax upon local real estate, is really a local tax for local purposes. The tax is imposed under State law, but is assessed locally through the ordinary assessing officials and collected locally by the local collectors of taxes along with other local real estate taxes. The moneys are turned over to the State, but are paid out in compensation of judicial officers and employees in the district in which the money was raised.

It would be much better if the principles of home rule were applied to the compensation of judicial officers and employees, so that when salaries such as those involved in this bill are to be increased, the determination would be wholly local and would be raised directly and disbursed directly by local officials. In that way, the responsibility of government to the people would be clear and direct and responsive.

Because the local representatives all ask for approval of this bill and the salary increases are not inordinate, I am approving this bill.

The bill is approved.

(Signed)

THOMAS E. DEWEY

**Two Bills Amending the County Law, in Relation to Salaries of
Orange County Surrogate and Montgomery County Judge**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 30, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 1469, Pr. No. 1630, entitled:

“AN ACT to amend the county law, in relation to increasing the salary of the surrogate of Orange county.”

Assembly Bill, Int. No. 630, Pr. No. 648, entitled:

“AN ACT to amend the county law, in relation to the salary of county judge of Montgomery county.”

APPROVED.

The first of the above bills increases the salary of the Surrogate of Orange county from \$5,000 to \$8,000 per annum. The second bill increases the salary of the county judge of Montgomery county from \$2,500 to \$3,500.

Both of these bills permit the increases therein provided to be applicable to the present incumbents in the respective offices. This is not prohibited by the Constitution since judicial officers are covered by article 6, section 19, which provides generally that the compensation of judicial officers may not be diminished during their terms of office, but does not prohibit increases therein. Section 12 of article 13 of the State Constitution is not applicable to judicial officers because of the specific expression contained in article 6.

I have today approved Senate Bill, Int. No. 776, Pr. No. 859, providing for an increase in the salaries of confidential clerks to justices of the Supreme Court in the Sixth Judicial District. In approving that bill I made comment upon the fact that the compensation for such clerks was paid through State appropriations although the money was raised through the so-called “court and stenographers tax.” These two bills also involve judicial employment. Nevertheless their compensation is paid directly by the respective counties through locally assessed and collected taxes.

With respect to both of these bills local representatives, members of the Bar and others have indicated the desirability of the increases provided. The increases seem reasonable and I am, therefore, approving these bills.

The bills are approved.

(Signed) THOMAS E. DEWEY

**To Amend the Real Property Law and the Civil Practice Act, in
Relation to Oaths Before Town Councilmen**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 30, 1944*

Memorandum filed with Assembly Bill, Int. No. 960, Pr. No. 1026, entitled:

“AN ACT to amend the real property law and the civil practice act, in relation to taking oaths and acknowledgements before town councilmen.”

APPROVED.

This bill permits town councilmen to take acknowledgements and administer oaths.

The purpose of the bill is salutary. However, an appropriate amendment should be made to section 310 of the Real Property Law in order to require that certificates of acknowledgement by such officers, recorded outside his county, must first be properly authenticated by a certificate of the county clerk.

The bill is approved.

(Signed) **THOMAS E. DEWEY**

**To Amend the Social Welfare Law, in Relation to Additional
Powers and Duties of Welfare Officers Concerning Children**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1402, Pr. No. 1990, entitled:

“AN ACT to amend the social welfare law, in relation to additional powers and duties of commissioners of public welfare and certain city public welfare officers concerning children.”

APPROVED.

This bill both liberalizes and increases the safeguards in connection with the placing of children in homes and institutions.

Under the present law there is some doubt as to whether State funds may be disbursed for such care outside the State. This means that there are imposed unnecessary limitations on the placing of children. It prevents the placing of children in otherwise desirable summer homes and vacation places.

At the same time the bill requires that all the institutions in which such children may be placed must have been authorized and approved by the Board of Social Welfare.

The bill is approved.

(Signed) **THOMAS E. DEWEY**

To Amend the Social Welfare Law, in Relation to Eligibility for Assistance to Blind

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1539, Pr. No. 2141, entitled:

“AN ACT to amend the social welfare law with relation to eligibility for assistance to the blind.”

APPROVED.

This bill marks a most progressive departure from previous restrictions upon assistance to the blind. It removes from the law the provision that such recipients to be eligible must have resided within the State for five out of the preceding nine years. It permits assistance to all persons who have been residents continuously for one year preceding receipt of such assistance.

It liberalizes other provisions to protect unfortunates from irresponsible relatives able to support them. The liability of such relatives will remain unchanged, but assistance will not be denied while such liability is being enforced.

It also removes from the law the provisions that such assistance is not available to persons who are in need of permanent hospitalization. This is a more realistic approach and will put an end to a source of administrative conflicts.

This bill, more than any of the others which I have today signed in the field of social welfare, represents a humane simplification and integration of the system of rules governing the giving of assistance.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Eligibility for Old Age Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1470, Pr. No. 2294, entitled:

“AN ACT to amend the social welfare law with relation to eligibility for old age assistance.”

APPROVED.

This bill accomplishes for persons who are in need of old age assistance the same that is provided in Assembly Bill, Int. No. 1539, Pr. No. 2141, which relates to the needy blind. The same strong reasons for that bill are present in this case.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to aid to Dependent Children

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1540, Pr. No. 2142, entitled:

“AN ACT to amend the social welfare law with relation to aid to dependent children.”

APPROVED.

This bill permits the giving of assistance to dependent children of women whose husbands are serving in the armed forces of the United States or its allies or on American merchant vessels.

It is a most intelligent and humane broadening of this form of assistance. It not only recognizes the duty of the State to the children but to their fathers who are serving their country in time of war.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Responsibility for Old Age Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1472, Pr. No. 2296, entitled:

“AN ACT to amend the social welfare law with relation to responsibility for old age assistance.”

APPROVED.

This bill clarifies the procedure whereby a city may transfer the administering of old age assistance in such city to the county in which the city is located upon acceptance of such transfer by the county.

Concerning this bill, the Conference of Mayors has written me as follows:

Under the existing law cities may elect to administer old age assistance, but there is no provision in the law at the present time which will permit them to transfer this activity to the county. We believe that this amendment is necessary and that it is fair both to the cities and the counties.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Hospital Care

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Senate Bill, Int. No. 1057, Pr. No. 1815, entitled:

“AN ACT to amend the social welfare law, in relation to care in hospitals.”

APPROVED.

This bill permits the placing of needy sick and disabled persons in hospitals located without the State where adequate and proper facilities are not conveniently located within the State.

In many of the communities located near the borders of the State the nearest hospital facilities are located in an adjoining State. It is necessary both for the welfare of the patients and for economy to give public welfare officials the power to utilize the best and most adjacent hospitals.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Adequacy of Old Age Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1624, Pr. No. 1821, entitled:

“AN ACT to amend the social welfare law, in relation to adequacy of old age assistance.”

APPROVED.

Concerning this bill, the Commissioner of Social Welfare has written me as follows:

Under this proposal the Department would be permitted, but not required, to withhold State reimbursement from local welfare districts on individual grants of old age assistance deemed to be inadequate to meet the needs of the recipient.

The present bill would implement the Department's supervisory power at a point where it is now weak. At present the Department may withhold reimbursement where eligibility has not been properly established by the local district but the Department cannot withhold reimbursement *on individual grants* for the equally important reason that they fail to meet the minimum needs of recipients.

The law at present gives the Department power to review public assistance grants of local welfare districts and to determine whether a given grant is adequate or inadequate. If, in reviewing the grant, the Department determines that it is inadequate, this decision is theoretically binding upon the local welfare administrator. There is, however, no way of enforcing this decision except through court action. As an alternative the Department may withhold reimbursement on *all* public assistance grants in the district involved on the ground of failure to comply with Department standards, but so drastic a step cannot be taken without the possibility of severe hardship to all persons receiving assistance in this district.

This bill provides a direct and effective method of enforcing the law.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Declaration of Object of Old Age Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 877, Pr. No. 931, entitled:

“AN ACT to amend the social welfare law, in relation to declaration of object of old age assistance.”

APPROVED.

This bill amends a statutory statement of policy with regard to assistance to aged persons. It removes from that declaration the limitation that persons who receive old age assistance must not only be in need but must be physically incapacitated. Under this amendment, the concurrence of age and need would constitute the basis for assistance from the State.

This is a much more realistic approach to the circumstances under which the aged needy are subjected. Moreover, it is typical of the progressive recognition of the State's interest and concern in the welfare of its less fortunate members.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Character and Adequacy of Old Age Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1473, Pr. No. 2297, entitled:

“AN ACT to amend the social welfare law with relation to character and adequacy of old age assistance.”

APPROVED.

This bill permits the giving of old age assistance to a person who resides in a private nursing home. Presently, such assistance may be given to a person who resides in his own home or boards elsewhere, but does not include a private nursing home. There is no reason why that type of home should be excluded from this provision and this bill would add somewhat to improving the limited alternatives open to recipients of old age assistance.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Application for Old Age Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1471, Pr. No. 2295, entitled:

“AN ACT to amend the social welfare law with relation to application for old age assistance.”

APPROVED.

This bill clarifies the provisions which govern the circumstances under which an inmate of a public or private institutional home may make application for old age assistance, which assistance, however, shall not be granted until the inmate ceases to reside in the institutional home.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Character and Adequacy of Assistance to the Blind

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1541, Pr. No. 2143, entitled:

“AN ACT to amend the social welfare law with relation to character and adequacy of assistance to the blind.”

APPROVED.

This bill permits blind assistance to be given to persons who are in a private nursing home. At the present time such assistance may be provided to a person who is in his own home or who boards elsewhere. There is no reason why an approved nursing home should not be included in that category.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Responsibility for Assistance to the Blind

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Senate Bill, Int. No. 1058, Pr. No. 1816, entitled:

“AN ACT to amend the social welfare law, in relation to responsibility for assistance to the blind.”

APPROVED.

This bill would permit persons who are the recipients of blind assistance from the State to be temporarily absent from the public welfare district of jurisdiction.

This liberalization is humane and sensible and is long overdue. It will permit recipients of such assistance to visit with their friends and relatives and give them some freedom of movement.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Social Welfare Law, in Relation to Responsibility for Old Age Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1401, Pr. No. 1989, entitled:

“AN ACT to amend the social welfare law, in relation to responsibility for old age assistance.”

APPROVED.

This bill would permit persons who are the recipients of old age assistance from the State to be temporarily absent from the public welfare district of jurisdiction.

This liberalization is humane and sensible and is long overdue. It will permit recipients of such assistance to visit with their friends and relatives and give them some freedom of movement.

The bill is approved.

(Signed) THOMAS E. DEWEY

**To Amend the Social Welfare Law, in Relation to Aid to
Dependent Children**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1404, Pr. No. 1992, entitled:

“AN ACT to amend the social welfare law, in relation to aid to dependent children.”

APPROVED.

This bill would permit dependent children who are the recipients of aid from the State to be temporarily absent from the public welfare district of jurisdiction.

This liberalization is humane and sensible and is long overdue. It will permit recipients of such assistance to visit with their friends and relatives and give them some freedom of movement.

Even more than in the cases of the needy blind and the needy aged is it desirable that children be permitted to visit with friends and relatives. Only in that way can the development of normal children be encouraged. It seems brutal and harsh to curtail assistance to such children merely because they are temporarily absent from the district through which the assistance is administered.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Public Works Law Generally

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Senate Bill, Int. No. 1526, Pr. No. 1753, entitled:

“AN ACT to amend the public works law generally.”

APPROVED.

The State Department of Public Works was first created in 1878 for the sole purpose of maintaining and operating the State canal system. It succeeded the Board of Canal Commissioners. In 1923, in 1926 and in 1927, there were merged successively with this department the Department of Highways, the Department of Public Buildings, the Department of Architecture and the State Engineer's Office. The separate organization of these units was maintained by setting up each as a division of the Department of Public Works. At the present time, we still have five divisions; the Division of Canals and Waterways, the Division of Highways, the Division of Public Buildings, the Division of Engineering and the Division of Architecture. The only justification for the continuance of these divisions is historical.

The work of the Department of Public Works consists primarily of two functions—first, construction and second, operation and maintenance. There is no reason why the construction of highways, the construction of canals and the construction of bridges should be separated in airtight compartments. The bill before me will permit the department to be organized most efficiently along functional lines. In addition to a much-needed Division of Administration, there will be two main divisions—one for construction, headed by a chief engineer, and one for operation and maintenance, headed by a division superintendent. The work of the two divisions will be further broken down in accordance with the different types of State property and State work to be supervised.

The Superintendent of Public Works will be freed from many unreasonable restrictions which now hamper him in the most efficient use of his personnel and equipment.

No persons presently employed will be discharged as a result of reorganization. District offices will be maintained as heretofore. The functions of the department will be continued exactly as they have in the past, but with much greater flexibility and efficiency.

Under the existing Public Works Law, the Superintendent of Public Works, who is responsible for engineering projects, in magnitude second only to those of the Federal Government, is forced to act without the advice and consultation of specialists and highly skilled technicians not employed by his own department. This greatly restricts his ability to handle certain types of special work in which the guidance of a specialist is needed by the State for a short time. Under such circumstances, the State would not be justified in creating a new position and permanently employing such a technician, but at the same time a prudent engineer could not proceed without his consultation and advice. This law is intended to permit him to make use of unusual and specialized technical advice for appropriate operations.

The bill is approved.

(Signed) THOMAS E. DEWEY

Providing Additional War Emergency Compensation for Officers and Employees of the Judiciary and Making an Appropriation

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Assembly Bill, Int. No. 1604, Pr. No. 2315, entitled:

“AN ACT authorizing and providing for the payment of additional war emergency compensation to certain officers and employees of the judiciary for and during the fiscal year commencing April first, nineteen hundred forty-four and ending March thirty-first, nineteen hundred forty-five and making an appropriation therefor.”

APPROVED.

Last year and again this year, the State made provision for additional war emergency compensation for its employees who receive less than \$4,000 per annum.

There is a class of employee concerning whom there is contradictory law as to whether their status is State or municipal. These are the judicial employees who are paid by the State out of moneys appropriated by the State, but which moneys are reimbursed out of the court and stenographers tax. That tax was discussed by me at some length in my memorandum of approval attached to Senate Bill, Int. No. 776, Pr. No. 859. Therefore, with regard to employees of this character, unless the State takes action to provide this additional war emergency compensations, they might, as a class, find themselves disowned both by the State and by the municipalities. The court and stenographers tax device unnecessarily attenuates the chain of responsibility between local government and certain of its officers and employees. However, we are faced with a fact and not a theory. The amount of compensation of these officers and employees is, under existing law, a responsibility of the State, even though the funds for their payment are indirectly derived from local taxation.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Education Law, in Relation to Powers of Superintendent of Schools and Board of Superintendents in New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Memorandum filed with Senate Bill, Int. No. 1499, Pr. No. 1726, entitled:

“AN ACT to amend the education law, in relation to the powers of the superintendent of schools and the board of superintendents in cities having a population of one million or more.”

APPROVED.

This bill places in the superintendent of schools of the city of New York full executive responsibility in the administration of schools in that city. It removes an anachronism of a board of nine superintendents, in which each had equal voice. The Superintendent of Schools, whose salary is \$25,000—the same as that of the Governor of this State—is actually subject to the control of eight of his subordinates. His powers were further shorn by reason of the policy-making functions of the city board of education.

Concerning this bill, Mr. Buck, on behalf of the New York city board of education, has said:

This bill remedies that anomalous situation. It places executive and administrative responsibility squarely on the shoulders of the chief executive officer—the Superintendent of Schools. That responsibility should be so placed has been recommended, I am informed, by every responsible group which has studied our school system in recent years—including your Rapp-Coudert Committee.

Opponents of this bill have claimed, among other things, that this bill increases the powers of the Board of Education. I submit that *this just* is not so. As a matter of fact it decreases the Board of Education's power in that it vests with the Superintendent of Schools—where that power belongs—the power to nominate top officers of the system. After all, as the chief executive, he is entitled to a say in the choice of his chief lieutenants.

The Citizens Union of the City of New York, an independent body, has said of the bill:

Its passage in the last hours of the session, in spite of the most strenuous efforts of the teachers' lobby and the Democratic Party Organization, constitutes one of the really noteworthy legislative accomplishments of the year.

This bill represents what Dr. Strayer, in the Report of the Joint Legislative Committee on the State Education System, indicated was one of its most important recommendations. That report points out that the superintendent, although declared to be "the chief executive officer of the board of education and the educational system," he is "nothing of the kind; that the statutory declaration is not supported by enough specific delegations of power to make it true." This situation in New York city is unique as compared with the other cities of the State which have superintendents of schools.

This bill is not political, although the attacks upon it have been political. Organizations such as the Citizens Union, the New York League of Women Voters and the Citizens Budget Commission have for years supported precisely this proposal. The only opposition to it developed from selfishly-motivated sources, who were less interested in the welfare of the children and of the school system than in that of some special group. Others, with partisan motives, espoused the cause of this opposition with reckless disregard of the welfare of the children of New York City.

Every other city I know has a superintendent of schools in fact, as well as in name. I believe the children of New York City

are equally entitled to a school system with a responsible Superintendent. The bill is a great, forward step in education in the city of New York.

The bill is approved.

(Signed) THOMAS E. DEWEY

Eighteen Bills Amending the Workmen's Compensation Law, the Labor Law, the Education Law and the Insurance Law, Representing the Program of the Moreland Commission Investigating Workmen's Compensation Law Administration

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April. 1, 1944*

Memorandum filed with the following bills:

Senate Bill, Int. No. 1669, Pr. No. 2084, entitled:

“AN ACT to amend the workmen's compensation law, in relation to increased awards against an employer interposing unjustified objections.”

Senate Bill, Int. No. 1667, Pr. No. 2082, entitled:

“AN ACT to amend the workmen's compensation law, in relation to authorization of physicians and licensing of compensation medical bureaus and laboratories.”

Senate Bill, Int. No. 1668, Pr. No. 2083, entitled:

“AN ACT to amend the workmen's compensation law, in relation to silicosis and other dust diseases.”

Senate Bill, Int. No. 1666, Pr. No. 2108, entitled:

“AN ACT to amend the workmen's compensation law, in relation to compensation for disability.”

Senate Bill, Int. No. 1664, Pr. No. 2050, entitled:

“AN ACT to amend the workmen's compensation law, in relation to representation before the industrial board.”

Senate Bill, Int. No. 1663, Pr. No. 2080, entitled:

“AN ACT to amend the workmen's compensation law, in relation to liability of employer for replacements or repairs of artificial members of the body and certain other devices and appliances.”

Senate Bill, Int. No. 1681, Pr. No. 2058, entitled:

“AN ACT to amend the labor law, in relation to the industrial council.”

Senate Bill, Int. No. 1680, Pr. No. 2090, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to treatment and care of injured employees.”

Senate Bill, Int. No. 1679, Pr. No. 1959, entitled :

“AN ACT to amend the education law, in relation to the revocation, suspension or annulment of licenses and registrations of practitioners of medicine.”

Senate Bill, Int. No. 1678, Pr. No. 1958, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to payment of bills for medical care.”

Senate Bill, Int. No. 1677, Pr. No. 2089, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to medical or surgical treatment by insurance carriers and employers.”

Senate Bill, Int. No. 1676, Pr. No. 2088, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to appeal.”

Senate Bill, Int. No. 1675, Pr. No. 2087, entitled :

“AN ACT to amend the insurance law, in relation to the imposition of penalties on insurers licensed to issue policies covering liability under the workmen’s compensation law.”

Senate Bill, Int. No. 1674, Pr. No. 2086, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to interference with selection and/or improperly influencing authorized physicians.”

Senate Bill, Int. No. 1672, Pr. No. 1952, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to notices and reports of treatment.”

Senate Bill, Int. No. 1671, Pr. No. 1951, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to physical examinations of employees claiming or entitled to compensation.”

Senate Bill, Int. No. 1670, Pr. No. 2104, entitled :

“AN ACT to amend the workmen’s compensation law, in relation to compensation of employees injured through fault or negligence of a third party.”

Assembly Bill, Int. No. 1715, Pr. No. 1919, entitled:

“AN ACT to amend the labor law, in relation to the industrial commissioner, the industrial board and the industrial council, and making an appropriation to the department of labor.”

APPROVED.

These eighteen bills represent the work and the legislative program of the Moreland Commission appointed by me to examine into the administration of the Workmen's Compensation Law of this State, headed by Judge Bleakley and the Honorable Herman T. Stichman. They are the result of fourteen months of investigation. During the latter months of that period, the Commissioners surveyed, heard and analyzed the views of the various groups which would be affected by their recommendations. Much labor and the use of outside expert advice were obtained in the drafting of these measures.

In the best tradition of this liberal and progressive State, these bills were drawn not for the benefit of any special groups, but for the overwhelmingly large number of our people who constitute the workers in the factories and the shops of this great State. For them, these bills represent a renewal of the guarantee of security provided by the Workmen's Compensation Law. The barnacles, the anomalies, the anachronisms which have come to the surface after many years of operation under this law are cut off by this program. Moreover, a real and substantial increase in benefits fitting the change in the times is included. The benefits for disability and death resulting from dust diseases are increased in accordance with the advances in that field by medical science.

The bills are approved.

(Signed) THOMAS E. DEWEY

To Amend the Tax Law, in Relation to Stock Transfer Taxation

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April*, 1, 1944

Memorandum filed with Senate Bill, Int. No. 1326, Pr. No. 1517, entitled:

“AN ACT to amend the tax law, in relation to the tax on transfers of stock and other corporate certificates and its application to investment trusts.”

APPROVED.

This bill has the very desirable purpose of preventing double and occasionally triple taxation of the same transfers of shares of stock and other corporate certificates.

The bill is approved.

(Signed) THOMAS E. DEWEY

Two Bills Amending the Highway Law, in Relation to Acquisition of Rights of Way for State Highways

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 2052, Pr. No. 2428, entitled:

“AN ACT to amend the highway law, in relation to the preparation of designs, plans, specifications and estimates of a state arterial system in cities.”

Senate Bill, Int. No. 13, Assembly Rep. 1994, entitled:

“AN ACT to amend the highway law, in relation to the acquisition by the state of property necessary for the construction and reconstruction of state highways and bridges or culverts on the state highway system.”

APPROVED.

These bills, in accordance with the recommendation contained in my annual message to the Legislature, make provision for the acquisition of rights of way outside cities for the construction and reconstruction of State highways, and in cities for the designing and planning of State arterial systems.

These bills are the fruit of many years of struggle to obtain a modern system of highways in this State. Considering its size, wealth and leadership in the Nation, the State of New York is almost at the bottom of the list of states in the construction and maintenance of safe and modern highways. These bills are of necessity the first step in a great program for the postwar construction of highways in this State. The preliminary character of the step is particularly true with regard to the bill affecting cities. This bill at the present time makes no provision for the acquisition of rights of way within the cities nor for the construction and maintenance of highways. This being so, the planning, discussion and agreement with the cities is left to be accomplished. Development of specific routes for arterial systems of highways through cities is still to be worked out in detail by the Superintendent of Public Works, in cooperation with the cities.

The Legislature has given its approval to the making of plans with regard to such routes. Further action by the Legislature and the affected State departments will be required to determine which of the specified routes or all of them shall be assumed by the State as State highways or arterial routes. Moreover, the problem of maintenance of such routes through cities is one to be considered in the future.

These bills meticulously avoid unnecessary infringement upon the local government and local responsibility for local affairs. At the same time these are not measures designed to be merely an

extension of financial aid to the local communities. Their primary purpose is to provide great highways for the State of New York. This is to be done at State expense. Accordingly, it is the obligation of the State to see that the money to be expended directly by it provides the benefits the people should receive.

Above all, these bills and the program they envisage will provide the largest and greatest public works contribution to postwar reemployment. This means reemployment not only for the persons now engaged in war industry who will have to seek other occupations when the war is over but also the many veterans of this war who will be seeking peaceful occupations.

The bills are approved.

(Signed) THOMAS E. DEWEY

**To Amend the Tax Law, in Relation to Carrying on Business, for
Unincorporated Business Tax and Personal Income Tax
Purposes**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 5, 1944*

Memorandum filed with Assembly Bill, Int. No. 1177, Pr. No. 1278, entitled:

“AN ACT to amend the tax law, in relation to carrying on business, for purposes of the tax on net incomes of unincorporated businesses, and the taxes upon and with respect to personal incomes.”

APPROVED.

This bill makes clear that securities transactions by individuals for their own account do not constitute the doing of business under the laws imposing the tax on unincorporated businesses. Little in the way of revenue has been recovered from transactions of this kind, because of the difficulty in the administration and difficulty of proof. Moreover, the present doubt as to the law tends to discourage persons from engaging in such transactions within the State.

The bill is approved.

(Signed) THOMAS E. DEWEY

**To Amend the Multiple Dwelling Law, in Relation to Fire
Protection in Lodging Houses**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 6, 1944*

Memorandum filed with Senate Bill, Int. No. 1218, Pr. No. 1840, entitled:

“AN ACT to amend the multiple dwelling law, in relation to fire protection in existing lodging houses.”

APPROVED.

This bill imposes certain standards of safety for a type of lodging house that is characterized as a "flop house." These so far have been unregulated. This type of building was involved in the tragic and disastrous loss of life as the result of a fire in New York City in December 1943. It seems unbelievable that first we ignore the conditions under which some people live and then when we ascertain the great hazards of those conditions we, by regulations, further validate the existence of those conditions. To leave them unregulated would, however, be the worse evil. Much more remains to be done.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the General Corporation Law and the Stock Corporation Law, in Relation to Revival of Corporate Existence

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 6, 1944*

Memorandum filed with Assembly Bill, Int. No. 36, Pr. No. 1985, entitled:

“AN ACT to amend the general corporation law and the stock corporation law, in relation to revival of corporate existence after expiration of term of duration.”

APPROVED.

By this bill a general procedure for the revival of corporations whose term of existence has expired is provided.

Last year a bill with this purpose was passed by the Legislature and vetoed by me because it lacked various safeguards for the protection of stockholders. This year most of the safeguards have been incorporated into the measure. However, as pointed out by the Honorable Frank S. Sharp, Deputy Secretary of State, there is still one safeguard which is lacking. Under the present bill a dissenting stockholder has no remedy in the event of a revival. He should be permitted to have an appraisal of his stock and obtain the value thereof in a manner similar to the situation in which other dissenting stockholders find themselves in accordance with the provisions of section 21 of the Stock Corporation Law. This defect is not so serious as to require the disapproval of the bill at this time. I do urge, however, that at the next session of the Legislature this additional remedy and safeguard be carefully considered and the law amended appropriately.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Conservation Law and the Education Law, in Relation to Jurisdiction and Control of Scientific and Historic Places

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 6, 1944*

Memorandum filed with Senate Bill, Int. No. 716, Assembly Rep. No. 2340, entitled:

“AN ACT to amend the conservation law, in relation to membership of the state council of parks, repealing certain provisions relating to scientific or historic places and amending the education law in regard to jurisdiction and control of such places.”

APPROVED.

This bill provides for the transfer of certain historic sites from the Department of Conservation to the Department of Education.

Certain provisions of the bill affect the Stony Point Reservation in the Palisades Interstate Park Commission region, in which the American Scenic and Historic Preservation Society has an interest.

The bill was passed through the Legislature on the understanding that the sections concerning the Stony Point Reservation would remain inoperative until an agreement had been reached between the Division of Parks, the Department of Conservation and the officials of that society as to the final disposition of that Reservation. Upon a similar understanding, I am approving the bill. On this point, the Director of State Parks has written as follows:

Certain sections of this act affect the Stony Point Reservation in the Palisades Interstate Park Commission region.

When this bill becomes law it is understood and agreed that those sections dealing with the Stony Point Reservation shall remain inoperative until such time as an agreement can be reached between the park authorities and the American Scenic and Historic Preservation Society officials as to the final disposition of the Stony Point Reservation and in any event until the next session of the Legislature.

The bill is approved.

(Signed) THOMAS E. DEWEY

Eleven Bills Amending the Mental Hygiene Law and the Workmen's Compensation Law, Representing Part of Program of Moreland Commission Investigating Mental Hygiene Institutions

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with the following bills:

Senate Bill, Int. No. 1600, Pr. No. 1834, entitled:

“AN ACT to amend the mental hygiene law, in relation to the acquisition of lands or easement rights in the bed or beds of streams, lakes, streets, roads, highways or rights of way and to provide for compensation therefor.”

Assembly Bill, Int. No. 1967, Pr. No. 2235, entitled :

“AN ACT to amend the mental hygiene law, in relation to general powers and duties of boards of visitors of institutions within the department of mental hygiene.”

Assembly Bill, Int. No. 1971, Pr. No. 2239, entitled :

“AN ACT to amend the mental hygiene law, in relation to accounts and records of state institutions.”

Assembly Bill, Int. No. 1975, Pr. No. 2243, entitled :

“AN ACT to amend the mental hygiene law, in relation to moneys of certain patients in state institutions.”

Assembly Bill, Int. No. 1972, Pr. No. 2240, entitled :

“AN ACT to amend the mental hygiene law, in relation to the revocation or suspension of licenses of qualified examiners and qualified psychologists.”

Assembly Bill, Int. No. 1973, Pr. No. 2241, entitled :

“AN ACT to amend the mental hygiene law, in relation to patients in United States veterans facilities.”

Assembly Bill, Int. No. 1974, Pr. No. 2242, entitled :

“AN ACT to amend the mental hygiene law, in relation to the furnishing of certain information to the department of mental hygiene by institutions within its jurisdiction.”

Assembly Bill, Int. No. 1978, Pr. No. 2246, entitled :

“AN ACT to amend the workmen's compensation law, in relation to liability of employer for food, clothing and maintenance furnished employee in institutions maintained in whole or in part by the state.”

Assembly Bill, Int. No. 2048, Pr. No. 2407, entitled :

“AN ACT to amend the mental hygiene law, in relation to records of patients.”

Assembly Bill, Int. No. 2051, Pr. No. 2410, entitled :

“AN ACT to amend the mental hygiene law, in relation to admission and detention of persons in institutions.”

Assembly Bill, Int. No. 2050, Pr. No. 2409, entitled :

“AN ACT to amend the mental hygiene law, in relation to definitions, titles and terms.”

APPROVED.

These eleven bills represent a substantial part of the program developed as a result of the Moreland Commission which investi-

gated into the administration of institutions under the jurisdiction of the Department of Mental Hygiene, and which was headed by the Honorable Archie Dawson.

They represent the product of much labor, many hearings and many surveys conducted in cooperation with Commissioner Mac Curdy of the Department of Mental Hygiene and with the assistance of many outside experts. They are designed to make more humane the impact of institutionalization upon the unfortunate persons who are mentally ill. They are also designed to make more efficient the operation of mental institutions. Under a revitalized administration in the Department and with the benefit of these salutary measures, there is every reason to believe that the State will resume its leadership in the field of the cure and treatment of the mentally ill.

The bills are approved.

(Signed) THOMAS E. DEWEY

To Amend the Judiciary Law, in Relation to Creation of Tenth Judicial District

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 7, 1944*

Memorandum filed with Senate Bill, Int. No. 1551, Pr. No. 2078, entitled:

“AN ACT to amend the judiciary law, in relation to altering the state into ten judicial districts of the state and providing for the number of justices in the second and tenth judicial districts and for additional stenographers and clerks in the tenth judicial district, as provided by article six, section one of the constitution.”

APPROVED.

This bill creates the tenth judicial district.

The creation of a tenth judicial district has been a controversial subject for many years. It is still a controversial subject. Three objections have been raised by opponents to the proposal. They assert that it is unconstitutional; that it is unnecessary and that it represents merely a political step.

Whether the bill is constitutional depends upon the construction placed upon the word “alter”. The present Constitution provides that

The Legislature may alter the judicial districts once after every federal census or state enumeration, each district being bounded by county lines, and thereupon reapportion the justices to be thereafter elected in the districts so altered. (Article VI, section 1.)

It has been said that the word “alter” does not include the power to increase or decrease the number of judicial districts. This question was discussed at some length at the 1938 Constitutional

Convention. (See particularly Constitutional Convention Record, pp. 1877-1902.) At that time, it was conceded that it might be desirable to clarify the meaning of the word "alter" so as to include the power to increase or decrease the number of judicial districts. Many of the delegates felt that the word "alter" did already include that power. It seems to me that a question as close as this should be determined by the courts rather than by me.

There are nine judicial districts. The second judicial district includes the counties of Kings, Queens, Richmond, Nassau and Suffolk. The tenth judicial district would consist of the counties of Nassau and Suffolk. The present second judicial district contains a population of 4,774,463. This is almost one-third the total population of the State. How this compares with the population of other judicial districts is shown by the following table:

<i>District</i>	<i>Population</i>
First	3,284,635
Second	4,774,463
Third	558,269
Fourth	606,356
Fifth	736,364
Sixth	518,649
Seventh	777,342
Eighth	1,298,035
Ninth	925,029

It seems obvious that the second judicial district contains an entirely excessive portion of the State's population. That argument alone should suffice to justify the creation of the tenth judicial district.

Moreover, the new district will have a population larger than two presently existing districts and about the same as that of a third.

This bill creates no new judicial offices. It merely divides an excessively large district and gives judicial home rule to a large and rapidly growing new district which already exceeds existing old districts in population.

There are additional considerations. The counties, beside Nassau and Suffolk, which compose the second judicial district are the counties of Kings, Queens and Richmond. These three counties are urban counties. Each of them is a borough of the great city of New York. The circumstances of living and the conditions of doing business in the city of New York are unique and wholly different from that in the less urban centers of the State. The type of training, the type of experience and the type of background necessary for judicial administration within the city of New York are quite different from that in other parts of the State. The counties of Nassau and Suffolk, which would compose the new tenth judicial district, are primarily rural and residential in their character. The county of Suffolk is in many ways one of the great agricultural counties of the State, although its proximity to New York City and the presence of suburban dwellers there have

created the impression that it is but a suburban district of the city of New York. Every reason of good government and good judicial administration dictates that these counties should have a local government and administration rooted independently in their own territories and not dominated by a portion of the great city outside their borders.

Much of the opposition to the creation of the tenth judicial district has been motivated by a desire to protect and continue the existing domination of judicial selections in the counties of Nassau and Suffolk. To prevent scandal or popular revulsion, some concessions have been made to the people of Nassau and Suffolk. Concessions of that character, however, produce "judicial deals"—the very kind of practice, which, when abused, has repeatedly outraged the people of the city of New York.

For a long time, it has been the belief of many people, as it has been mine, that the people of Nassau and Suffolk are entitled to exercise their own responsibility in the matter of judicial administration.

Samuel Seabury, a distinguished former member of the Court of Appeals and a great leader in many needed reforms in the city of New York, wrote the following letter on this subject to the 1938 Constitutional Convention:

As a legal resident of Suffolk County, I am glad to commend the effort to establish the proposed 10th judicial district, comprising Nassau and Suffolk Counties. From the standpoint of the population to be served and the volume of business to be transacted, this proposed district would be larger than some of the other judicial districts of the State. Moreover, inasmuch as our Supreme Court justices are elected by the voters of the judicial district, it is only fair that the district lines should afford an opportunity to the rapidly growing counties of Nassau and Suffolk to nominate and elect their judicial candidates. At present, and for many years, the people of these counties have been denied adequate representation, and instead of nominating their own candidates, have usually been permitted only to vote for the candidates of the political machines that dominate Kings and Queens counties.

It is to be regretted that the press of New York City, without being adequately informed of the facts, should have recorded its opposition to this proposal. In my judgment, the proposal is meritorious and I believe would receive popular support. The people of the State are not interested in preserving the monopoly to nominate judicial candidates which the political machines of Kings and Queens now possess. (Record Constitutional Convention, page 3069.)

The bill is approved.

(Signed THOMAS E. DEWEY)

To Amend the Education Law, in Relation to School Camps for Children

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Senate Bill, Int. No. 562, Pr. No. 1126, entitled:

"AN ACT to amend the education law, in relation to school camps for children."

APPROVED.

This bill permits school districts outside the city of New York to establish school camps for their pupils, in which camps the children will be entitled to free education, training and maintenance for a period not in excess of two weeks.

Not only does this bill supply an excellent means for benefiting the health and minds of children, but it constitutes a substantial aid in mitigating the causes of juvenile delinquency. Moreover, it represents a recognition that our educational institutions have an obligation to the children greater than that of merely teaching them matters of formal learning.

The bill is approved.

(Signed) THOMAS E. DEWEY

Two Bills Amending the Education Law, in Relation to Employment of Certain Teachers in New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with the following bills:

Assembly Bill, Int. No. 1124, Pr. No. 1203, entitled:

“AN ACT to amend the education law, in relation to extending the duration of the provisions of subdivision one-a of section eight hundred seventy-two thereof relating to examinations and appointments to fill vacancies in cities having a population of one million or more.”

Assembly Bill, Int. No. 1125, Pr. No. 1204, entitled:

“AN ACT to amend the education law, in relation to extending the duration of subdivision two-b of section eight hundred eighty-one thereof, relating to the employment of teachers in cities having a population of one million or more.”

APPROVED.

These two bills are related and were companions to a third bill, Assembly Bill, Int. No. 1126, Pr. No. 1205, which failed of passage by the Legislature.

All three bills relate to the teaching of subjects by teachers in the city of New York in fields in which they are not licensed, and have been continued from year to year as emergency measures.

While the failure to pass the third bill may affect the operation of these measures, I have also been informed that the New York City board of education will be able to utilize the benefits of these two remaining bills.

Accordingly, the bills are approved.

(Signed) THOMAS E. DEWEY

Two Bills Amending the General Corporation Law, in Relation to Actions Against Officers of Corporations

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with the following bills:

Senate Bill, Int. No. 1314, Pr. No. 1505, entitled:

“AN ACT to amend the general corporation law, in relation to the right to bring actions against officers or directors of corporations.”

Senate Bill, Int. No. 1315, Pr. No. 1506, entitled:

“AN ACT to amend the general corporation law, in relation to security for costs and expenses in actions against officers or directors of corporations.”

APPROVED.

These two bills represent an effort to meet the problem created by the baseless so-called “strike” stockholder suit against corporation directors and officers.

In recent years a veritable racket of baseless lawsuits accompanied by many unethical practices has grown up in this field. Worse yet, many suits that were well based have been brought, not in the interest of the corporation or of its stockholders, but in order to obtain money for particular individuals who had no interest in the corporation or in its stockholders. Secret settlements—really pay-offs for silence—have been the subjects of common suspicion.

There is no simple or immediate cure.

The first of these bills provides that a stockholder’s suit may be brought only if the stockholder is an owner of stock at the time of the transaction concerning which he complains. This incorporates into the State Law the rule that has long obtained in the Federal courts.

The second bill provides that no stockholder’s action may be brought unless the plaintiffs own at least 5 per cent of the shares of the corporation or unless their shares have a value in excess of \$50,000, *without* putting up security for reasonable expenses including attorney’s fees which may be incurred in the defense of the action.

There has been a great deal of misunderstanding concerning this second bill. It does not bar any action; it does not bar any right. It simply requires that the plaintiff represent a certain minimum of interest in the corporation or that he put up security for the costs and expenses, which will be incurred if his case is determined to be unfounded.

There are many classes of actions in this State and in other states where the party must put up security for costs. It has frequently

been suggested in this State that no action should be brought except upon the putting up of security for costs. This particular bill affects only one kind of action which has been the subject of great abuse and malodorous scandal.

Even if the stockholder owns only a tiny percentage or only \$5 worth of stock, it still should be simple to bring an action without putting up security. If his action has any merit at all, it should be easy enough to interest others who do hold at least 5 per cent, or stock valued at \$50,000.

In the cases requiring security, the amount is left to the discretion of the court. This would be substantially the same court which now has the power in that kind of action to impose payment of counsel fees upon the unsuccessful defendant. It would seem that if the court could be trusted for the one purpose, it could be trusted for the other.

These bills represent a healthy experiment in cleansing our law courts of disreputable practices. The law will not be like the laws of the Medes and the Persians. It can be relaxed or altered as experience dictates in the future. But it is time for a start in the solution of the problem.

The bills are approved.

(Signed) THOMAS E. DEWEY

**To Amend the Tax Law, in Relation to Consolidating Cases in
Certiorari**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 9, 1944*

Memorandum filed with Senate Bill, Int. No. 1245, Pr. No. 1411, entitled:

“AN ACT to amend the tax law, in relation to consolidating cases in certiorari.”

APPROVED.

This bill confers upon the court the discretion of uniting petitions for the review of real estate assessments. Because it would be discretionary in the court and because it is frequently desirable to unite cases which involve the same issues, this should prove a very salutary measure.

The bill is approved.

(Signed) THOMAS E. DEWEY

**To Amend the Public Authorities Law, in Relation to Creation of
Whiteface Mountain Authority**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 10, 1944*

Memorandum filed with Assembly Bill, Int. No. 1497, Pr. No. 2468, entitled:

“AN ACT to amend the public authorities law, in relation to changing the name of Whiteface mountain highway commission to Whiteface mountain authority and authorizing such authority to issue bonds for the construction of ski trails and incidental facilities and to maintain and operate such facilities and to make charges for the use thereof and to provide for such authority to succeed to all powers and duties of said Whiteface mountain highway commission.”

APPROVED.

This bill changes the Whiteface Mountain Highway Commission to an authority and authorizes it to construct a ski trail and incidental facilities at Whiteface mountain.

This bill follows the amendment to the Constitution which was adopted by the people on November 4, 1941. The amendment to the Constitution reads as follows:

Nothing herein contained shall prevent the state from constructing, completing and maintaining any highway heretofore specifically authorized by constitutional amendment, nor from constructing and maintaining not more than twenty miles of ski trails thirty to eighty feet wide on the north, east and northwest slopes of Whiteface mountain in Essex county. (Article XIV, section 1.)

Upon completion of the work proposed in this bill, the State of New York will attain its only great skiing center and one of the finest skiing centers in the United States, perhaps in the world. It will provide a place and means of recreation of the most healthful sort for countless numbers of people. It will bring into the State countless other numbers of people to enjoy not only Whiteface mountain, but the other scenic beauties and opportunities of the State. It is desired by a majority of the people of the State. That is the meaning we must attach to the enactment of the constitutional amendment. In the Legislature, this bill was supported by the votes of every member, less fourteen.

There are many people who are opposed to the creation of a skiing center at Whiteface mountain. Their views and their wishes are sincere and sensible and require the greatest consideration. They are the people who prefer the forest primeval. They find their outdoor recreation and enjoyment by hunting and fishing and hiking through the untouched natural country. They prefer the mountains as they are. I agree with them. Fortunately, however, the natural resources of this State are great enough and

expansive enough to provide the kind of natural facilities for each kind of person without minimizing the enjoyment of any. There are many great mountains in the great Adirondack country to the north. Only Whiteface mountain under our Constitution, can be used as this bill proposes. The Constitution forbids that any other part of the Adirondack Region be used similarly. The people, at the general election of 1941, chose that this one mountain should be used for the purposes expressed in this bill.

Our great forest preserves and natural attractions will not be marred, except for this one mountain and this but slightly. The priceless privilege of fishing, hunting, hiking and enjoying nature in our State will be preserved substantially inviolate. The hundreds of thousands of people who would otherwise be denied the pleasure and exercise this ski trail will provide are also entitled to enjoy the limitless beauty and attractions of our State.

The bill is approved.

(Signed) THOMAS E. DEWEY

**To Amend the General Corporation Law, in Relation to Actions
Against Officers of Corporations for Misconduct**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 10, 1944

Memorandum filed with Assembly Bill, Int. No. 667, Pr. No. 1980, entitled:

“AN ACT to amend the general corporation law, in relation to actions against directors or officers of corporations for misconduct.”

APPROVED.

This bill confers a limited immunity upon directors and officers of corporations from any liability in favor of a corporation, upon a suit brought directly by a corporation or brought indirectly by its stockholders, because of any act or omission by such director or officer when done in compliance with a governmental regulation, rule, order or determination.

The liability to which this bill refers is, of course, only a personal liability to the corporation directly, or indirectly through its stockholders, for any act or omission done in obedience to a Federal or State regulation, rule, order or determination. It does not relieve officers or directors of any criminal or other civil liability.

The occasion for this legislation is the peril at which officers and directors of corporations act when required to do so by official determination, which may subsequently be held to be illegal or unconstitutional. This condition becomes an aggravated one during times of war, when corporate officials may not wish to obstruct the activities of government in the prosecution of the war upon technical or legalistic grounds. Certainly, at any emergent juncture, one would not expect such resistance to governmental directions.

On the other hand, the principle involved in this bill has a great danger. Through the many decades of constitutional government,

the curbing of excesses of governmental power has been resisted by those who would be most imperiled by such excesses. To remove such hazards would mean to remove the incentive to resist and stamp out unconstitutional exercises of governmental power. Every reason exists for depending upon such resistance coming from those who are capable of offering such resistance.

The conclusion to which I am led is that this bill is good for the period of the war. It would be very bad if its principle were extended into peacetime. I would prefer if this bill were limited in its operation to an annual period, which might be renewed by the Legislature so long as the war continued. This bill does not provide such limitation. Were we to await the action of the next session of the Legislature, it would not have the power under our Constitution to make its legislation retroactive on this subject.

Accordingly, I am approving this bill, with the earnest recommendation to the Legislature that at its next session this law be amended so that it will be limited to annual periods, as are the other war emergency laws.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Military Law, in Relation to Including Service in Merchant Marine in Definition of Military Service

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 11, 1944*

Memorandum filed with Assembly Bill, Int. No. 117, Pr. No. 2337, entitled:

“AN ACT to amend the military law, in relation to including service in the United States merchant marine in the definition of military duty for the purposes of section two hundred forty-six thereof.”

APPROVED.

This bill confers upon civil service employees who have entered the United States Merchant Marine the same benefits and privileges under the Military Law that are conferred upon those civil service employees who enter the armed forces. This gives them additional rights as to the positions they leave and protects their interests in retirement systems.

The bill constitutes a just recognition of the great sacrifices made by those who enter the Merchant Marine. While it is true that their compensation is high, at the same time they risk their lives daily. The fortitude demonstrated by those who remain in the service entitles them to every benefit and privilege that the State can extend, equitably, to all its employees and to those who have entered the armed forces.

The bill is approved.

(Signed) THOMAS E. DEWEY

**To Amend the Workmen's Compensation Law, in Relation to
Encouraging Employment of Disabled Veterans and Providing
for Adjustment of Compensation in Certain Cases**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 12, 1944*

Memorandum filed with Assembly Bill, Int. No. 2010, Pr. No. 2460, entitled:

“AN ACT to amend the workmen's compensation law, in relation to encouraging the employment of disabled veterans and other disabled persons and providing for the adjustment of compensation in certain cases.”

APPROVED.

This bill makes some provision for the awarding of compensation out of a special fund for persons who incur disability, temporary or otherwise, in employment when such disability is superimposed upon a previous condition of disability, injury or disease.

The primary objective is to encourage the employment of returning disabled veterans. Such veterans are returning now daily. Unless every effort is made now to encourage their reemployment, their distress will be aggravated to an untold degree.

This bill is neither final nor perfect. No one claims that it is. The entire matter requires study and examination. We need the benefit of actual experience from the operation of its provisions. This bill, if approved, will give us some of that experience.

The bill is approved.

(Signed) THOMAS E. DEWEY

**To Amend the Military Law in Relation to Liability for Rent
After Induction Into Military Service**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 12, 1944*

Memorandum filed with Assembly Bill, Int. No. 157, Pr. No. 2313, entitled:

“AN ACT to amend the military law, in relation to liability for rent accruing after induction into military service.”

APPROVED.

Except for the detail that this requires the tenant's notice to be given by registered mail, it incorporates, verbatim, the provisions of section 534 of the United States Code, Title 50, which is designed to cover the termination of leases of tenants inducted into the armed forces.

The bill is approved.

(Signed) THOMAS E. DEWEY

Relating to the City Court of the City of White Plains

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Senate Bill, Int. No. 1184, Pr. No. 1343, entitled:

“AN ACT in relation to the city court of the city of White Plains.”

APPROVED.

This bill recodifies the laws affecting the City Court of the city of White Plains.

The bill is evidently the result of a great deal of labor and is much desired by the people of the area affected. However, in approving the bill, I wish to call attention to the ambiguity and breadth of language contained on page 11 of the bill, at lines 3 to 9, and also on page 13, at lines 10 and 11. The language there should be made definite and clear and limited as to its effect.

The bill is approved.

(Signed) THOMAS E. DEWEY

To Amend the Highway Law, in Relation to Acquisition by County of Lands for Construction of County Roads

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 13, 1944*

Memorandum filed with Senate Bill, Int. No. 249, Pr. No. 258, entitled:

“AN ACT to amend the highway law, in relation to the acquisition by the county of lands necessary for the construction and reconstruction of county roads.”

APPROVED.

By the enactment of chapter 544 of the Laws of 1944, providing for the acquisition of rights of way for state highways outside cities, various provisions of the Highway Law were repealed. These repealed provisions, by reference in other parts of the Highway Law, create the procedure for the acquisition of rights of way by counties for county roads. This bill reenacts so much of the repealed provisions as is appropriate to set up the procedure for the acquisition of rights of way by counties for county roads.

Unfortunately, the bill does not take cognizance of amendments to the original provisions setting up this procedure, which were adopted during the years 1941, 1942 and 1943. Those amendments were not crucial. Most of them, however, were very desirable and expressed the wish of the people and the Legislature of the State. However, were this bill to be vetoed, there would be great confusion and probably needless litigation in connection with the acquisition of rights of way by counties.

Accordingly, I am approving this bill with the suggestion that at the next session of the Legislature the amendments that I have referred to, which were inadvertently omitted, be considered to see if they still meet with the wishes of the Legislature.

The bill is approved.

(Signed) THOMAS E. DEWEY

**To Amend the Village Law, in Relation to Purchase of Water
Surplus**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 13, 1944

Memorandum filed with Assembly Bill, Int. No. 1436, Pr. No. 2357, entitled:

“AN ACT to amend the village law, in relation to purchase of surplus water.”

APPROVED.

Because this bill is permissive in its effect and does not mandate an agreement upon any of the municipalities to which it refers, the bill is approved.

(Signed) THOMAS E. DEWEY

IV
EMERGENCY MESSAGES AND MESSAGES OF
NECESSITY

IV

EMERGENCY MESSAGES AND MESSAGES OF NECESSITY

Section 14 of article III of the Constitution provides that no bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the Acting Governor, shall have certified, under his hand and the seal of the State, the facts which in his opinion necessitate an immediate vote thereon. In conformity with this provision, Governor Dewey sent the following messages:

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the Legislature:

Pursuant to the provisions of section 14 of article III of the Constitution, and by the virtue of the authority conferred upon me, I do hereby certify to the necessity of an immediate vote on Assembly Bill, Int. No. 1168, Pr. No.—, entitled:

“AN ACT to amend chapter one of the laws of nineteen hundred forty-four, entitled ‘An act to amend the state finance law, in relation to the establishment and operation of a post-war reconstruction fund, providing for the transfer to such fund of certain moneys in the state treasury to the credit of the post-war planning and capital reserve fund and to the credit of the general fund, and repealing existing section ninety-three of the state finance law relating to the post-war planning and capital reserve fund,’ in relation to the investment of certain moneys in the state treasury in bonds and notes of the United States and providing for the transfer of such bonds and notes to the credit of the post-war reconstruction fund.”

The facts necessitating an immediate vote on this bill are as follows:

The Fourth War Loan Drive will come to an end tomorrow. In this drive, the people of the State of New York have been allotted a quota by which they are expected to buy almost one-third of the war bonds for the whole United States. Our people are striving to meet their allotted share of the national total but have not yet reached the goal.

Under chapter 1 of the Laws of 1944, the State Comptroller will have power to invest moneys presently in the General Fund in the obligations of the United States of America. The Fourth War

Loan Drive cannot wait until April 1. It is my hope that the State of New York can make a substantial purchase before the end of the current campaign tomorrow.

In order to permit the investment of a part of the surplus of the State in war bonds before the end of the present drive, I recommend to your Honorable Bodies that chapter 1 of the Laws of 1944 be amended to permit the Comptroller of the State of New York to invest twenty-five million dollars (\$25,000,000) of moneys in the General Fund in the bonds and notes of the United States of America.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourteenth day
[L. s.] of February in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Became Chapter 8, Laws of 1944

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the Legislature:

Pursuant to the provisions of section 14 of article III of the Constitution, and by virtue of the authority conferred upon me, I do hereby certify to the necessity of an immediate vote on Assembly Bill, Int. No. 279, Pr. No.—, entitled:

“AN ACT to amend the county law, in relation to county farm and home bureau and 4-H club associations.”

The facts necessitating an immediate vote on this bill are as follows:

In order to provide moneys to effect the purposes of this bill, it is necessary to amend it to include an appropriation of \$25,000. The Legislature by resolution has provided for its adjournment today. Unless this bill can be acted upon before its adjournment, the many valuable services that can be rendered in 4-H club work provided for in this bill will not be available.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighteenth day
[L. s.] of March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Became Chapter 441, Laws of 1944

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the Legislature:

Pursuant to the provisions of section 14 of article III of the Constitution, and by virtue of the authority conferred upon me, I do hereby certify to the necessity of an immediate vote on Assembly Bill, Int. No. 1454, Pr. No. —, entitled:

“AN ACT creating a temporary state commission to make studies, analyses and plans and to maintain services for war veterans inducted from New York state.”

The facts necessitating an immediate vote on this bill are as follows:

In order to provide moneys to effect the purposes of this bill, it is necessary to amend it to include an appropriation in the sum of \$100,000. The Legislature by resolution has provided for its adjournment today. Unless this bill can be acted upon before its adjournment, the many valuable services that can be performed by the temporary commission created by this bill will not be available to war veterans and their families.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighteenth day [L. S.] of March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Became Chapter 416, Laws of 1944

NOTE.—See Message to the Legislature, page 63; also Approval Memorandum, page 228.

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the Legislature:

Pursuant to the provisions of section 14 of article III of the Constitution, and by virtue of the authority conferred upon me, I do hereby certify to the necessity of an immediate vote on Senate Bill, Int. No. 1723, Pr. No.—, entitled:

“AN ACT declaring the policy of the state with regard to practices of discrimination against any of its inhabitants because of race, color, creed or national origin and creating a temporary state commission to make studies and to make recommendations designed to eliminate such discrimination, and making an appropriation therefor.”

The facts necessitating an immediate vote on this bill are as follows:

Yesterday I sent your Honorable Bodies a message in which I recommended the creation of a temporary state commission for certain purposes. That proposal is contained in this bill. Because of the great importance to the people of this State of this measure and because the Legislature by resolution has provided for its adjournment today, it is necessary that the bill be acted upon immediately before your adjournment.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighteenth day [L. s.] of March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Became Chapter 692, Laws of 1944

NOTE.—See Message to the Legislature, page 122

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the Legislature:

Pursuant to the provisions of section 14 of article III of the Constitution, and by virtue of the authority conferred upon me, I do hereby certify to the necessity of an immediate vote on Senate Bill, Int. No. 1146, Assembly Rep. 2524, entitled:

“AN ACT to amend the civil practice act, in relation to foreclosure of mortgages and actions for judgments on bonds secured by mortgages and to further extend the mortgage moratorium and setting forth the terms and conditions of such extension.”

The facts necessitating an immediate vote on this bill are as follows:

Because of an error by the printers in amending this bill, it has become impossible for it to lie, as finally corrected, upon the desks of the members for three days before action thereon. This bill continues the mortgage moratorium and is of the utmost interest to a large number of the inhabitants of the State. It is necessary that the Legislature act immediately because by resolution it has provided for its adjournment today.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighteenth day [L. s.] of March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Became Chapter 562, Laws of 1944

Extraordinary Session

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the Legislature (in Extraordinary Session):

Pursuant to the provisions of section 14 of article III of the Constitution, and by virtue of the authority conferred upon me, I do hereby certify to the necessity of an immediate vote on Senate Bill, Int. No. 1, Pr. No. 1, entitled:

“AN ACT in relation to the conduct of the general election of 1944, the hours of voting at such election and the compensation of election officers.”

The facts necessitating the immediate vote on this bill are as follows:

The general election will be held on November 7, 1944, and in order that the proposed legislation may become effective for that election, its immediate passage is necessary.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day
[L. s.] of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Became Chapter 797, Laws of 1944

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the Legislature (in Extraordinary Session):

Pursuant to the provisions of section 14 of article III of the Constitution, and by virtue of the authority conferred upon me, I do hereby certify to the necessity of an immediate vote on Assembly Bill, Int. No. 1, Pr. No. 1, entitled:

“AN ACT to amend the election law, in relation to making special provision for the counting and forwarding of war ballots for the general election in the year nineteen hundred forty-four.”

The facts necessitating an immediate vote on this bill are as follows:

The general election will be held on November 7, 1944. In order that adequate and timely preparation may be made pursuant to the proposed legislation, its immediate passage is necessary.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day [L. s.] of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Became Chapter 798, Laws of 1944

V
PROCLAMATIONS

V

PROCLAMATIONS

National Thrift Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

The successes that have been won by the armed forces of the United States and our Allies can be continued only if we on the home front back them up to the limit of our ability. One way in which we can do that is by continuous and concerted thrift. This we need to exert not only with our funds but with our materials, with everything we have.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate the period of January 17 to January 23, 1944, as

NATIONAL THRIFT WEEK

and I urge all the people of New York State to dedicate themselves to a planned and systematic program of conservation, not merely for their own sakes but in the furtherance of the war effort of the Nation.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixth day of
[L. s.] January in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Special Election to Fill Vacancy in Office of State Senator, Forty-Fourth Senatorial District

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the Office of State Senator from the Forty-fourth Senatorial District, caused by the resignation on December thirty-first, nineteen hundred and forty-three of Honorable Joe R. Hanley, State Senator from the said District;

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, pursuant to section 42 of the Public Officers Law, do hereby order and proclaim that an election for State Senator in place of the said Honorable Joe R. Hanley be held in the Forty-

fourth Senatorial District on the fifteenth day of February, nineteen hundred and forty-four, such election to be conducted in the manner prescribed by law for the election of State Senators.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this seventh day of
[L. s.] January in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Fourth War Loan Drive

STATE OF NEW YORK—EXECUTIVE CHAMBER

In all previous War Loan drives, the people of New York have taken the lead. Since we pay one-fifth of the nation's taxes, this was only to be expected. It is not merely our duty but our privilege, and we are proud of it.

The United States Treasury has announced the opening of the Fourth War Loan drive, and once again we have the opportunity to lead the list in so backing up our sons and brothers and friends who are fighting, suffering and dying to preserve our liberties on the seven seas and on the far-flung battlefields of this war.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim

TUESDAY, JANUARY 18, 1944

the beginning of the Fourth War Loan drive, as another day of opportunity for the people of the State of New York, to help not only the war effort of the Nation but their own future by buying to the hilt.

And I do call upon all men, women and children in the State of New York to show their devotion to the American Flag unfurled this day and throughout the campaign for the War Loan by putting the people of our State once more in the forefront of the drive.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this seventeenth day of
[L. s.] January in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Infantile Paralysis Week**STATE OF NEW YORK—EXECUTIVE CHAMBER**

Last year health authorities had to combat the worst epidemic of infantile paralysis that has attacked the country in twelve years.

Fortunately, deaths caused by the disease were less than they might have been, because of the excellent campaign of education that has been conducted by the National Foundation for Infantile Paralysis. In the coming year the resources of the National Foundation will be severely strained. The epidemic has subsided but thousands of its victims are still patients and many of them will continue to be for years to come.

It is necessary, therefore, that the work of the National Foundation for Infantile Paralysis be not only maintained but intensified, particularly during wartime.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of New York, do proclaim the week of January 24 to 31

INFANTILE PARALYSIS WEEK

and I trust that all the men and women in New York State who are able to do so will respond to the appeal of the National Foundation for funds to help restore to crippled children their most priceless possession—their childhood.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-second day
[L. s.] of January in the year of our Lord one thousand nine
hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

**Special Election to Fill Vacancy in Office of Member of Congress,
Twenty-First Congressional District****STATE OF NEW YORK—EXECUTIVE CHAMBER**

WHEREAS, A vacancy exists in the office of Representative in Congress for the Twenty-first Congressional District of the State of New York, caused by the resignation on December thirtieth, nineteen hundred and forty-three, of the Honorable Joseph A. Gavagan, Representative in Congress for the said district.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, pursuant to section 42 of the Public Officers Law, do hereby order and proclaim that an election for a Representative in Congress in place of the said Honorable Joseph A. Gavagan be held in the Twenty-first Congressional District on the twenty-ninth

day of February, nineteen hundred and forty-four, such election to be conducted in the manner prescribed by law for the election of Representatives in Congress.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-seventh
[L. s.] day of January in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

USO Days

STATE OF NEW YORK—EXECUTIVE CHAMBER

One of the finest achievements of our people in behalf of the war effort is the United Service Organization. Three years ago it was just an idea, an ideal born of the spirit and the desire for service of the six helpful organizations which had contributed so much to the success of our armed forces in the First World War.

In the first campaign for funds the goal was set at \$10,700,000. Instead of that, the people of the United States contributed \$16,000,000. It was raised on hope, faith, and on a blueprint.

Since then the USO has been a literally indispensable part of our entire war effort. As we enter into the most critical and exacting phase of the war, the USO needs and deserves our support more than ever.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim that February 4, February 5 and February 6, 1944, be observed as

USO DAYS

and I urge the people of New York State to observe these days in the most fitting manner, by contributing with their customary generosity to this organization which is doing so much for their sons, brothers and friends in the fighting forces of the United States.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-eighth
[L. s.] day of January in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Negro History Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

Many races, peoples, religions make up America. The diversity of ancestries mingled here is what gives us our strength. Now that strength is being tested in a world torn by clash of armies, by murder and atrocity.

The value of the colored soldier has been proved in American battles from Bunker Hill to Pearl Harbor and since. As Commodore Chauncey wrote in 1812: "I have yet to learn that the color of the skin or the cut and trimming of the coat can affect a man's usefulness."

Once again we are plunged into a war of liberation. It is another in history's growing list of our wars for American ideals. In all our wars Americans of many races, peoples and religions have fought side by side.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the week of February 13 to 20 as

NEGRO HISTORY WEEK

and I call upon all citizens of our State to observe it in appropriate manner.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-eighth day
[L. S.] of January in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Social Hygiene Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

In bygone years a mistaken policy of silence and false modesty allowed certain infectious and crippling diseases to gain headway among us. In later years we have learned better and discovered that such evils can be faced only with courage and with candor. For this measure of progress the American Social Hygiene Association is largely responsible, in cooperation with official and volunteer health, medical, religious and social organizations. In wartime it is more than ever necessary that we fight these diseases with might and main. This invaluable work must be encouraged and helped in every possible way.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim Wednesday, February 2, 1944, as

SOCIAL HYGIENE DAY

and I do hereby urge all residents of the State of New York to consider these health and social problems and to aid in the protection of our citizens, our Nation's armed forces and our war workers.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-eighth day
[L. s.] of January in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Edison Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

There is not a soul living anywhere in the civilized world who has not benefited through the achievements of Thomas Alva Edison. The fruits of his genius and his amazing industry have advanced the world immeasurably on the road to greater comforts, more pleasures, better living.

The name Thomas Alva Edison is one of the most illustrious in the country, and his great talents have reflected distinction upon his countrymen.

All this he achieved not only by virtue of his brain but also by virtue of his character. His life and his career exemplified the American spirit of endeavor.

The Assembly of the State of New York, with the concurrence of the Senate, has most fittingly adopted a resolution requesting a proclamation to honor the birthday of this outstanding American.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim February 11, 1944, to be observed as

EDISON DAY

and I call upon all citizens of the State of New York to display the National Banner and to join in appropriate exercises to commemorate his memory. And I urge that his anniversary be observed in schools, churches and other places with appropriate ceremonies.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this ninth day of
[L. s.] February in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Brotherhood Week**STATE OF NEW YORK—EXECUTIVE CHAMBER**

One of the finest services that any organization can render to the Nation and to all its communities is to bring about a better understanding between Jews and Christians. In this field the National Conference of Christians and Jews has done work beyond price, as have many other religious and civic associations. It is eminently fitting that this work be endorsed and advanced by every possible means. One method to this end is the observance of Brotherhood Week. Its main objective is to cultivate respect for human personality. Such respect is the very foundation stone of our free republic whose principles we are now fighting to preserve.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the week of February 20 to 26 as

BROTHERHOOD WEEK

and I point out that the week of Washington's Birthday has been most properly chosen for this occasion. I call upon all the people of New York to join in this observance and above all to cultivate its spirit.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this tenth day of
[L. S.] February in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Race Relations Sunday**STATE OF NEW YORK—EXECUTIVE CHAMBER**

As our fighting forces carry the attack to our enemies and thus bring closer the day of final and complete victory, it is more than ever essential that we here at home back up our fighting forces to the fullest.

We are fighting this war to preserve the freedom of the world and to maintain the dignity of mankind. If we permit hatred and distrust of our fellow men to creep into our daily lives, we weaken our war effort, we betray our fighting men. We cannot, we must not become disunited or permit foreign ideologies to separate us here at home.

The New York State Council of Churches and the Federal Council of Churches of Christ in America, together with other religious groups, are sponsoring a nation-wide observance on Sunday, February 13, 1944, designed to bring a better understanding among racial groups in our country.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim Sunday, February 13, 1944, as

RACE RELATIONS SUNDAY

and do urge the people of New York State to join in this observance, to attend their houses of worship and humbly to ask for the help of Almighty God in bringing about true understanding between all men.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eleventh day of
[L. S.] February in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

John Ericsson Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

The survival of the United States of America has been due not alone to the valor of its fighting men and to the sacrifices made by its men and women, but also to the achievements of its great minds who have given the fruits of their talents to their country.

Eminent among these was the man who designed and constructed the Union gunboat *Monitor*, John Ericsson. Launched at Greenpoint, New York, the *Monitor* defeated the Confederate ironclad *Merrimac* at Hampton Roads on the 9th day of March, 1862, thereby contributing in great measure to the preservation of the Union.

The Legislature of the State of New York has adopted a resolution which provides for the setting aside of a day to honor the memory of that inventor and patriot.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim that the 9th day of March, 1944, be set aside and honored as

JOHN ERICSSON DAY

and I urge all citizens of the State of New York to display the American Flag and hold patriotic exercises honoring the memory of John Ericsson, the gunboat *Monitor* and her crew.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-eighth
[L. S.] day of February in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Sun Yat-Sen Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

For more than ten years the people of China have shown to the world an unforgettable example of bravery and tenacity against the most ruthless aggressors of all time. For more than ten years they have withstood the efforts of a most powerful enemy to break their spirit. We are proud to have them as our allies.

The man who inspired his people to this unparalleled resistance was the great founder of the Chinese Republic,—Doctor Sun Yat-sen. In the pages of history his name deserves to be written side by side with those of George Washington, of Simon Bolivar, and of Jose de San Martin.

It is fitting that we should pay a tribute to this great national hero of our valued allies.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim Sunday, March 12, 1944, as

SUN YAT-SEN DAY

and I urge the people of New York State to display the flags of this country and of the Chinese Republic side by side.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this ninth day of March
[L. s.] in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Army Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

No day of this year passes, no hour of the day, in which we are not in some way reminded of the men and women in the armed forces of the United States.

We wait eagerly for news of their progress, we think with profound emotion and gratitude of the sacrifices they are making and the hardships they are suffering.

Up to now they have been successful in the teeth of incredible obstacles. Their successes are an omen that they will eventually win us the ultimate victory to guarantee our freedoms.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim April 6, 1944, as

ARMY DAY

and I urge all the people of New York State to display the flag of our country and to join in appropriate exercises. I suggest.

also, that all our people set aside time on this day to pray for the welfare of those engaged on our side in this cruel war.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifteenth day of
[L. s.] March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Shipyard Safety Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

In the year 1943 there were many grave accidents in the shipyards of the United States. Aside from the casualties they caused and the suffering, they constitute a serious impediment to the war effort of the Nation.

From Maine to Georgia the lives and well-being of the men and women who are helping to build our ships have been subjected to risks which can and must be eliminated. The production of vessels to carry supplies to our fighting forces must not be impaired.

The United States Maritime Commission and the United States Navy are taking steps to reduce those accidents. On March 28, 29 and 30, safety directors and other officials entrusted with the well-being of shipyard workers will meet to evolve methods of avoiding accidents and promoting the safety of thousands of men and women in the yards.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the week of March 26—April 1 as

SHIPYARD SAFETY WEEK

and I call upon all the people of New York State to give full support and encouragement to this important movement to save the lives of many of our fellow Americans and to speed the winning of the war.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixteenth day of
[L. s.] March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Cancer Control Month**STATE OF NEW YORK—EXECUTIVE CHAMBER**

It is a shocking fact that the second highest cause of death in this Nation is cancer. This is particularly serious at a time when the medical profession is so overburdened with war-time duties.

The saddest aspect of this disease is that the medical profession believes that 100,000 out of the more than 160,000 individuals who die of it every year, die needlessly. They might be saved by prompt diagnosis and treatment.

This needless loss of 100,000 lives annually is a grave blow to the war effort of the Nation. Our Nation can ill afford any such loss in its manpower resources.

The Women's Field Army of the American Society for the Control of Cancer has done invaluable work in spreading a better knowledge of the facts about this disease. It is about to conduct its annual campaign for enlistment and for the further expansion of education.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the month of April, 1944, as

CANCER CONTROL MONTH

and I urge the people of New York State to do everything they can to support the campaign of the Women's Field Army of the American Society for the Control of Cancer.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighteenth day of
[L. s.] March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Waves Recruitment Week**STATE OF NEW YORK—EXECUTIVE CHAMBER**

The United States Navy is now the mightiest naval force in the world. Its task forces are constantly carrying the attack to the enemy in the Pacific, in the Atlantic and in the Mediterranean. Along the icy route to Murmansk, in the waters off Africa, New Guinea, Australia, Iceland, England, India and the Aleutians, our naval forces are keeping open the all-important lines of communication and supply between this country and our military forces abroad.

But the effectiveness of our fighting ships afloat depends to a large extent upon the efficiency of our naval establishments ashore. These shore establishments are responsible for the crews of our

fighting ships and their replacements. They are responsible for their cargoes, their operations and their repairs.

In the coming all-out attack upon our enemies, it is imperative that every man in naval service,—trained and equipped for combat, be freed from the necessary duties of maintaining the naval establishment at home.

The members of the Women's Reserve of the United States Naval Reserve,—the WAVES, are now conducting a nation-wide recruiting campaign. Every new WAVE recruiting for duty means the release for active service of still another trained sailor.

The United States Navy needs women for many non-combatant tasks. Today WAVES are filling 246 important Navy jobs. They are replacing trained naval men in air fields, in radio, in headquarters, in service and supply, in hospitals and the many other complex and divergent tasks so necessary to equip, maintain and supply our fleets.

During the week of April third through April eighth, recruiting officers of the WAVES in the State of New York are conducting a special drive for volunteers.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim April 3 to 8, as

WAVES RECRUITMENT WEEK

and I urge all women in this State whose present occupation and family obligations permit, to consider this opportunity to serve our country and by their enrollment in the Women's Reserve of the United States Naval Reserve to bring ever closer the day of complete and final victory over our enemies who are seeking to destroy the dignity of mankind and to enslave freedom-loving people the world over.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirty-first day of
[L. S.] March in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Necessity of Using Egg and Potato Surplus

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, the State of New York suddenly finds itself with a tremendous and unparalleled surplus of eggs, our poultrymen having produced 39,000,000 eggs more in February 1944 than in February 1943; and

WHEREAS, there is also an unexpected surplus of potatoes, by contrast with the shortage which afflicted us last year; and

WHEREAS, the consequence may be that huge quantities of these valuable foodstuffs will go to waste; and

WHEREAS, this in turn will jeopardize the production of these essential foods, since it will discourage poultrymen and potato growers;

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim to the people of New York State the urgent necessity of using as many eggs and potatoes as they possibly can, particularly in preference to rationed foods which are not so plentiful.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirteenth day of
[L. s.] April in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By The Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

National Hospital Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

In this crucial war year it is of the utmost importance that the standards of our American hospitals be maintained at the highest level possible. Those standards are due in large measure to not only the humanity but also the vision and administrative ability of one of the great women of all time, Florence Nightingale, whose birthday falls on May 12. She began her splendid work while her country was in the midst of a war. Out of the reforms that she achieved in the care of the wounded in the Crimea has grown the development of the modern hospital.

The demands upon our hospitals this year are severe and exacting. At the same time their administrators and staffs have to carry on under the greatest handicaps. They must be helped by every means possible, since it is essential that the health of Americans on the home front be preserved in order that they may be of the utmost help possible to the men on the fighting front.

It is eminently fitting that we take the occasion of the birthday of Florence Nightingale to call attention to the need for supporting our hospitals.

THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim Friday, May 12

NATIONAL HOSPITAL DAY

and I urge the people of New York State to observe this, the birthday of Florence Nightingale, by doing everything they can to support our hospitals. And I particularly urge the women of the

State to consider the need of their country and how nobly they can serve their country by responding to the call for more graduate and student nurses.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this thirteenth day of
[L. s.] April in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Poland Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

For almost six years the people of Poland have suffered an appalling martyrdom under the heel of the Nazis. When their country was invaded they resisted against overwhelming odds, with a valor which has compelled the admiration and respect of the entire civilized world.

As part of the United Nations, the fighting men of Poland have fought with their traditional bravery and military skill in the same cause as the armed forces of the United States. On the home front men and women of Polish origin are working hard and making great sacrifices to support the war effort of our country.

On May third the Polish people will commemorate a notable event in their history,—the adoption of a liberal constitution in 1791. In consideration of all these facts it is fitting that we should join our fellow Americans of Polish blood in doing honor to the great traditions of the people of Poland.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, hereby proclaim May third as

POLAND DAY

and I urge all the citizens of New York State to display the flag of Poland side by side with our own National Emblem to show our sympathy and comradeship.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this fourteenth day of
[L. s.] April in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Tribute to Jewish Ghetto Fighters

STATE OF NEW YORK—EXECUTIVE CHAMBER

One of the most inspiring and heroic struggles against the brutal military might of Nazidom was the Jewish uprising against the German troops of occupation in the Warsaw Ghetto on April 19, 1943.

Although hopelessly outnumbered and woefully ill-equipped in their fight against a modern military machine, the Jewish people demonstrated a fighting spirit that repulsed the first attack of the Storm Troopers and Gestapo men that had been sent to liquidate them. It was only after the full fury of the German Army had been turned against the Ghetto that the resistance was overcome. These Polish patriots fought to the death. They died as martyrs to the cause of freedom.

On April 19, the first anniversary of this heroic stand of the Jews of Warsaw will be observed in this country under the sponsorship of the American Jewish Conference. Americans of all religions and racial background will join in this observance.

THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, urge all citizens to join in tribute to the Jewish Ghetto fighters who died rather than submit to Nazi oppression.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifteenth day [L. s.] of April in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Noise Abatement Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

By general agreement among the most competent medical authorities, it is established that excessive and unnecessary noise is a definite hindrance to the war effort of the Nation.

Noise impairs the efficiency of workers, injures their nerves, weakens their morale. It is beyond doubt an obstacle to the most effective production. In many cases, it prevents essential war workers from having the sleep and proper rest which they need to remain effective.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the week of April 30 to May 6 as

NOISE ABATEMENT WEEK

and I urge the people of the State of New York to join in this most salutary effort to do away with needless noises.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this fifteenth day
[L. s.] of April in the year of our Lord one thousand nine
hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

National Boys and Girls Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

We in the United States of America have always been particularly proud of the fact that we think nothing is too good for our boys and girls. We have always tried to leave nothing undone to make them happy and strong, able to grow up to the privileges and duties of free citizens. Most American homes have been ordered principally for the welfare and future of their boys and girls.

In time of war, it is incumbent upon us to redouble our thoughts and our efforts for our children. Millions of fathers are away from home in the armed forces of our country, fighting our battles in the theatres of war the world over. Millions of mothers are away from home helping to back up their men, helping the war effort of the Nation by working at the bench, at the lathe, at whatever they are assigned to do. So it behooves us as a community to take particular thought and care for the boys and girls in the complete absence of their fathers and the partial absence of their mothers during many hours of every day.

Not only for their sake but for our own we must help our future citizens to fit themselves in mind and heart, as well as in body, to take their parts in the most exacting of all conflicts. For that we need to set aside time to take thought and plan for action.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim April 29 to May 6 as

NATIONAL BOYS AND GIRLS WEEK

and I urge the people of New York to give their thoughts and energies to cooperating with the programs of their local Boys and Girls Week Committees..

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-seventh
[L. s.] day of April in the year of our Lord one thousand
nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Day of Prayer

STATE OF NEW YORK—EXECUTIVE CHAMBER

Every day we approach closer to the hour when the vanguards of the United Nations, the defenders of the freedom of mankind will set foot on the soil of fortress Europe. For two years the people of this free Republic and all our gallant Allies have been preparing for this mighty effort.

Right now we are at the moment of greatest tension. We have been warned to expect heavy casualties, so it is with a mingling of hope and anxiety that we await the outcome. Our enemies are the most formidable and ruthless the world has ever known, with a war machine which represents the last word in human organization and ingenuity.

It is fitting that we approach this hour, not in the spirit of vainglory and boasting, but of quiet, steadfast courage, gravity and humility. It is a fitting occasion for us to remember and address to the God of our fathers the words, "Still stands Thine ancient sacrifice, an humble and a contrite heart."

THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim "D" Day—the day of invasion—as a

DAY OF PRAYER

throughout the State of New York and I urge that the moment we receive word the invasion has begun, all the people in our State join in prayer, whether in their own homes or in their regular places of worship, and pray to Almighty God for the success of our armed forces and the safety of our valiant fighting men. I further suggest that the clergy of the State of New York make special preparation for receiving the people in their various churches on that day.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this third day of
[L. S.] May in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Special Election to Fill Vacancy in Office of Member of Congress, Fourth Congressional District

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, a vacancy exists in the office of Representative in Congress for the Fourth Congressional District of the State of New York, caused by the death, on March first, nineteen hundred and forty-four, of the Honorable Thomas H. Cullen, Representative in Congress for the said district.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, pursuant to section 42 of the Public Officers Law, do hereby order and proclaim that an election for a Representative in Congress in place of the said Honorable Thomas H. Cullen be held in the Fourth Congressional District on the sixth day of June, nineteen hundred and forty-four, such election to be conducted in the manner prescribed by law for the election of Representatives in Congress.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of
[L. s.] May in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Special Election to Fill Vacancy in Office of Member of Congress,
Eleventh Congressional District

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, a vacancy exists in the office of Representative in Congress for the Eleventh Congressional District of the State of New York, caused by the death on March sixteenth, nineteen hundred and forty-four, of the Honorable James A. O'Leary, Representative in Congress for the said district.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, pursuant to section 42 of the Public Officers Law, do hereby order and proclaim that an election for a Representative in Congress in place of the said Honorable James A. O'Leary be held in the Eleventh Congressional District on the sixth day of June, nineteen hundred and forty-four, such election to be conducted in the manner prescribed by law for the election of Representatives in Congress.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of
[L. s.] May in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Women's Army Corps Recruiting Week in Motion Picture Theatres

STATE OF NEW YORK—EXECUTIVE CHAMBER

Several weeks ago a unit of 59 members of the Women's Army Corps stood at attention outside of the Headquarters of the Commanding General of the Fifth Army, Lieutenant General Mark Clark. They were there to hear their commanding officer tell them that in the face of serious obstacles they had established an outstanding record in the performance of services invaluable to the Fifth Army. General Clark, after decorating them, declared: "We need several hundred more Wacs in the Fifth Army."

This episode illustrates forcefully what the Wacs mean to the Army of the United States. The Director of the Women's Army Corps tells us that the Corps needs thousands more of American women. The Motion Picture Theatres throughout the State are participating in a special recruitment drive to help enlistment in the Women's Army Corps.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim the week of May 11 through May 17, as

WOMEN'S ARMY CORPS RECRUITING WEEK IN MOTION PICTURE THEATRES

and I urge all the women of New York State whose family obligations permit to consider how unforgettable will be the honors they earn and what an imperishable inspiration they will derive from the services they might render to their country by enlisting in the Women's Army Corps.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this tenth day of
[L. S.] May in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

I Am An American Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

The proudest privilege any man or woman can have is the right to say "I am an American". It is a priceless privilege to be members of a free Republic, the freest Nation on earth. It is a privilege which carries with it the respect and confidence of the civilized world. Our flag has never been carried into battle in a war of aggression. As a nation we have always dealt generously with other nations and respected the dignity of the individual.

Every year, new members of this Republic are admitted as citizens either on their twenty-first birthday or by naturalization. Too often these, our new citizens, were taken for granted. The consequence was that some of them, also, took their new privileges as citizens too much for granted. Therefore, the Congress of the United States wisely set aside one day of the year to be dedicated to them, in order that all of us, native born and naturalized, alike, may annually renew our deep gratitude for the honor of citizenship in the greatest nation on earth, a country where freedom for all is guaranteed by a constitution.

The higher purpose of this day is to bring home both to new citizens and to future citizens a fuller realization not only of what is due to them but of what is due from them to the Nation whose proud citizenship they bear.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim that Sunday, May 21, 1944, is to be honored as

“I AM AN AMERICAN DAY”

and to be accordingly celebrated. I call upon all officials of the State and of the local communities, upon all patriotic, civic and educational organizations to promote and take part in appropriate exercises on that day, to help all citizens, old or young, native born or naturalized, to appreciate both the opportunities and the duties of citizenship and most especially their responsibilities in time of war.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifteenth day
[L. S.] of May in the year of our Lord nineteen hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Maritime Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

No state has made a more active and vigorous contribution to the country's Merchant Marine than the State of New York. The Empire State in 1875 established the first State Maritime Academy and has maintained it ever since on a steadily increasing scale.

Our New York State Maritime Academy is now, for the duration of the war, a part of the military establishment of the United States, a fact of which we have the right to be proud. It has graduated many hundreds of able, intelligent and courageous

young officers of our country's Merchant Marine. In these war years they perform a service to the country without which our men overseas could not survive, without which the war could not be won.

In the shipyards and factories of the Empire State thousands of men and women are working day and night to make possible the transport of our armies across the ocean and the maintenance of their lifeline.

THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim May 22, 1944, as

MARITIME DAY

and I urge all the people of New York State to celebrate that day by displaying the Stars and Stripes and by appropriate exercises.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this nineteenth day [L. s.] of May in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Memorial Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

In this year of the Republic we have a peculiarly cogent reason for honoring Memorial Day. We do so first as an offering to the memory of the gallant men who gave their lives to preserve this country as a home for all men and women who wish to be free.

Now we are on the eve of the mightiest military operation in which the fighting forces of the United States of America have ever taken part. It is fitting, therefore, that we give our deep and heartfelt thoughts to those who are now fighting, some of them dying, to preserve our country still as a home for the oppressed, a land for the free.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate Tuesday, May 30, 1944 as

MEMORIAL DAY

and I call upon all citizens, patriotic societies, organizations and communities to celebrate that day as a public holiday; to display the flag of our country on all public buildings, private homes and places of business; to decorate the graves of all brave souls who have fallen in war, and to organize patriotic services.

I further urge that we remember the heroes who have already

died for victory in this the deadliest and most cruel war in our history, and that we pray for those others now risking their lives for our sakes.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fifth day of
[L. s.] May in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Dairy Month

STATE OF NEW YORK—EXECUTIVE CHAMBER

New York is one of the great agricultural states, particularly important because of the volume of protective foods which many of our farmers grow. Foremost among them are dairy products, so essential to the maintenance of human health and efficiency both on the fighting front and on the home front.

The dairy farmers of New York, in the face of manifold obstacles, have hitherto achieved a war-time record which commands the admiration and gratitude of all people in the eastern states. Their continued efforts deserve every sympathy and support.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the month of June, 1944, as

DAIRY MONTH

throughout the State of New York and I urge the citizens of the Empire State to join me publicly in recognizing the endeavors of this industry and its products as being vital to victory.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this second day of June
[L. s.] in the year of our Lord nineteen hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

American Slav Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

Fifteen million citizens of the United States are of Slavic descent. A considerable number of them live in New York State.

Many of them have already given their lives to keep this a free country, many more are fighting on battlefronts all over the world.

Here on the home front hundreds of thousands of them are working with might and main to help the war effort of the Nation.

In Europe the peoples of Slavic blood have been among the worst sufferers from the cruelty of the oppressors, the enemies of liberty. And, downtrodden as they are by the armed forces of the invaders, they have never ceased to resist by every means within their ability.

The American Slav Congress of Greater New York will hold a "Unity Festival" in New York City, on Sunday, June 18.

THEREFORE, I, Thomas E. Dewey, do proclaim Sunday, June 18, as

AMERICAN SLAV DAY

and I urge all the people of the State to help demonstrate American unity by cooperating with the Americans of Slavic descent in appropriate exercises.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this second day of [L. s.] June in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Y.M.C.A. Centennial Year

STATE OF NEW YORK—EXECUTIVE CHAMBER

One hundred years ago, there was founded in London the Young Men's Christian Association. It was dedicated in the name of Christ to the service of youth. Seven years later it had its beginnings on the American continent. Today the Y.M.C.A. is world-wide in scope and is recognized universally as an influence for all that is good in life.

It is even more significant that in these troubled times a fellowship dedicated to the Prince of Peace should find its highest form of expression amid scenes of war. During the war between the states, it served as aid and friend to youth in arms. On the fields of France in the World War the Y.M.C.A. offered fellowship and service to all men. Now with the youth of the world again locked in death struggle, Y.M.C.A. workers are everywhere. In the United States they are serving as one of the components of the United Service Organization; overseas they bring to young men cut off from ties with their homelands, practical help as selfless service.

At the same time, in our home communities in the State of New York and in every state of the union, the Young Men's Christian Association maintains its function of providing for the spirit, the mind and the bodies of young Americans, and in developing the qualities of leadership needed to build a better world in the years of peace to come.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim that the year 1944 be honored as

Y.M.C.A. CENTENNIAL YEAR

and I urge all the people of New York State to honor the work of this great organization and help it to use its one hundred years of experience for the benefit of the world of tomorrow.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this sixth day of
[L. s.] June in the year of our Lord one thousand nine hundred
and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

War Loan Day for the Invasion

STATE OF NEW YORK—EXECUTIVE CHAMBER

On the very day after the capture of Rome by the Allied Armies, the Nation was electrified by the news that the High Command of the United Nations had started the all-out attack on the tremendous citadel of tyranny which the axis powers have erected in Continental Europe. At this moment millions of our young fighting men are taking part in a military operation so vast that it staggers the human imagination.

We have been told that they have the protection of 11,000 airplanes. No fewer than 4,000 ships, not to mention thousands more of smaller craft, are battering at the fortified coasts of Europe and carrying our divisions into battle.

All this gigantic effort has to be paid for. We on the home front are unable to take part personally in this crucial defense of our liberties. But we do have the privilege of helping to the utmost of our capacities by buying war bonds. We are not asked to do our country any favor, merely to lend the money at interest on the best of all imaginable security, the United States of America.

We in New York State have been assigned in the Fifth War Loan a quota of \$4,801,000,000. It is larger than ever before but heretofore we have always taken our share of the burden with pride and patriotism.

There cannot be in this Empire State a single soul who does not carry in his mind through every hour of these anxious days the thought of our men fighting the fight of their lives on the battle-fields of France. So I have every confidence that the people of New York will rush to buy war bonds, not alone willingly, but eagerly. That does not mean buying with what we can spare after we have bought necessities and even comforts. It means buying until we are actually doing without many of the things to which we are accustomed. It means buying to the utmost limit of our ability to meet our Country's obligations.

The War Finance Committee of the United States Treasury has designated the weeks from June 12 to July 8 inclusive for the Fifth War Loan.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim Monday, June 12, as

WAR LOAN DAY FOR THE INVASION

and I urge the people of New York to celebrate that day by putting forth an extra, an unparalleled effort to buy war bonds for the Fifth War Loan.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighth day of [L. s.] June in the year of our Lord one thousand nine hundred and forty-four.

By the Governor: (Signed) THOMAS E. DEWEY

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Infantry Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

Within the last three decades many new and powerful weapons of war have been developed with a deadly effectiveness, new arms of the fighting forces created and trained to the utmost of combat capacity.

The dramatic novelty of these new weapons and new arms of the Service has captured the imagination of the people so as almost to overshadow a great fundamental military truth. After almost six years of war, in which we ourselves have been engaged two and a half years, that truth has become one of the outstanding facts of modern warfare. The Generals of our Armies and of those of our Allies, and even our enemies, have learned once more that, in the last analysis, the Infantry is the "Queen of Battles."

Our Armies overseas are now taking part in the greatest military operation in history. In the news from the interior of France and from the beaches of Normandy, one circumstance is clear above all others. The brunt of the attack was borne and is now being borne by foot soldiers. It is they who can go through obstacles through which no tank can penetrate. It is they who, plunged ashore, or, carried by air, made the first contact with the enemy. The Infantrymen today have not only the most important but also the most dangerous part in that Invasion. In this as in all other wars, the foot regiments suffer the heaviest burdens. To their lot falls the greatest strain, the greatest hardship, the greatest fatigue.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate Thursday, June 15, as

INFANTRY DAY

and I urge all the people of New York State to honor our men fighting on foot not only in the capture of fortress Europe but in

the theatres of war around the world, wherever they may be, and to cooperate by display of the National Flag and of all such Infantry emblems and banners as may be available, and by appropriate public exercises.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighth day of [L. s.] June in the year of our Lord one thousand nine hundred and forty-four.

By the Governor: (Signed) THOMAS E. DEWEY

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Flag Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

On the fields of France our young men are carrying the Stars and Stripes into a series of battles such as the world has never seen before. That flag has never been carried into battle in a war of aggression.

Forty-six years ago, Governor Black of New York issued the first proclamation setting aside June 14 as a day in which the people of New York should express the peculiar regard that we of America have for our flag. In this year 1944 while our young men are fighting for the preservation of freedom, we have a deeper reason than ever for celebrating Flag Day. We have at hand one practical method of showing our allegiance to that flag, which is by making even more sacrifices than we have in the past three years to buy war bonds.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim that June 14 shall be designated and honored as

FLAG DAY

and I direct that the flag of our Country be displayed on all public buildings of the State. I suggest that all the people of New York cooperate by displaying the flag at their homes, places of business and elsewhere and I urge them, also, to remember the simple, eloquent words with which our children in the schools pledge their allegiance to the flag and to remember the name of the patriotic American who wrote that pledge, Francis Bellamy.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighth day of [L. s.] June in the year of our Lord one thousand nine hundred and forty-four.

By the Governor: (Signed) THOMAS E. DEWEY

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Farm Safety Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

The accomplishment of our farmers and farm workers in these war years has been a contribution to the war effort second to none. They have accomplished it in the face of obstacles without precedent, particularly the shortage of machinery and of manpower.

It is shocking, therefore, to learn that accidents on farms have killed eighteen thousand persons annually and injured one million five hundred thousand more. Thus, in the first two years of our participation in the war more farm people perished through accidents than the number of fighting men killed in the war itself.

With our food producers in dire need of help, this additional loss of manpower becomes a serious handicap to the prosecution of the war.

The saddest aspect of this is that the majority of such accidents were preventable. One-third were caused by loose clothing; one-fourth because people tried to clean, oil and adjust machinery in motion; one-seventh of them happened because children were allowed too near to moving machinery.

Another grave and inescapable fact is that fire destroys between seventy million and one hundred million dollars worth of farm property every year and most of those fires were preventable.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, hereby proclaim that the week commencing July twenty-third, nineteen hundred and forty-four be set aside as

FARM SAFETY WEEK

and I urge all the people of New York State to join in the efforts of all agencies of government, of the National Safety Council and various farm organizations in acquainting our farm people with methods whereby these tragic accidents may be prevented and our farm manpower be conserved for war power.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-first day of
[L. s.] July in the year of our Lord one thousand nine hundred and forty-four.

By the Governor: (Signed) THOMAS E. DEWEY

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Labor Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

The stirring news of victory after victory on the fighting fronts is cause for pride not only in the theatre of war but on the home front. Without the superb cooperation of workingmen and women

here at home it would have been impossible to send out our magnificently equipped armies to attack the enemies of freedom. In this all Americans may rejoice and take pride, but particularly the workingmen and women of America who are making for our fighting men the weapons with which they are giving us victories.

In New York we take special pride in the patriotism of labor. Since Pearl Harbor there has not been a single major strike in New York, not one serious interruption in production. The fruits of this peace on the home front are being harvested on the plains of Tuscany, Normandy, Brittany and Provence, as well as on the farflung islands of the Pacific.

There is, therefore, an extraordinary pleasure in greeting the men and women who have contributed so much on the occasion of this year's celebration of the day dedicated to labor by time-honored custom and by right.

Let us make sure—by not pausing for a moment in our efforts to provide the fighting fronts with all they need and more—that by next Labor Day there will be an end to the wartime restrictions which have been imposed upon labor. These restrictions, if left in the hands of government, could destroy the institution of a free American labor movement and totally end the right of collective bargaining.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate Monday, September 4, 1944, as

LABOR DAY

and I urge all the people of New York State to join on that day in expressing their appreciation to the men and women of the labor forces for the patriotic manner in which they have responded to the challenge of the enemies of liberty.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighteenth day of
[L. S.] August in the year of our Lord one thousand nine hundred and forty-four.

By the Governor: (Signed) THOMAS E. DEWEY

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Tribute to Poland Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

Five years have passed since the mechanized armies of Adolf Hitler, unprovoked and without warning, struck at the peaceful Polish people. The unprepared condition of the Polish people was of itself a testimony to their desire for peace. The Nazis overran their land and enslaved its population without a sign of single human consideration. Outnumbered and overwhelmed, the Poles lived up to the gallant tradition of their history.

Today Polish fighting men are playing a formidable role among the armies, air forces and navies of the United Nations. In Italy,

on the Adriatic front, the Polish contingent of the British Eighth Army has the honor of being in the vanguard, of leading the advance against the German armies. Here on the home front men and women of Polish origin are laboring day and night to help in the task of equipping the forces fighting for freedom.

On the fifth anniversary of the beginning of the valiant resistance of the Polish people we have cause to join them in mourning the death of many brave men and women at the hands of their oppressors. But we also have cause to rejoice that the tables are now being turned, that the day for the liberation of all oppressed peoples is not far off.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim that Friday, September 1, 1944 be set aside as

TRIBUTE TO POLAND DAY

and I urge all the citizens of New York State to join their compatriots of Polish origin in the fitting celebration of this day.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirty-first day of
[L. s.] August in the year of our Lord one thousand nine hundred and forty-four.

By the Governor: (Signed) THOMAS E. DEWEY

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Go to School Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

For decades the people of New York have been justly proud of the standards of education prevailing among the people of the State. These standards have been brought about by years of intelligent effort, at a great expense to the public funds. An educated public is the first essential to the success of good government in a free Republic.

In these war years, it is more important than ever that the boys and girls of New York take full advantage of the excellent schools and other educational institutions of the State. Instead of that, enrollment in junior and senior high schools in the last four years has declined for a variety of reasons by the distressing number of 152,000 pupils.

It is necessary that we take every possible measure to stop any further progress of this tendency and to restore secondary school enrollment to the maximum.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the week beginning September 3, 1944, or such week as the local school authorities order the fall term to begin in their respective communities, as

Go To SCHOOL WEEK

and I urge all parents and guardians of children of school age to imbue those children with the fact that it is not only their privilege

but their duty to take advantage of the facilities offered to them by the State educational system.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirty-first day
[L. s.] of August in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Interfaith Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

Every day now brings us stirring tidings of the continuing victories of the armed forces of the United Nations. By land and sea and air the fighting men of our country and our allies are gradually but surely crushing the oppressors whose misdeeds will fill forever the most infamous pages in the world's history.

Retribution comes closer to them by the hour and their total defeat before long is inevitable. But still the Nazis continue their torture and wholesale murder of European Jews as well as many Catholics and Protestants whom they oppress. This dreadful but inescapable fact is appalling to every American of every race, of every creed.

There are ways by which we can help these victims of our enemies, even while our armed forces struggle for their liberation. The least we can do is to unite in whatever measures may be humanly possible to help. It is most fitting, therefore, that the parishioners of all Churches, Protestant, Catholic and Jewish, members of all societies and organizations and also the citizens of America at large, join together in a concerted effort in the good work of this vital and necessary cause.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim that Sunday, September 10, 1944, be set aside throughout the State of New York as

INTERFAITH DAY

and I urge the members of all congregations and lay organizations in the State to join in this movement on behalf of civilization.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this first day of
[L. s.] September in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) . PAUL E. LOCKWOOD,
Secretary to the Governor

Star-Spangled Banner Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

In these stirring days when the valor of our fighting men is winning victories in all the theatres of war, it is fitting that we should remember the historic battle which was fought one hundred and thirty years ago. In the heat of that battle the spirit of pride in this country moved a patriotic American to write the words of a song which has become firmly established in the hearts of the American people.

The spirit of freedom and love of country expressed in those verses by Francis Scott Key led to its adoption as our national anthem by common consent, even before the Congress of the United States so designated it by law.

The fighting forces of the United States are now gaining victories on every battlefield and every ocean. Today, our national anthem means even more to us than when it was first written. So we take a particular pleasure this year in honoring the memory of Francis Scott Key and the stirring song he wrote.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate September 14, 1944, as

STAR-SPANGLED BANNER DAY

and I urge all patriotic men and women of New York State to join in doing honor to our national anthem and its author.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of
[L. S.] September in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Constitution Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

In 1787 the founders of this Republic drew up a document which made history not only in this country but in the entire world. It is acknowledged today as embodying the greatest system ever devised for the preservation of human liberties in a free country. That document, the Constitution of the United States of America, has been the envy, the admiration, the model of all liberty loving peoples.

Our Constitution is the foundation of our Republic, the shield and the buckler of minorities. It lives not only in our free institutions but as a hope and a beacon for the oppressed and the suffering in all parts of the world.

We are now engaged in the greatest war of all time to keep alive the principles of that great document. Thanks to the valor of our fighting men and of our Allies that war approaches a victorious conclusion.

It is proper, therefore, that we remember the charter of our liberties and our forefathers whose sacrifice and labors brought it into existence and made it work. The people of New York are justifiably proud in the fact that the Constitution of the United States was first proclaimed in the city of New York.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate September 17, 1944, as

CONSTITUTION DAY

and I urge all the people of the State to take part in patriotic exercises in honor of that charter of our liberty.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this fourth day of
[L. s.] September in the year of our Lord one thousand nine
hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Fire Prevention Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

While our men in the theatres of war all over the world are meeting and defeating our ruthless enemies, we have one foe on the home front which continues to challenge our best efforts. That enemy is fire. In the past year catastrophes involving flames and explosions took a heavy toll, a needless toll, of American lives and property. Many of these preventible conflagrations have seriously hampered the war effort of the Nation. Most of them could have been averted by care and vigilance.

This care and vigilance must be exerted not only by the authorities of the State, the cities and all the communities throughout the State, but by every single private individual. The need for this care and vigilance cannot be emphasized too heavily or too often.

Actually we need to exert this watchfulness every single day of the year. But in order to call attention to the matter, it is fitting to set aside a period of each year for the purpose.

NOW, THEREFORE, I, Joe R. Hanley, Lieutenant and Acting Governor of the State of New York, do hereby proclaim that the week from October 8 to 14 be set aside as

FIRE PREVENTION WEEK

and I urge every patriotic citizen, every public authority, all civic bodies and all educators, the pulpit, the press, and the radio to

emphasize and dramatize for the benefit of our people the grave dangers attendant upon uncontrolled fire in the home, on the farm, in industry and in business; and I further direct the appropriate agencies of the State to cooperate with all our citizens in initiating programs for the attaining of these objectives.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifteenth day of
[L. s.] September in the year of our Lord one thousand nine hundred and forty-four.

(Signed) JOE R. HANLEY

By the Lieutenant and Acting Governor:
(Signed) CHARLES D. BREITEL,
Counsel to the Governor

Pulaski Day and Kosciuszko Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

In the darkest days of the American Revolution, the forces fighting for freedom had among their officers two brave and distinguished generals from Poland. Ever since then the names of General Casimir Pulaski and General Thaddeus Kosciuszko have been in the front rank of the heroes who helped to make American independence an established fact.

Today on the battlefields of the world, brave Polish soldiers are once again in the front rank of men fighting against the oppressors of freedom. Even in the city of Warsaw, occupied by the Germans, a Polish army of liberation fought for sixty-three days against tremendous odds before tragic circumstances forced its surrender.

In this year, therefore, it is particularly fitting that we pay tribute to the memory of these gallant Generals who helped our forefathers to obtain their freedom and in so doing renew our pledge to the people of Poland that she will rise again, triumphant and free, a proud and equal member of the family of nations.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, hereby proclaim October 11, 1944, as

PULASKI DAY

in commemoration of the death of General Pulaski at the siege of Savannah; and

I also hereby proclaim October 13, 1944, as

KOSCIUSZKO DAY

in commemoration of the appointment of General Kosciuszko as Brevet Brigadier General of the Continental Army, and I call

upon all the people of New York State, regardless of our ancestry, to help in the celebration of these days in a tribute to the country which produced those brave and distinguished Generals.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifth day of
[L. S.] October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Leif Erikson Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

One of the most inspiring chapters in the history of the world is the story of the intrepid adventurers who added this Continent to the known places on the world's map. One of the most colorful figures in that history is a son of Norway, Leif Erikson, a true follower in the footsteps of his father Erik the Red. Their contributions to geography and to the history of exploration are now accepted beyond question.

They were members of a race that has made known and opened to civilization vast portions of the surface of the earth. From Leif Erikson to Roald Amundson, many intrepid Norwegians have challenged death and hardship to add to the world's knowledge.

In these war years it is particularly fitting that we should pay tribute to this gallant race—a people who have suffered four years under the Nazi yoke but are still uncrushed and unafraid, but whose liberation we now know is close at hand.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim October 9, 1944, to be set aside as

LEIF ERIKSON DAY

and I urge all citizens of New York State to display our own flag and the flags of Norway and Iceland. I suggest that all schools that week devote time to consideration of the part displayed by Leif Erikson in the history of civilization.

GIVEN under my hand and the Privy Seal of the State at the capitol in the City of Albany this fifth day of
[L. S.] October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

National Bible Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

No civilization can endure without religion. Without religion there can be no vision, and where there is no vision the people perish.

The religion of us all, whether we worship as Catholics, Protestants or Jews, is founded upon the greatest of all collection of books. The very principles of our Republic, the ethics whereby we live, the culture that makes us civilized, all derive from the Holy Scriptures. No person can call himself educated who does not maintain proper familiarity with the contents of the Bible. Yet it is necessary from time to time that some special measure be taken to remind us of these truths.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the week of October 9 to 15, 1944, as

NATIONAL BIBLE WEEK

and I suggest to all men and women of goodwill that they will find there the answer to many questions that have been troubling them. They will find assurance from the God of our fathers that the most ancient and most welcome sacrifice is an humble and a contrite heart.

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the City of Albany this fifth day
[L. s.] of October in the year of our Lord one thousand nine
hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Columbus Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

To all Americans, Columbus Day this year will have a new and special significance. After four dark years of war, most of Italy is free. The rest of that great country will soon be rid of the Nazi gangsters.

Christopher Columbus did all of us the greatest possible service when he boldly voyaged on unknown seas to discover the New World which has become our home. But we rejoice together in the fact that today, 452 years later, the America he discovered is in return, liberating his native Italy from its oppressors. Could he have foreseen how the land he discovered would one day bring freedom to his own Italy, Columbus would have rejoiced in the spirit of friendship which binds the people of our two lands. He

followed the tradition of the generous heart and the just hand in all dealings with other peoples. In honoring him let us determine the better to serve and honor his native country.

Just as Americans of Italian blood contributed mightily in building our Nation, so today they are sharing in the great production miracle in our factories and in our fields at home. But their shining patriotism shows up most clearly in their fighting sons. Citizens of Italian birth and ancestry make up only four percent of our population. But their sons and daughters represent ten percent of our armed forces. The descendants of Italy are indeed fighting and dying for America. Inevitably they are also deeply concerned about the fate of their ancestral land.

The Italian people, betrayed by their own government, were forced into a war they did not want. Today Italian patriots are fighting against the enemy, and the widespread hatred of Germany on the part of the masses of the people is the best proof that Italy is with us in the struggle for freedom and decency in the world.

We Americans cannot and will not stand by and watch Italy suffer. What we have thus far done is little indeed, compared to what we must do. The forces of freedom there are entitled to our aid. Liberated Italy is today a friend and an ally, not just a co-belligerent. She needs not merely relief. She needs our active friendly help in her fight against Nazism and on behalf of her own freedom. In the name of our common human heritage, in the name of gratitude, in the name of generosity, we must stand beside Italy today. No other course can serve so well the cause of the United Nations in charting the future of Europe. No other course could better honor the name of Columbus or express our gratitude to him for what he did for all of us.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim October 12, 1944, to be set aside as

COLUMBUS DAY

and I urge all citizens of the State to take part in the celebration of his memory and in building the firm and lasting friendship between the peoples of America and Italy.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifth day of
[L. s.] October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

National Business Women's Week**STATE OF NEW YORK—EXECUTIVE CHAMBER**

In this devastating war women have taken more active, more direct and more valuable part than ever before in history. The victories won by our fighting men on battlefields all over the world could not have been obtained without the vigorous and effective contribution of American women.

This applies not only to those who have gallantly enlisted in the WACS, SPARS, WAVES and MARINES. It applies also to those at home who are working in war plants, who are serving in business offices and who have given their time and energies so devotedly and unselfishly to the Red Cross and to the USO.

In every single important phase of activity, except actual combat duty, women today have proved themselves absolutely necessary.

Our men have gone into action with the best equipment that modern ingenuity and industry could provide. The process which brought this about is nothing less than a miracle of production which would have been impossible without the women who work side by side with the men. There is hardly any end to the list of jobs that women do today and do well. During this participation in the war effort, the contribution of business and professional women has been second to none.

It is desirable, in fact necessary, that the women of America who have shown such capacity, should assume a larger share in the duties and responsibilities of government. The protection and security of the individual in the home depend upon intelligent participation in political activities. It is desirable that women take pains to know the men and women nominated for public office. It is desirable that women should be members of local political clubs and make their intelligent influence felt in their own neighborhoods and communities. From these beginnings the leaders emerge who will be elected to municipal, state and national offices.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim the week of October 8-14, 1944, as

NATIONAL BUSINESS WOMEN'S WEEK

and I urge all the citizens of the State to cooperate with their business and professional women's clubs in making the celebration of this week effective. The question: "Are we part-time citizens?" is one that all voters should consider.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixth day of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) **THOMAS E. DEWEY**

By the Governor:

(Signed) **PAUL E. LOCKWOOD,**
Secretary to the Governor

Free China Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

On October 10, 1911, the people of China threw off the shackles of the Manchu Dynasty and achieved the freedom of a republic under their great leader Dr. Sun Yat-sen.

In the thirty-three intervening years, the history of China, like the history of any nation in search of the full fruits of liberty, has been one of turmoil and tragedy but never-ending hope. For the last seven years the people of the Chinese Republic, a peaceful people asking nothing but to live in harmony with their neighbor have had to struggle against a bestial and ruthless oppressor—the Japanese invader. Although their richest provinces have been occupied by the enemy and although they have been woefully lacking in the materials of war, the Chinese people have fought with a matchless courage that has won them the esteem and the confidence of all liberty-loving peoples.

We in this country, for the last three years comrades in arms with the people of China, have sent military aid, however inadequate, to our Allies across the Pacific. The people of America have come forward also as private citizens with contributions for China relief. Nevertheless, today China finds herself in a more desperate condition than at any time since the beginning of the Japanese invasion.

It is our obligation to our Chinese Ally, to the speediest possible defeat of Japan and to a strong and lasting peace after victory, to speed an ever greater degree of aid to China as soon as possible.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim that Tuesday, October 10, 1944, be set aside as

FREE CHINA DAY

and urge all of the people of New York to join in observing that day, and particularly in giving thought to the importance of helping China in its struggle in behalf of its own and the world's freedom.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixth day of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Day of Mourning for Alfred E. Smith

STATE OF NEW YORK—EXECUTIVE CHAMBER

On Wednesday, October 4, Alfred Emanuel Smith, a great American and a great human being, passed to his eternal reward.

Our State and our country have suffered an abiding loss. The magnitude of that loss is reflected all around us. Alfred E. Smith has left to us a heritage of public service of incalculable value.

Here was a man who in his own person had always the complete confidence of all who dealt with him. His warm and lovable personality called forth the best in everyone. But beyond that, he carried his personal ideals into the service of the public so effectively that the memory of his constructive statesmanship will endure forever.

As Governor of this State for eight years, as Presidential nominee of his party, he won the respect and admiration of everyone, and the lasting gratitude of the people who benefited from the progressive measures he sponsored. New York's outstanding position in liberal and progressive legislation is due in very large measure to the great heart and the exceptional mind of Alfred E. Smith. The loss of such a man is a loss indeed.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate Saturday, October 7, 1944, as a day of public mourning; and I do direct that throughout the entire State all State offices be closed and all flags on State buildings be flown at half mast then and for thirty days thereafter.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixth day of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Navy Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

More than fifty years ago the man who was then Assistant Secretary of the Navy began to arouse the people of the United States to the need for a strong and efficient Fleet. Working up hill and against opposition he succeeded and so laid the foundations of a strong American Navy, a Navy which today is the most powerful in the world.

That Assistant Secretary of the Navy was the late Theodore Roosevelt, subsequently President of the United States. Thanks to him, the revitalized and strengthened United States Navy won with ease the first war in which it engaged—the war against Spain. In the first World War our Fleets exemplified in every way the tradition of the Service. In the present war the men of our Navy have written history in victories which have transcended all their achievements in the past. In the Atlantic they have cooperated with our Allies in making the seas safe for convoy service, and in the Amphibious operations which made possible the invasion of Africa, of Sicily, of Italy and of France. In the Pacific our Navy,

crippled at the outset by a stab in the back, fought against overwhelming odds and eventually won one brilliant victory after another.

NOW, THEREFORE, I, Thomas E. Dewey, do proclaim October 27, 1944, the eighty-sixth anniversary of the birth of Theodore Roosevelt, as

NAVY DAY

and I call upon all the people of New York to join in fitting celebration of this day.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirteenth day of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Marine Corps Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

One hundred and sixty-nine years ago, when our forefathers were in the throes of the struggle which ended in the birth of the United States of America, the Continental Congress created a new fighting force, the United States Marine Corps. In the ensuing 169 years, down to this date, that Corps has been the source of never-ending pride to all men, women and children in our Country. The very name United States Marines brings a thrill to the hearts of the people.

Since December 1941, the United States Marines have added victory after victory to the splendid roll call of the battles in which this gallant and magnificently disciplined Corps has taken part. In both the European and Pacific theatres of war the Marines have been in the forefront of the fighting lines.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim November 10, 1944, as

MARINE CORPS DAY

and I urge every citizen of New York State to help in the celebration of that day, by proper display of the National Flag and by buying more War Bonds to back up our intrepid men on the fighting fronts.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirteenth day of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Greek Liberation Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

Three and a half years ago, while the people of Greece were living at peace with their neighbors and with the whole world, the mechanized forces of the Axis Nations attacked them. Their enemies overran their land, in spite of the gallant resistance of the Hellenes against overwhelming odds. Outnumbered in manpower and equipment, the people of Greece lived up to the highest traditions of their history, to the traditions of Marathon and Salamis, and of the revolution which began at Patras in 1821. Since those dreadful days three and a half years ago, the people of Greece have lived under the heel of a ruthless and cruel conqueror, starved and oppressed. But even starvation and torture did not break the age-old Greek love of freedom.

At this moment, the fighting men of Greece, with the help of the United Nations, are once again throwing the invader out of their country. They are defeating and driving back the Nazis. During the past week Athens has been liberated—Athens, heart of Greece and symbol to all the world of the type of culture and civilization that this war is being fought to preserve from destruction by the Nazi beasts. The freeing of Athens brings a day of rejoicing not only for the people of Greece itself, but to those of Greek origin throughout the world, and to us, her Allies. The occasion will be celebrated by Americans of Greek origin on Sunday, October 15.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby proclaim Sunday, October 15,

GREEK LIBERATION DAY

and I urge all citizens of New York State to join our compatriots of Greek origin in celebrating this day.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourteenth day of
[L. s.] October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

American-Russian Friendship Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

For more than 160 years the relations between the people of the United States and the people of Russia have been consistently and warmly friendly. In more than one crisis of our history that friendship has been of substantial benefit to our country.

Now victorious Russian Armies advancing triumphantly are helping with our own Armies and those of our great Allies in the victorious fight against the common enemy. In this great combined effort of the forces of decency that friendship has been sealed.

The peace of the world and the future of the world depend in large measure upon the continuance of this warm and historic friendship.

THEREFORE, I, Joe R. Hanley, Lieutenant and Acting Governor of the State of New York, do proclaim that Thursday, November 16, 1944, the eleventh anniversary of the resumption of diplomatic relations between the United States and the Russian people, shall be set aside, in celebration of American-Russian friendship, as

AMERICAN-RUSSIAN FRIENDSHIP DAY

and I urge the people of New York to cooperate in public and whole-hearted demonstrations of that friendship.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth day
[L. s.] of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) JOE R. HANLEY

By the Lieutenant and Acting Governor:

(Signed) CHARLES D. BREITEL,
Counsel to the Governor

Convening the Legislature in Extraordinary Session on Monday,
October Thirtieth, Nineteen Hundred and Forty-Four

STATE OF NEW YORK—EXECUTIVE CHAMBER

Pursuant to the power vested in me by section 3 of article IV of the Constitution, I hereby convene the Legislature in Extraordinary Session, at the Capitol, in the City of Albany, on Monday, the thirtieth day of October, nineteen hundred and forty-four, at twelve o'clock noon, for the consideration of legislation extending the hours of voting at the general election of nineteen hundred and forty-four, and increasing the compensation of election officers at such election.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-seventh
[L. s.] day of October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

American Education Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

The fighting forces of the United Nations in Europe are approaching gradually but surely closer to Berlin, to the defeat of the power pledged to destroy everything we hold sacred. In the Pacific, the fleets and armies and air forces of the British and American peoples, with the assistance of our Ally, China, are with equal certainty defeating the Japanese.

That brings us face to face with the formidable tasks that will follow victory and the establishment of peace. Only an educated citizenry can cooperate fully in the problems of establishing as well as maintaining the peace of the world. Our public school standards have been high, but they can be higher and standards in some other states must be higher. It is fitting to attract the attention of the American people to the vital responsibilities that bear upon our schools in as effective a manner as possible.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do proclaim the week of November 5-11, 1944, as

AMERICAN EDUCATION WEEK

and I urge all the men and women of New York State to cooperate and to take advantage of the occasion to learn more about their schools and their needs.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day of
[L. s.] October in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Thanksgiving Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

Just eighty years ago President Abraham Lincoln issued a proclamation setting aside Thanksgiving Day as a National Holiday. It has been ever since one of our cherished customs to devote this one day of the year to the giving of thanks to Almighty God, in a mood of prayer and humility, for the freedom, the rights and the many tangible benefits that we enjoy as citizens of the United States of America.

In this year 1944 we have an additional and peculiar reason for our thanks, our prayers and our humility.

Beset by enemies whom the valor of our fighting men is gradually but surely overcoming, it is fitting that we take particular heed of their patriotism and the sacrifices they are making.

THEREFORE, I, Joe R. Hanley, Lieutenant and Acting Governor of the State of New York, do proclaim that Thursday, November 23, 1944, be set aside as

THANKSGIVING DAY

and I urge the people of New York State to observe it in the God-fearing spirit of those who first established it. I urge that as many as are able attend a place of worship to give thanks to God in humble prayer.

I also hereby order the Flag of our Country to be displayed on all public buildings, and I request all citizens to do the same at their homes and their places of business.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifteenth day of
[L. s.] November in the year of our Lord nineteen hundred and forty-four.

(Signed) JOE R. HANLEY

By the Lieutenant and Acting Governor:

(Signed) CHARLES D. BREITEL,
Counsel to the Governor

Tuberculosis Christmas Seals Month

STATE OF NEW YORK—EXECUTIVE CHAMBER

One of our deadily and constant enemies is the destructive disease of tuberculosis. In the forty years preceding the war, the death rate from it had been reduced 76 per cent. Instead of being the chief cause of death, it was seventh on the list of fatal diseases. This was due largely to the intelligent and unselfish effort of organizations of citizens, as well as the vigilance and activities of health departments, sanatoria and clinics.

Since the United States became involved in the war, the country has been faced with a slight increase in the death rate from tuberculosis. Therefore, there is a stronger reason than ever for people of good will to join in this most necessary movement and help the work of the National Tuberculosis Association, its forty-eight state associations and its locals. One way in which we can all participate is by buying Christmas Seals to the limit of our ability.

Now, THEREFORE, I, Joe R. Hanley, Lieutenant and Acting Governor of the State of New York, do proclaim the month of December, 1944, as

TUBERCULOSIS CHRISTMAS SEALS MONTH

and I urge all residents of the State to exceed even their customary generosity in the purchase and use of the Seals.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-first day of
[L. s.] November in the year of our Lord one thousand nine hundred and forty-four.

(Signed) JOE R. HANLEY

By the Lieutenant and Acting Governor:

(Signed) CHARLES D. BREITEL,
Counsel to the Governor

Thrift Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

The practice of thrift is advisable not during one week but during all the fifty-two weeks of the year. It is particularly necessary in these war years. Most of our citizens now have larger incomes than they had before. The best days for saving, obviously, are days of prosperity.

It is desirable, therefore, to call attention as forcibly as possible to the need for saving as the most valuable protection against ever-present dangers of inflation.

NOW, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate the period January 17, the birthday of Benjamin Franklin, to January 23, 1945, as

THRIFT WEEK

and I urge all the people of New York State to dedicate themselves to a planned and systematic program of conservation, not merely for their own sakes but in the furtherance of the war effort of the Nation.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-seventh
[L. s.] day of December in the year of our Lord one thousand nine hundred and forty-four.

(Signed) · THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

George Washington Carver Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

One year before the end of the Civil War a son was born to slave parents. By his own efforts and genius he rose to become one of the greatest scientists and benefactors of mankind in the history of human progress. He lived to exemplify and personify the contribution of the Negro race to American democracy. In thousands of homes today, especially in the South, people are healthier, happier and better off because of that son of slave parents, George Washington Carver.

From the clays of the State of Alabama this internationally famed scientist fashioned pigments, paints, powders, stains. From the humble peanut he brought forth three hundred products, including plastics, paper, flour, milk, cream, cheese. From another great Southern product, the sweet potato, he obtained one hundred and eighteen products, including starch, tapioca, mock cocoanut, flour.

He made paving blocks from cotton—and insulation boards, cordage and paper; artificial marble from wood shavings; from

feed sacks, beautiful wall hangings. Decades ago he showed the South how to cook, dry and preserve food stuffs. In his spare time—he arose daily at four A.M.—he painted in oil and developed hundreds of needlework patterns. To the fields and farms of the South he applied the almost magic possibilities of chemistry. To the region of his birth and life, he showed how chemistry could alleviate the menace of one-crop agriculture.

Now, THEREFORE, I, Thomas E. Dewey, Governor of the State of New York, do hereby designate the period from January 7 to January 13, 1945, as

GEORGE WASHINGTON CARVER WEEK

and I urge all the people of New York State to join in paying tribute to the memory of that great American.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-seventh
[L. s.] day of December in the year of our Lord one thousand
nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

VI

APPOINTMENTS

VI

APPOINTMENTS

APPOINTMENTS—GOVERNOR AND SENATE

Commissioner of Agriculture and Markets

- Jan. 10. C. Chester DuMond, of Ulster Park, who was heretofore appointed during the recess of the Senate to succeed Holton V. Noyes, term expired. Confirmed Jan. 19.

Civil Service Commission

- Jan. 10. J. Edward Conway, of Kingston, who was heretofore appointed during the recess of the Senate to succeed Grace A. Reavy, term expired. Confirmed Jan. 11.
Louise C. Gerry, of Buffalo, who was heretofore appointed during the recess of the Senate to succeed Howard P. Jones, resigned. Confirmed Jan. 19.

Conservation Commissioner

- Jan. 10. John A. White, of Bath, who was heretofore appointed during the recess of the Senate to succeed John T. Gibbs, resigned. Confirmed Jan. 24.

Commissioner of Correction

- Jan. 10. John A. Lyons, of New York City, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.

Commissioner of Health

- Jan. 10. Dr. Edward S. Godfrey, Jr., of Albany, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.

Industrial Commissioner

- Jan. 10. Edward Corsi, of New York City, who was heretofore appointed during the recess of the Senate to succeed Frieda S. Miller, resigned. Confirmed Jan. 19.

Superintendent of Insurance

- Jan. 10. Robert E. Dineen, of Syracuse, who was heretofore appointed during the recess of the Senate to succeed Louis H. Pink, resigned. Confirmed Jan. 19.

Commissioner of Mental Hygiene

- Jan. 10. Frederick MacCurdy, M.D., of New York City, who was heretofore appointed during the recess of the Senate to succeed William J. Tiffany, resigned. Confirmed Jan. 11.

Public Service Commission

- Jan. 10. George A. Arkwright, of Brooklyn, who was heretofore appointed during the recess of the Senate to succeed George R. Van Namee, term expired. Confirmed Jan. 19.

Superintendent of Public Works

- Jan. 10. Charles Harvey Sells, of Pleasantville who was heretofore appointed during the recess of the Senate to succeed Arthur W. Brandt, term expired. Confirmed Jan. 19.

Commissioner of Commerce

- Feb. 14. Martin P. Catherwood, of Ithaca, pursuant to the provisions of Chapter 4, Laws of 1944. Confirmed Feb. 22.

War Council

- Jan. 10. Thomas A. Morgan, of New York City, reappointed. Confirmed Jan. 11.
Mrs. Anna M. Rosenberg, of New York City, reappointed. Confirmed Jan. 11.
Paul Schoellkopf, of Niagara Falls, reappointed. Confirmed Jan. 11.
Elmer A. Carter, of New York City, reappointed. Confirmed Jan. 11.
William Riordan, of New York City, reappointed. Confirmed Jan. 11.
Thomas A. Murray, of New York City, who was heretofore appointed during the recess of the Senate to succeed Thomas J. Lyons, deceased. Confirmed Jan. 11.
William I. Myers, of Ithaca, who was heretofore appointed during the recess of the Senate to succeed Dr. Carl E. Ladd, deceased. Confirmed Jan. 11.
Louis Hollander, of Brooklyn, who was heretofore appointed during the recess of the Senate to succeed Gustave A. Strebel, resigned. Confirmed Jan. 11.
John J. Meegan, of Buffalo, who was heretofore appointed during the recess of the Senate to succeed A. F. Sulzer, resigned. Confirmed Jan. 11.

Mrs. Caroline W. Gannett, of Rochester, who was heretofore appointed during the recess of the Senate pursuant to the provisions of Chapter 171 of the Laws of 1943. Confirmed Jan. 11.

Harold C. Ostertag, of Attica, who was heretofore appointed during the recess of the Senate pursuant to the provisions of Chapter 171 of the Laws of 1943. Confirmed Jan. 11.

Superintendent of State Police

Jan. 10. John A. Gaffney, of Pleasantville, who was heretofore appointed during the recess of the Senate to succeed John A. Warner, retired. Confirmed Jan. 11.

Liquor Authority

Jan. 10. John Francis O'Connell, of New York City, who was heretofore appointed during the recess of the Senate to succeed Henry E. Bruckman, term expired. Confirmed Jan. 19.

Athletic Commission

Jan. 17. Clilan B. Powell, M.D., of New York City, who was heretofore appointed during the recess of the Senate to succeed William J. Brown, resigned. Confirmed Jan. 19.

Board of Standards and Appeals

Jan. 10. William H. Roberts, of Rochester, who was heretofore appointed during the recess of the Senate to succeed William J. Picard, term expired. Confirmed Jan. 19.
Francis John Wazeter, of Hastings-on-Hudson, who was heretofore appointed during the recess of the Senate to succeed Raymond Fisher, in Military Service. Confirmed Jan. 19.

State Board of Social Welfare

Feb. 21. Henry Root Stern, of Manhasset, Long Island, to fill an existing vacancy. Confirmed Feb. 29.

Harness Racing Commission

Feb. 21. Jacob C. Newton, of Hamburg, reappointed. Confirmed Mar. 9.

Board of Mediation

Feb. 21. Ezra G. Leavitt, of New York City, to succeed Max Meyer, term expired. Confirmed Feb. 29.

Trustee of Cornell University

- Jan. 10. Myron C. Taylor, of New York City, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.

Bridge Authority

- Jan. 10. Robert Hoe, of Poughkeepsie, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.
Dr. John L. Edwards, of Hudson, who was heretofore appointed during the recess of the Senate to succeed Robert L. Livingston, term expired. Confirmed Jan. 19.

Insurance Board

- Jan. 17. Francis R. Stoddard, of New York City,
Matthew Woll, of New York City,
who were heretofore reappointed during the recess of the Senate. Both confirmed Jan. 19.

Judicial Council

- Jan. 17. Crandall Melvin, of Salina, who was heretofore appointed during the recess of the Senate to succeed Lewis G. Ryan, term expired. Confirmed Jan. 19.

Interstate Sanitation Commission

- Jan. 17. Robert W. Higbie, Jr., of Jamaica, who was heretofore appointed during the recess of the Senate to succeed William F. Hofman, term expired. Confirmed Jan. 19.

Banking Board

- Jan. 10. Raymond N. Ball, of Rochester, who was heretofore appointed during the recess of the Senate to succeed Perry E. Wurst, deceased. Confirmed Jan. 11.
Jan. 17. Arthur J. Burch, of Troy, to succeed Arthur P. Bartholomew, deceased. Confirmed Jan. 19.
Feb. 21. Philip A. Benson, of Brooklyn, reappointed. Confirmed Feb. 29.
Raymond N. Ball, of Rochester, reappointed. Confirmed Feb. 29.
Robert L. Garner, of New York City, to succeed Harold Lyle Reed, term expired. Confirmed Feb. 29.

Industrial Exhibit Authority

- Jan. 17. Fred S. Baldwin, of Syracuse, who was heretofore appointed during the recess of the Senate to succeed James C. Setright, term expired. Confirmed Jan. 19.
 E. R. Eastman, of Ithaca, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.
- Mar. 18. T. Arthur Oliver, of Chateaugay, reappointed. Confirmed Mar. 18.

Correction Commission

- Feb. 14. Sam A. Lewisohn, of New York City, reappointed. Confirmed Feb. 15.

Port of New York Authority

- Feb. 21. Bayard Foster Pope, of New York City, to succeed Rudolph Reimer, term expired. Confirmed Feb. 29.

BOARDS OF VISITORS OF STATE HOSPITALS AND INSTITUTIONS—DEPARTMENT OF MENTAL HYGIENE

Binghamton State Hospital

- Jan. 17. Mrs Leeta Button, of New Berlin, who was heretofore appointed during the recess of the Senate to succeed Lee R. Harrison, term expired. Confirmed Jan. 19.
- Feb. 28 Carlton A. Cleveland, of Binghamton, to succeed Renna Z. Spaulding, term expired. Confirmed Feb. 29.
 Dr. Arthur C. Smith, of Elmira, to succeed Isaac Baldwin, resigned. Confirmed Feb. 29.

Brooklyn State Hospital

- Jan. 17. Jacob H. Goetz, of Brooklyn, who was heretofore appointed during the recess of the Senate to succeed Herman S. Bachrach, term expired. Confirmed Jan. 19.

Buffalo State Hospital

- Jan. 17. Mrs. Sidney Wallens, of Buffalo, who was heretofore appointed during the recess of the Senate to succeed Beatrice H. Diamond, term expired. Confirmed Jan. 19.
- Jan. 25. Mrs. Howard O. Babcock, of Buffalo, to succeed Elizabeth D. Hazel, resigned. Confirmed Feb. 1.
- Mar. 17. Nicholas J. Strozzi, of Buffalo, to succeed Charles S. Sedita, term expired. Confirmed Mar. 18.

Central Islip State Hospital

- Jan. 17. John N. Brennan, of Smithtown Branch, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.

Creedmoor State Hospital

- Jan. 17. Mrs. Webster F. Williams, of Hollis, Queens County, to succeed Mrs. Edna V. Newbranch, term expired. Confirmed Jan. 19.
- Mar. 17. Michael E. Greenman, of Brooklyn, to succeed David F. Soden, resigned. Confirmed Mar. 18.

Gowanda State Homeopathic Hospital

- Jan. 17. Mrs. Ernest A. Francisco, of Eden, who was heretofore appointed during the recess of the Senate to succeed Carrie L. Colburn, term expired. Confirmed Jan. 19.
- Mrs. Marie P. Dusenbury, of Portville, who was heretofore appointed during the recess of the Senate to succeed Bertha M. Bard, resigned. Confirmed Jan. 19.
- Feb. 28. Mrs. John J. Finigan, of Rochester, to succeed Mrs. Julia D. Tierney, term expired. Confirmed Feb. 29.

Harlem Valley State Hospital

- Jan. 17. William H. Montgomery, of Poughkeepsie, who was heretofore appointed during the recess of the Senate to succeed M. W. Mettenleiter, M.D., term expired. Confirmed Jan. 19.
- Mrs. Katherine Prezzano, of Mount Vernon, who was heretofore appointed during the recess of the Senate to succeed Alice Disbrow, term expired. Confirmed Jan. 19.

Hudson River State Hospital

- Jan. 17. Dr. J. Wilson Poucher, of Poughkeepsie, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.
- Feb. 14. Mrs. Belle Wetherbee Saltford, of Poughkeepsie, to succeed Mrs. Beatrice B. Pearse, term expired. Confirmed Feb. 15.

Kings Park State Hospital

- Jan. 17. Rev. Hugh M. Graham, of Brentwood, who was heretofore appointed during the recess of the Senate to succeed Msgr. John C. York, resigned. Confirmed Jan. 19.
- Mrs. Merry Parkes, of Port Washington, who was heretofore appointed during the recess of the Senate to succeed Mrs. Agnes L. Bermingham, resigned. Confirmed Jan. 19.
- William H. Clayton, of Kings Park, who was heretofore appointed during the recess of the Senate to succeed Joseph F. O'Brien, term expired. Confirmed Jan. 19.

Manhattan State Hospital

- Jan. 17. Arthur R. Sohval, M.D., of New York City, who was heretofore appointed during the recess of the Senate to succeed Hugh M. Cox, M.D., term expired. Confirmed Jan. 19.
- Walbridge S. Taft, of New York City, who was heretofore appointed during the recess of the Senate to succeed Mrs. Frances Elliott Cohn, resigned. Confirmed Jan. 19.
- Mrs. Elsie Nicoll Sloane, of New York City, who was heretofore appointed during the recess of the Senate to succeed Mrs. Caroline L. Iselin, deceased. Confirmed Jan. 19.

Marcy State Hospital

- Jan. 17. Mrs. Daniel H. Conway, of Oswego, who was heretofore appointed during the recess of the Senate to succeed Mrs. Margaret Hanley, term expired. Confirmed Jan. 19.
- Jan. 31. J. Winifred Hughes, of Syracuse, to succeed John K. McDowell, term expired. Confirmed Feb. 1.

Middletown State Homeopathic Hospital

- Jan. 17. John H. Morrison, of Middletown, who was heretofore appointed during the recess of the Senate to succeed Samuel M. Cuddeback, term expired. Confirmed Jan. 19.
- Mar. 13. Edmund C. Faulkner, of Middletown, to succeed Frank Durland, resigned. Confirmed Mar. 15.
- Mrs. Harriet H. Porter, of Port Jervis, to succeed Florence L. Ketchum, term expired. Confirmed Mar. 15.

Pilgrim State Hospital

- Jan. 17. Albert Hutton, of Brooklyn, who was heretofore appointed during the recess of the Senate to succeed Henry Nias, resigned. Confirmed Jan. 19.

Rochester State Hospital

- Jan. 17. Bernard E. Finucane, of Rochester, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.
- Feb. 9. Lillie Boller Werner, of Rochester, reappointed. Confirmed Feb. 15.

Rockland State Hospital

- Jan. 17. Mrs. Dwight Hoover, of Hempstead, who was heretofore appointed during the recess of the Senate to succeed James W. Smith, M.D., term expired. Confirmed Jan. 19.

- Mar. 6. Stephen Francis Voorhees, of Nyack, to succeed Matthew J. Sullivan, M.D., resigned. Confirmed Mar. 7.
Louis Carp, M.D., of New York City, reappointed. Confirmed Mar. 7.

St. Lawrence State Hospital

- Jan. 17. Mrs. Perry G. Williams, of Lowville, who was heretofore appointed during the recess of the Senate to succeed Mrs. Vanche T. Milligan, term expired. Confirmed Jan. 19.
Mrs. Grace Conde, of Watertown, who was heretofore appointed during the recess of the Senate to succeed Mrs. Mary S. Goodale, resigned. Confirmed Jan. 19.

Utica State Hospital

- Jan. 17. Olivia S. T. Pruyn, of Utica, who was heretofore appointed during the recess of the Senate to succeed Bertha Murnane, term expired. Confirmed Jan. 24.
Dr. Hyzer W. Jones, of Utica, who was heretofore appointed during the recess of the Senate to succeed W. Lester Grogan, M.D., deceased. Confirmed Jan. 24.
Mar. 17. Mrs. Grace Johnson, of New Hartford, to succeed Dennis Dillon, term expired. Confirmed Mar. 18.

Willard State Hospital

- Jan. 17. Harlow H. Hartwell, of Waterloo, who was heretofore appointed during the recess of the Senate to succeed Wilfred Sefton, M.D., deceased. Confirmed Jan. 19.
Feb. 28. Dr. Andrew D. Hubbs, of Geneva, to succeed Dr. Thomas W. Maloney, term expired. Confirmed Feb. 29.

Craig Colony

- Jan. 17. William J. Flynn, of Mount Morris, who was heretofore appointed during the recess of the Senate to succeed Barney S. Beuerlein, term expired. Confirmed Jan. 19.

Letchworth Village

- Jan. 17. Rev. Robert H. Dolliver, of New York City, who was heretofore appointed during the recess of the Senate to succeed Howard W. Potter, M. D., term expired. Confirmed Jan. 19.
Norvin H. Green, of Tuxedo, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.

Newark State School

- Jan. 17. Arthur N. Christy, of Newark, who was heretofore appointed during the recess of the Senate to succeed Mrs. Mary D. Kane, term expired. Confirmed Jan. 25.
 Charles E. Gray, of town of Onondaga, who was heretofore appointed during the recess of the Senate to succeed Augustus C. Stevens, resigned. Confirmed Jan. 25.
- Jan. 25. Mrs. R. Richard Roenke, of Geneva, to succeed Mrs. Mae H. Henry, term expired. Confirmed Feb. 1.

Rome State School

- Jan. 17. Dennis A. Griffin, of Rome, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.
- Jan. 31. Frank H. Valone, M.D., of Rome to succeed Mrs. Eliza Doyle, term expired. Confirmed Feb. 1.

Syracuse State School

- Jan. 17. Mrs. Lewis P. Smith, Jr., of Syracuse, who was heretofore appointed during the recess of the Senate to succeed Otto W. Iloff, term expired. Confirmed Jan. 19.
- Jan. 25. Rev. Joseph B. Toomey, of Syracuse, to succeed Rev. J. James Bannon, resigned. Confirmed Feb. 1.
- Jan. 31. Mrs. Martin Blundred, of Syracuse, to succeed Mrs. Rose L. Stolz, term expired. Confirmed Feb. 1.
- Mar. 18. Henry Phillips, of Syracuse, to succeed William Disque, resigned. Confirmed Mar. 18.

Wassaic State School

- Jan. 17. Adelaide Vosburgh, of Athens, who was heretofore appointed during the recess of the Senate to succeed William H. Freese, term expired. Confirmed Jan. 19.

BOARDS OF VISITORS OF INSTITUTIONS UNDER JURISDICTION OF BOARD OF SOCIAL WELFARE

State Agriculture and Industrial School

- Jan. 17. James L. Wiles, of Rush, who was heretofore appointed during the recess of the Senate to succeed Dr. W. Eugene Powell, term expired. Confirmed Jan. 19.

Mrs. William B. Macomber, of Rochester, who was heretofore appointed during the recess of the Senate to succeed Thomas F. Trott, term expired. Confirmed Jan. 19.

Mrs. Hubert Schoepperle, of Hamburg, who was heretofore appointed during the recess of the Senate to succeed Mrs. Hattie Schwert, term expired. Confirmed Jan. 19.

Training School for Boys

Feb. 28. Henry K. Ostrow, of New York City, to succeed Mrs. Lillian A. Alexander, term expired. Confirmed Feb. 29.

Fred William Guild, of New York City, to succeed David T. Leahy, term expired. Confirmed Feb. 29.

Mar. 6. Mrs. Amy Bull Crist, of Montgomery, to succeed Ben Martin, resigned. Confirmed Mar. 7.

Training School for Girls

Jan. 17. Mrs. Florence Perlman, of New York City, who was heretofore appointed during the recess of the Senate to succeed Dr. Helen Montague, term expired. Confirmed Jan. 19.

Feb. 14. Mrs. Sara S. Webb, of New Woodstock, to succeed Mrs. Flora D. Johnson, term expired. Confirmed Feb. 15.

Woman's Relief Corps Home

Jan. 17. Dr. J. Mott Crumb, of South Otselic, who was heretofore appointed during the recess of the Senate to succeed Herbert N. Griffin, term expired. Confirmed Jan. 19.

BOARDS OF VISITORS OF INSTITUTIONS UNDER JURISDICTION OF DEPARTMENT OF HEALTH

State Hospital for Treatment of Incipient Pulmonary Tuberculosis at Ray Brook

Jan. 17. Edward C. Reifenstein, Sr., M.D., of Syracuse, who was heretofore appointed during the recess of the Senate to succeed George H. Retan, M.D., term expired. Confirmed Jan. 19.

Henry O. Harding, M.D., of New York City, who was heretofore appointed during the recess of the Senate to succeed Albert A. Berg, M. D., term expired. Confirmed Jan. 19.

Lyman I. Thayer, M.D., of Glens Falls, who was heretofore appointed during the recess of the Senate to succeed Thomas H. Cunningham, M.D., resigned. Confirmed Jan. 19.

Reconstruction Home

- Jan. 17. Arthur W. Benson, M.D., of Troy,
Rev. William Neely Ross, of Nyack, who were heretofore
reappointed during the recess of the Senate. Both
confirmed Jan. 19.
- Mar. 17. Mrs. Charles MacArthur, of Nyack, to succeed Cornelia
F. Bedell, term expired. Confirmed Mar. 18.

BOARDS OF VISITORS OF INSTITUTIONS UNDER JURIS-
DICTION OF DEPARTMENT OF CORRECTION

Albion Training School

- Jan. 17. Mrs. John J. Kennedy, of Buffalo, who was heretofore
appointed during the recess of the Senate to succeed
Mary D. Manard, term expired. Confirmed Jan. 19.
- Mrs. Edward H. Renouf, of Rochester, who was hereto-
fore appointed during the recess of the Senate to
succeed John A. Jennings, term expired. Confirmed
Jan. 19.
- Mrs. Thomas Ingram, of Clarence, who was heretofore
appointed during the recess of the Senate to succeed
Mary Holling, resigned. Confirmed Jan. 19.
- Feb. 28. Mrs. Stephen K. Pollard, of Rochester, to succeed Anna
Mae Rush, term expired. Confirmed Feb. 29.

Elmira Reformatory

- Jan. 17. Joseph N. Pfeiffer, of Corning, who was heretofore
appointed during the recess of the Senate to succeed
Harry K. Brown, deceased. Confirmed Jan. 19.
- Asaph Bloomfield Hall, of Elmira, who was heretofore
appointed during the recess of the Senate to succeed
Daniel J. Sullivan, deceased. Confirmed Jan. 19.

Westfield State Farm

- Jan. 17. Myles B. Amend, of Yonkers, who was heretofore reap-
pointed during the recess of the Senate. Confirmed
Jan. 19.

BOARDS OF VISITORS OF INSTITUTIONS UNDER JURIS-
DICTION OF DEPARTMENT OF EDUCATION

State School for the Blind

- Jan. 17. Everest A. Judd, of Batavia, who was heretofore ap-
pointed during the recess of the Senate to succeed
Lorenzo J. Burns, term expired. Confirmed Jan. 19.
- Mrs. Agnes M. Beebe, of Arcade, who was heretofore
appointed during the recess of the Senate to succeed
Mary Fenner Knight, resigned. Confirmed Jan. 19.
- Mrs. Florence Robbins, of LeRoy, who was heretofore
appointed during the recess of the Senate to succeed
Mrs. H. F. Vandervort, resigned. Confirmed Jan. 19.

PARK COMMISSIONERS AND TRUSTEES OF PLACES OF
HISTORIC AND SCENIC INTEREST*Allegany State Park Commission*

- Jan. 17. Charles E. Congdon, of Salamanca, who was heretofore appointed during the recess of the Senate to succeed Thomas H. Dowd, term expired. Confirmed Jan. 19.
- Feb. 9. Ward M. Hopkins, of Cuba, to succeed George B. Rooth, Jr., term expired. Confirmed Feb. 15.

Central New York State Parks Commission

- Jan. 17. Donald T. Pomeroy, of East Syracuse, who was heretofore appointed during the recess of the Senate to succeed Edward N. Trump, term expired. Confirmed Jan. 19.
- Mar. 17. David F. Lee, of Norwich, reappointed. Confirmed Mar. 18.

Finger Lakes State Park Commission

- Jan. 17. W. Allen Underhill, of Corning, who was heretofore appointed during the recess of the Senate to succeed Greyton H. Taylor, term expired. Confirmed Jan. 19.
- Feb. 9. Albert F. Forbes, of Watkins Glen, to succeed Harry J. Suits, term expired. Confirmed Feb. 15.

Genesee State Park Commission

- Jan. 17. Theron E. Bastian, of Rochester, who was heretofore appointed during the recess of the Senate to succeed Peter J. Doyle, term expired. Confirmed Jan. 19.
- Mar. 17. William J. Babcock, of Rochester, to succeed Leroy E. Snyder, deceased. Confirmed Mar. 18.

Niagara Frontier State Park Commission

- Jan. 17. Welles V. Moot, of Buffalo, who was heretofore appointed during the recess of the Senate to succeed Frank J. Smith, term expired. Confirmed Jan. 19.

Palisades Interstate Park Commission

- Jan. 17. Frederick H. Osborn, of Garrison, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.
- Feb. 14. Laurance S. Rockefeller, of New York City, reappointed. Confirmed Feb. 15.

Taconic State Park Commission

- Jan. 17. Charles J. F. Decker, of Croton Falls, who was heretofore appointed during the recess of the Senate to succeed George G. Ernst, term expired. Confirmed Jan. 19.
- Feb. 14. Wilbert A. Dean, of Copake, to succeed Albert E. Moakler, term expired. Confirmed Feb. 15.

Thousand Islands State Park Commission

- Jan. 17. Walter L. Day, of Alexandria Bay, who was heretofore appointed during the recess of the Senate to succeed Lowell Fitzsimmons, term expired. Confirmed Jan. 19.
- Homer M. Rice, of Watertown, who was heretofore appointed during the recess of the Senate to succeed Nettie M. Hewitt, term expired. Confirmed Jan. 19.
- Feb. 14. Clarence F. Hall, of Clayton, to succeed Dr. William Gillick, term expired. Confirmed Feb. 15.

Guy Park House and Grounds

- Jan. 17. William B. Charles, of Amsterdam, who was heretofore appointed during the recess of the Senate to succeed Patrick J. Fitzgibbons, term expired. Confirmed Jan. 19.
- Mrs. Harry Ledlie, of Amsterdam, who was heretofore appointed during the recess of the Senate to succeed Mrs. Kuno B. Schotte, deceased. Confirmed Jan. 19.

Herkimer Home

- Jan. 17. Mrs. Edmund Rich, of Ilion, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.
- Ralph M. Jones, of Utica, who was heretofore appointed during the recess of the Senate to succeed Henry Hoffman, term expired. Confirmed Jan. 19.
- Mar. 6. W. Randall Whitman, of Little Falls, to succeed Dr. J. M. Tanzer, deceased. Confirmed Mar. 7.
- Mar. 18. Mrs. Muriel C. Zoller, of Herkimer, to succeed Mrs. Frank G. Steele, resigned. Confirmed Mar. 18.

Newtown Battlefields Reservation

- Jan. 17. A Marshall Lowman, of Elmira, who was heretofore appointed during the recess of the Senate to succeed George W. Kretschman, term expired. Confirmed Jan. 19.
- Feb. 21. Mrs. Idalene Shaner, of Wellsburg, to succeed Samuel L. Meddaugh, resigned. Confirmed Feb. 29.

Washington's Headquarters

- Jan. 17. Mrs. Stanley T. Manlove, of Newburgh, who was heretofore appointed during the recess of the Senate to succeed Anna S. Stapleton, term expired. Confirmed Jan. 19.
- J. Townsend Cassedy, of Newburgh, who was heretofore reappointed during the recess of the Senate. Confirmed Jan. 19.

SUPREME COURT JUSTICES

Sixth Judicial District

- Feb. 21. William Francis Santry, of Oneida, to succeed Riley H. Heath, resigned. Confirmed Feb. 23.

CITY AND COUNTY OFFICIALS

County Judge and Judge of the Children's Court—Clinton County

- Jan. 10. Francis Claude O'Connell, of Plattsburgh, to succeed Andrew J. Ryan, resigned. Confirmed Jan. 11.

Surrogate—Ulster County

- Jan. 17. John B. Sterley, of Kingston, to succeed Harry H. Flemming, resigned. Confirmed Jan. 19.

Special County Judge and Surrogate—Sullivan County

- Mar. 6. Harold B. Spriggs, of Livingston Manor, to succeed Benjamin Newberg, resigned. Confirmed Mar. 9.

RECESS APPOINTMENTS—GOVERNOR AND SENATE

NOTE.—Chapter 258 of the Laws of 1944 empowered the Governor to make appointments, during the recess of the Senate, to certain offices normally filled by the Governor by and with the advice and consent of the Senate, the appointments so made to be submitted for confirmation to the Senate at the next session. Pursuant to the provisions of that chapter, Governor Dewey made the following appointments.

MISCELLANEOUS DEPARTMENTS, BOARDS AND COMMISSIONS

Board of Social Welfare

- Mar. 24. William O. Riordan, of New Rochelle, to succeed John S. Burke, resigned.
- Aug. 14. Lawrence S. Greenbaum, of Mamaroneck, reappointed. Mrs. Laura M. Whitfield, of Albany, to succeed Mrs. Agnes G. Fitzgerald, term expired. Neil D. Callanan, of Buffalo, to succeed Kevin Kennedy, resigned.

NOTE.—The Governor on Aug. 14, 1944, redesignated Mr. Greenbaum as Chairman of the State Board of Social Welfare.

Labor Relations Board

- Mar. 27. H. Myron Lewis, of Utica, to succeed Paul M. Herzog, resigned.

NOTE.—On March 27 the Governor designated Rev. William J. Kelley as Chairman of the Labor Relations Board.

Racing Commission

- Apr. 11. David Dows, of Locust Valley, to succeed John Hay Whitney, resigned.

Bridge Authority

- Apr. 11. William K. Hagginbothom, of Catskill, to succeed Addison P. Jones, term expired.

Industrial Board

- Apr. 11. Mary H. Donlon, of New York City, to succeed Edward Corsi, resigned.
 Apr. 22. Mrs. Leopold K. Simon, of New York City, pursuant to the provisions of Chapter 475, Laws of 1944.
 Apr. 24. Richard J. Carmichael, of Schenectady, pursuant to the provisions of Chapter 475, Laws of 1944.
 Apr. 25. Frank D. Maurin, of Buffalo, pursuant to the provisions of Chapter 475, Laws of 1944.
 May 8. James Amadei, of New York City, pursuant to the provisions of Chapter 475, Laws of 1944.
 June 22. Noah C. A. Walter, of St. Albans, pursuant to the provisions of Chapter 475, Laws of 1944.

NOTE.—The Governor on April 15, 1944, designated Miss Donlon as Chairman of the Industrial Board. On May 1, 1944, pursuant to the provisions of Chapter 475 of the Laws of 1944, the Governor designated Miss Donlon as Vice-Chairman of the Board.

Liquor Authority

- Apr. 25. Vincent J. Ferris, of Brooklyn, to succeed Thomas A. Murray, resigned.
 July 17. Albert H. Meyer, of Williamsville, to succeed Joseph M. Ryan, term expired.

War Council

- May 16. George Z. Medalie, of New York City, to succeed John M. Hancock, resigned.

State Insurance Fund

- June 3. William C. Murray, of Utica, to succeed Henry R. Beebe, deceased.
 Hasbrouck Chahoon, of Ausable Forks, to succeed Wallace J. Wolf, term expired.
 Walkerman Dugan, of Elmira, to succeed Herman L. Heide, term expired.
 William Ottman, of New York City, reappointed.

- Aug. 14. Philip S. Savage, of Eggertsville, to succeed Paul E. Fitzpatrick, term expired.
 Aug. 18. Lewis W. Friederich, of Rochester, to succeed John H. Harrigan, term expired.

Board of Mediation

- June 24. George J. Beldock, of Brooklyn, to succeed Paul R. Hays, term expired.
 Arthur S. Meyer, of New York City, reappointed.

Trustees of Cornell University

- July 26. Irving M. Ives, of Norwich, to succeed Horace White, deceased.
 Joseph P. Ripley, of Smithtown Branch, L. I., to succeed George R. VanNamee, term expired.

Correction Commission

- Dec. 8. Charles M. Trunz, of Forest Hills, to succeed Sam A. Lewisohn, resigned.
 Dec. 14. Mrs. Carl T. Hogan, of New York City, to succeed Mrs. Evelyn Q. Gonzalez, term expired.

Advisory Board, Division of Bedding

- Dec. 8. Richard M. Archibald, of Lockport, to succeed Harry Schimmel, term expired.
 Irving Baldinger, of Brooklyn, to succeed George S. Knott, term expired.
 Irving Buchman, of New York City, to succeed Joseph Orenstein, term expired.
 Emanuel H. Licht, of New York City, to succeed Emanuel Cohen, term expired.
 A. O. Foster, of Utica, reappointed.
 William Kohn, of New York City, reappointed.
 Ephraim Freedman, of New York City, reappointed.

BOARDS OF VISITORS OF INSTITUTIONS UNDER JURISDICTION OF STATE DEPARTMENT OF MENTAL HYGIENE

Brooklyn State Hospital

- Apr. 12. Edwienne Schmitt, of Brooklyn, to succeed Mrs. Grace W. Whitehall, term expired.
 July 17. Mrs. Grace W. Whitehall, of Brooklyn, to succeed Mrs. Agnes D. Druhan, resigned.

Buffalo State Hospital

- Oct. 2. Henry C. Mietus, of Buffalo, to succeed Blase M. Grabowski, resigned.

Harlem Valley State Hospital

- Aug. 14. A. Ross Rider, of New Lebanon, to succeed Charles S. Jacobsen, term expired.

Rockland State Hospital

- July 25. Mrs. Catherine M. Halley, of the Bronx, New York, to succeed Mrs. Sarah O'Leary, deceased.

St. Lawrence State Hospital

- Apr. 11. Mrs. Marion U. Johnston Wells, of Ogdensburg, to succeed Mrs. Katherine Akin, term expired.

Craig Colony

- Apr. 11. Dr. Gerald C. Cooney, of Syracuse, to succeed Dr. Henry H. Haft, term expired.
Dec. 8. Denton J. Watrous, of Groton, to succeed William P. Biggs, resigned.

Letchworth Village

- May 4. Franklin B. Kirkbride, of New York City, reappointed.

Wassaic State School

- May 4. Mrs. Florence D. Pratt, of Highland, to succeed Mrs. Margaret C. Lewis, term expired.

PARK COMMISSIONS AND TRUSTEES OF PLACES OF HISTORIC AND SCENIC INTEREST

Long Island State Park Commission

- June 13. Herbert B. Swope, of Sands Point, reappointed.

Niagara Frontier State Park Commission

- June 3. Robert L. Rice, of Lewiston Heights, to succeed Dow Vroman, term expired.

Herkimer Home

- July 25. Ralph D. Earl, of Herkimer, reappointed.

BOARDS OF VISITORS OF INSTITUTIONS UNDER JURISDICTION OF STATE BOARD OF SOCIAL WELFARE

Agricultural and Industrial School

- Apr. 11. Mrs. Evalyn Gatchell, of North Rose, to succeed Joseph L. Quinn, term expired.
June 13. Frederick D. Lamb, of Rochester, reappointed.

Thomas Indian School

- June 22. Mrs. Arthur Hoag, of Salamanca, to succeed William Hatch, resigned.
 Louis Bruce, Jr., of Richfield Springs, to succeed Frank A. Terrance, term expired.

Training School for Boys

- July 17. Mrs. Mathew V. Boutte, of New York City, to succeed Douglas P. Falconer, resigned.

APPOINTMENTS—GOVERNOR DIRECT

MISCELLANEOUS DEPARTMENTS, BOARDS AND COMMISSIONS

Executive Secretary—War Council

- Jan. 1. Harold H. Schaff, of Slaterville Springs, to succeed Charles A. Winding, resigned.

Unemployment Insurance Advisory Council

- Jan. 13. Harold J. Garno, of New York City, to succeed Gustave A. Strebel, resigned.

Probation Commission

- Jan. 21. Edward C. Blum, of Brooklyn, reappointed.
 William C. Kohlmetz, of Rochester, to succeed James P. B. Duffy, term expired.
 Mar. 3. Leonard Probst, of New York City, to succeed Platt K. Wiggins, term expired.

Supreme Court Library at Troy

- Feb. 10. John H. Broderick, of Troy, reappointed.

Supreme Court Library at Poughkeepsie

- Feb. 10. Leonard J. Supple, of Beacon, reappointed.

Supreme Court Library at White Plains

- Feb. 10. Harrison E. Persons, of Mt. Vernon, to succeed William M. Bennett, term expired.

Supreme Court Library at Elmira

- Feb. 10. John E. Sullivan, of Elmira, reappointed.

Unemployment Insurance Appeal Board

Feb. 22. John E. McGarry, of Syracuse, reappointed.

Law Revision Commission

Mar. 6. John F. X. Finn, of New York City, reappointed.

Salary Standardization Board

Mar. 8. Dr. Newton J. T. Bigelow, of Albany, to succeed Joseph E. Sheary, deceased.

Supreme Court Library at Norwich

Apr. 11. Harry J. Mosher, of New Berlin, to succeed Vernon D. Stratton, term expired.

Agricultural and Technical Institute at Morrisville

May 4. Earl B. Clark, of North Norwich, reappointed.

Veterans' Commission

(Pursuant to Chapter 416, Laws of 1944)

May 16. Lt. Gen. Hugh A. Drum, of New York City.
William N. Lewis, of Floral Park.
Frank O. Champlin, of Ozone Park.

NOTE.—On May 16 the Governor designated Lt. Gen. Drum as Chairman.

Commission on Municipal Revenues and Reduction of Real Estate Taxes

(Pursuant to Chapter 382, Laws of 1944)

May 22. Frank C. Moore, of Kenmore.
Thomas E. Broderick, of Irondequoit.
Glen R. Bedenkapp, of Lewiston.
Rollin Browne, of New York City.
William P. Capes, of Albany.
Marcus Christ, of New Hyde Park.
Reuben Lazarus, of New York City.
Joseph D. McGoldrick, of New York City.
D. Mallory Stephens, of Brewster.
Edward F. N. Uthe, of Coeymans.
George Wanamaker, of Buffalo.
Arthur H. Wicks, of Kingston.

NOTE.—On May 22 the Governor designated Comptroller Moore as Chairman.

Commission on Uniform County Law

- (Pursuant to Chapter 407, Laws of 1944)
- May 25. Harry L. Hedger, of Glen Cove, L. I.
Edward F. N. Uthe, of Coeymans.
Harry Rosenberg, of Rochester.
Clarence L. Chamberlain, of Port Dickinson.

Commission on Discrimination

- (Pursuant to Chapter 692, Laws of 1944)
- May 31. Mrs. Sidney C. Borg, of New York City.
John F. Brosnan, of New York City.
Frank S. Columbus, of Albany.
Mark A. Daly, of Buffalo.
Dr. Edmund E. Day, of Ithaca.
Rev. Elijah J. Echols, Sr., of Buffalo.
Edward W. Edwards, of Albany.
Harold Garno, of New York City.
Mrs. Douglas Gibbons, of New York City.
Samuel Hausman, of Great Neck, L. I.
Dr. Alvin Johnson, of New York City.
Dr. Clilan B. Powell, of New York City.
Rev. George H. Sims, of New York City.
Frank L. Weil, of New York City.
Harry Zeitz, of Brooklyn.

Schuyler Mansion

- June 13. Pauline H. Wilson, of Albany, to succeed Isaac H. Vroman, term expired.
Albert E. Oliver, of Albany, to succeed Peter D. Kieran, term expired.
- Aug. 14. Ledyard Cogswell, Jr., of Loudonville, to succeed Robert Olcott, resigned.

Apprenticeship Council

- June 13. Regis O'Brien, of Buffalo, to succeed Leston P. Faneuf, resigned.
Abraham Chatman, of Rochester, to succeed Gustave A. Strebel, resigned.
- June 22. William J. Barney, of New York City, reappointed.

Temporary Members of Joint Legislative Committee on Interstate Cooperation

- (Pursuant to Joint Legislative Resolution)
- June 22. Robert T. Lansdale, of New York City.
M. Waite Hicks, of Granville.
Joseph F. Kienzle, of Elmira.
Ralph W. Witmer, of Webster.

Industrial Council

(Pursuant to Chapter 464, Laws of 1944)

- June 13. John J. Brennan, of New York City.
 Harold Garno, of New York City.
 Joseph G. Papa, of New York City.
 Mark A. Daly, of Buffalo.
 Max Meyer, of White Plains.
 Thomas H. Silver, of New York City.

- June 23. Dr. Albert W. Bailey, of Schenectady.
 Dr. Connie M. Guion, of New York City.
 Dr. Nathan B. Van Etten, of Bronx.

Commissioner of Housing

- July 7. Herman T. Stichman, of New York City, to succeed Edward Weinfeld, resigned.

Atlantic States Marine Fisheries Commission

- July 10. Robert Doxsee, of Freeport, to succeed Alfred Tucker, term expired.

Governor's Unofficial Commission to Examine Condemned Prisoners at Sing Sing Prison

- July 13. John F. McNeill, of Beacon, Chairman.
 John R. Ross, M.D., of Poughkeepsie.
 I. H. MacKinnon, M.D., of New York City.
 Bascom B. Young, M.D., of Wingdale, *Alternate Member*.
 Harry A. Steckel, M.D., of Syracuse, *Alternate Member*.
 Francis C. Shaw, M.D., of Beacon, *Alternate Member*.

Institute for Study of Malignant Diseases

- July 17. Dr. George W. Cottis, of Jamestown.
 Alfred H. Kirchofer, of Buffalo.
 Dr. Walter L. Machemer, of Buffalo.
 Dr. John J. Morton, of Rochester.
 Dr. James B. Murphy, of New York City.
 Dr. Frederick S. Wetherell, of Syracuse.

Appointive Member of the Public Health Council

- July 25. Dr. Herman Weiskotten, of Syracuse, reappointed.

Fort Cralo Commission

- Aug. 14. Dr. Thomas W. Phelan, of Rensselaer, to succeed Dr. Daniel F. Hannon, term expired.

Commission on Medical Care

(Pursuant to Chapter 387, Laws of 1944)

- Sept. 5. Lt. Col. Basil C. MacLean, of Rochester.
 Dr. George MacKenzie, of Cooperstown.
 Dr. Herman Gates Weiskotten, of Syracuse.
 Rev. John J. Bingham, of New York City.
 Dr. Lucien Brown, of the Bronx.
 Dr. Robert Levy, of New York City.
 Garrard B. Winston, of New York City.
 Ruth Hall, of Buffalo.
 Agnes Gelinas, of New York City.
 Marion Sheehan, of Albany.

NOTE.—On Sept. 5 the Governor designated Dr. MacLean as Chairman and Assemblyman Lee B. Mailler as Vice-Chairman of the Commission.

Official Administrator to Act for the State of New York in Carrying Out Terms of Uniform Act for Out-of-State Parolee Supervision

(Pursuant to Chapter 388, Laws of 1936 and Compact entered into by the State of New York on February 15, 1944.)

- Sept. 6. Frederick A. Moran, of Albany.

Advisory Committee on Technical Industrial Development

(Unofficial)

- Oct. 6. M. P. Catherwood, of Ithaca, Chairman.
 Charles O. Brown, of New York City.
 Angus W. Clarke, of Utica.
 William T. Cruse, of New York City.
 Lawrence F. Cuthbert, of Ogdensburg.
 Mark A. Daly, of Buffalo.
 Dean S. C. Hollister, of Ithaca.
 C. F. Hotchkiss, of Binghamton.
 Irving M. Ives, of Norwich.
 C. E. Killinger, of Elmira.
 James H. Luther, of Olean.
 C. E. K. Mees, of Rochester.
 Dean Louis Mitchell, of Syracuse.
 Gano Dunn, of New York City.
 E. W. Edwards, of Albany.
 Herbert Eisenhart, of Rochester.
 Harold J. Garino, of New York City.
 M. F. Hilfinger, of Syracuse.
 R. C. Muir, of Schenectady.
 H. S. Rogers, of Brooklyn.
 Frank H. Ryder, of Cobleskill.
 Dean Thorndyke Saville, of New York City.
 L. K. Sillcox, of Watertown.
 E. C. Sullivan, of Corning.
 Milton Zucker, of New York City.

NOTE.—See statement, page 614.

Cobleskill Institute of Agriculture and Home Economics

- Dec. 8 William F. Spencer, of Middleburg, to succeed Henry V. Pindar, term expired.

Delhi Agricultural and Technical Institute

- Dec. 8. Dr. E. Ogden Bush, of DeLancey, to succeed James G. Lyons, term expired.

Maritime Academy

- Dec. 22. Milan L. Pittman, of New York City, reappointed.
Robert A. Lovelace, of Buffalo, reappointed.
Carl F. Vander Clute, of New York City, reappointed.
Frank J. Taylor, of New York City, reappointed.
Charles M. Clark, Jr., of New York City, to succeed
Harvey M. Cooke, resigned.

CITY AND COUNTY OFFICIALS

County Judge and Surrogate—Delaware County

- Jan. 1. Arthur F. Curtis, of Delhi, to succeed A. Lindsay O'Connor, resigned.

County Judge and Surrogate—Chautauqua County

- Jan. 1. Hugh V. N. Bodine, of Jamestown, to succeed Lee L. Ottaway, resigned.

District Attorney—Livingston County

- Jan. 11. George D. Newton, of Geneseo, to succeed Elliott A. Horton, resigned.

Coroner—Franklin County

- Jan. 21. Dr. Earl C. Wagner, of Tupper Lake, to succeed L. C. Wagner, failed to qualify.

Coroner—Orleans County

- Jan. 21. Dr. Paul H. Mahany, of Albion, to succeed Dr. Ralph E. Brodie, deceased.

Coroner—Chenango County

- Feb. 23. Dr. Eugene A. Hammond, of New Berlin, to succeed
Dr. Carl D. Meacham, deceased.

County Judge—Kings County

- Apr 15. Nicholas H. Pinto, of Brooklyn, to succeed Peter J. Brancato, deceased.

County Treasurer—Rensselaer County

- June 3. Clifford C. Hastings, of Averill Park, to succeed Avery G. Hall, resigned.

Special Surrogate—Oneida County

- June 13. Walter W. Abbott, of Rome, to succeed Lyman P. Williams, in Military Service.

District Attorney—Albany County

- June 14. Ernest B. Morris, of New Scotland, to succeed John T. Delaney, resigned.

Coroner—Niagara County

- June 21. Dr. Henry C. Lapp, of North Tonawanda, to succeed Dr. Jacob Helwig, deceased.

Coroner—Greene County

- June 22. I. Albert Shaver, of Prattsville, to succeed Dr. I. T. Sutton, deceased.

Commissioners—Staatsburg Fire District

- June 22. Benjamin Wiseman, of Staatsburg, to succeed Joseph Finan, in Military Service.
George N. Bodenstein, of Staatsburg, to succeed George Haug, in Military Service.

Sheriff—Niagara County

- July 17. Henry E. Becker, of Gasport, to succeed Fred A. Bigalow, deceased.

County Auditor—Erie County

- Aug. 18. William R. Jones, of Buffalo, to succeed George W. Hedden, deceased.

Sheriff—Putnam County

- Oct. 2. B. Scofield Palmer, of Kent, to succeed Allen G. N. Gilbert, deceased.

HONORARY APPOINTMENTS

The Governor, upon request, appointed delegates to the following conferences and meetings:

- Jan. 3. Conference of the Citizens' Committee Promoting the "National Freedom Day" Movement, held at Philadelphia, Pa., February 1, 1944.
- Aug. 10. Thirty-Seventh Annual Conference of the National Tax Association, held at St. Louis, Mo., September 11-13, 1944.
- Sept. 28. Annual Congress of the American Prison Association, held at New York, N. Y., October 12-14, 1944.
- Dec. 8. Eleventh National Conference on Labor Legislation, held at Washington, D. C., December 12-14, 1944.

VII

DESIGNATIONS TO THE APPELLATE DIVISION AND REQUIREMENTS ON THE ATTORNEY-GENERAL

VII

DESIGNATIONS TO THE APPELLATE DIVISION AND REQUIREMENTS ON THE ATTORNEY-GENERAL

Redesignation of Honorable Albert Cohn as Associate Justice of the Appellate Division of the Supreme Court for the First Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution and
the statute in such case made and provided,

HONORABLE ALBERT COHN

of the county of New York, who is a justice of the Supreme Court
of the First Judicial District, is hereby redesignated as an asso-
ciate justice of the Appellate Division of the Supreme Court in and
for the First Judicial Department, for a term of five years begin-
ning on the first day of January, nineteen hundred and forty-four,
his previous designation as an associate justice of such department
having expired.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this first day of
[L. s.] January in the year of our Lord nineteen hundred
and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Redesignation of Honorable Irwin Untermyer as Associate Justice of the Appellate Division of the Supreme Court for the First Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution
and the statute in such case made and provided,

HONORABLE IRWIN UNTERMYER

of the county of New York, who is a justice of the Supreme
Court of the First Judicial District, is hereby redesignated as an
associate justice of the Appellate Division of the Supreme Court

in and for the First Judicial Department, for a term of five years beginning on the first day of January, nineteen hundred and forty-four, his previous designation as an associate justice of such department having expired.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this first day of
[L. S.] January in the year of our Lord nineteen hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Designation of Honorable Raymond E. Aldrich as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution and the statute in such case made and provided,

HONORABLE RAYMOND E. ALDRICH

of Poughkeepsie, county of Dutchess, who is a justice of the Supreme Court of the Ninth Judicial District, is hereby designated as an associate justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department, for a term beginning on the first day of January, nineteen hundred and forty-four, and ending with the expiration of his term of office as a justice of the Supreme Court on the thirty-first day of December, nineteen hundred and forty-seven, in the place and stead of the Honorable George H. Taylor, Jr., whose term of office as such associate justice has expired.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this first day of
[L. S.] January in the year of our Lord nineteen hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Designation of Honorable Benjamin B. Cunningham as Presiding Justice of the Appellate Division of the Supreme Court for the Fourth Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution and the statute in such case made and provided,

HONORABLE BENJAMIN B. CUNNINGHAM

of Rochester, county of Monroe, who is a justice of the Supreme Court of the Seventh Judicial District, is hereby designated as Presiding Justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department, for a term beginning on the first day of January, nineteen hundred and forty-four, and ending with the expiration of his term of office as justice of the Supreme Court, in the place and stead of the Honorable Harley N. Crosby, whose term of office as such Presiding Justice has expired.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this first day of
[L. S.] January in the year of our Lord nineteen hundred
and forty-four.

(Signed) **THOMAS E. DEWEY**

By the Governor:

(Signed) **PAUL E. LOCKWOOD,**
Secretary to the Governor

**Designation of Honorable Francis D. McCurn as Associate Justice
of the Appellate Division of the Supreme Court for the Fourth
Department**

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution
and the statute in such case made and provided,

HONORABLE FRANCIS D. MCCURN

of Syracuse, county of Onondaga, who is a justice of the Supreme Court of the Fifth Judicial District, is hereby designated as an associate justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department, for a term of five years beginning on the first day of January, nineteen hundred and forty-four, in the place and stead of the Honorable Benjamin B. Cunningham, who has been designated presiding justice.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this first day of
[L. S.] January in the year of our Lord nineteen hundred
and forty-four.

(Signed) **THOMAS E. DEWEY**

By the Governor:

(Signed) **PAUL E. LOCKWOOD,**
Secretary to the Governor

Temporary Designation of Honorable George A. Larkin as Associate Justice of the Appellate Division of the Supreme Court for the Fourth Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution and the statute in such case made and provided,

HONORABLE GEORGE A. LARKIN

of Olean, county of Cattaraugus, who is a justice of the Supreme Court of the Eighth Judicial District, is hereby temporarily designated as an associate justice of the Appellate Division of the Supreme Court in and for the Fourth Judicial Department, it appearing to my satisfaction upon certification of the justices thereof, that an additional associate justice is necessary for the speedy disposition of the business before the court.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this first day of
[L. s.] January in the year of our Lord nineteen hundred and forty-four.

(Signed) **THOMAS E. DEWEY**

By the Governor:

(Signed) **PAUL E. LOCKWOOD,**
Secretary to the Governor

Designation of Honorable O. Byron Brewster as Associate Justice of the Appellate Division of the Supreme Court for the Third Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution and the statute in such case made and provided,

HONORABLE O. BYRON BREWSTER

of Elizabethtown, county of Essex, who is a justice of the Supreme Court of the Fourth Judicial District, is hereby designated as an associate justice of the Appellate Division of the Supreme Court in and for the Third Judicial Department, for a term of five years from and after the seventeenth day of January, nineteen hundred and forty-four, in the place and stead of the Honorable John C. Crapser, retired.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this seventeenth
[L. s.] day of January in the year of our Lord nineteen hundred and forty-four.

(Signed) **THOMAS E. DEWEY**

By the Governor:

(Signed) **PAUL E. LOCKWOOD,**
Secretary to the Governor

Designation of Honorable Sydney F. Foster as Associate Justice of the Appellate Division of the Supreme Court for the Third Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article VI of the Constitution and the statute in such case made and provided,

HONORABLE SYDNEY F. FOSTER

of Liberty, county of Sullivan, who is a justice of the Supreme Court of the Third Judicial District, is hereby designated as an associate justice of the Appellate Division of the Supreme Court in and for the Third Judicial Department, for a term of five years beginning on the ninth day of June, nineteen hundred and forty-four, in the place and stead of the Honorable Gilbert V. Schenck, whose term of office has expired.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this ninth day of June
[L. s.] in the year of our Lord one thousand nine hundred
and forty-four.

(Signed) **THOMAS E. DEWEY**

By the Governor:

(Signed) **PAUL E. LOCKWOOD,**
Secretary to the Governor

Supplemental Order Designating the Attorney-General to Represent the People at Extraordinary Special and Trial Term of the Supreme Court, County of Ulster, to Manage and Conduct Proceedings in Connection with Indictments Against Roy M. Page

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the **HONORABLE NATHANIEL L. GOLDSTEIN, Attorney-General,**
State of New York:

Pursuant to the provisions of section 62 of the Executive Law and the statutes and law in such case made and provided, I do hereby require that you, the Attorney-General of this State, attend in person, or by your assistants or deputies, an Extraordinary Special and Trial Term of the Supreme Court appointed by me to be held in and for the county of Ulster on the twenty-sixth day of June, nineteen hundred and forty-four, at ten o'clock in the forenoon of that day, and that you, in person or by said assistants or deputies, appear at such term of said court or as such term may be hereafter continued, to manage, prosecute and conduct the trial of any indictments, or any amendments thereto, found by any grand jury in the county of Albany against Roy M. Page and transferred by order of Justice Personius, dated May twenty-fifth, nine-

teen hundred and forty-four, sitting at a Special Term of the Supreme Court held in and for the county of Albany, to the said county of Ulster; or any indictments against the said Roy M. Page which may hereafter be transferred to the said county of Ulster; and that you in person or by said assistants or deputies appear in said court or before any other court in said county in which said indictments may be tried, to manage, prosecute and conduct all proceedings of any nature in connection with or incidental to the matters and indictments herein specified; and in the event of any appeal or appeals or other proceedings connected therewith, to manage, prosecute, conduct and handle the same, and that in person or by your assistants or deputies you supersede the district attorney of the county of Albany in all matters herein specified and you exercise all the powers and perform all the duties conferred upon you by law and this requirement made hereunder; and that in such proceedings and actions the district attorney of the county of Albany and the district attorney of the county of Ulster shall exercise such powers and perform such duties as are required of them by you or your assistants or deputies so attending.

This designation is intended to supplement rather than to supersede the designation upon you as Attorney-General heretofore made by me under date of December twentieth, nineteen hundred and forty-three.

GIVEN under my hand and the Privy Seal of the State at the
Capitol in the City of Albany this twenty-sixth day of
[L. s.] May in the year of our Lord one thousand nine hundred
and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

**Supplemental Order in Connection with Designation Heretofore
Made Requiring the Attorney-General to Represent the People
at Extraordinary Special and Trial Term of Supreme Court,
County of Albany, in the Matter of Proceedings in Connection
with Criminal Actions Concerning or Relating to the Elective
Franchise and Other Acts**

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the HONORABLE NATHANIEL L. GOLDSTEIN, *Attorney-General
of the State of New York, Capitol, Albany, N. Y.:*

My order, designation and direction to you, dated December eleventh, nineteen hundred forty-three, and made pursuant to the provisions of section 62 of the Executive Law and the statutes and law in such case made and provided, is hereby amended to read as follows:

1. There is added immediately after subparagraph (f) thereof the following:

“and

“(g) any and all acts heretofore committed or omitted or alleged to have been committed or omitted in the county of Albany, or in any subdivision thereof or in any political or civil entity situated therein, in violation of any provision of law arising out of or connected with the nonfeasance, misfeasance or malfeasance in office of any public officer in charge of the enforcement or prosecution of such law, or arising out of, related to or connected with any matter or investigation concerning which the District Attorney of such county or other law enforcement officer of the county or of any subdivision thereof or of any political entity situated therein has failed, neglected or refused to take appropriate action.”

This order, designation and direction supplements the aforesaid order, designation and direction dated December eleventh, nineteen hundred forty-three.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this second day of June
[L. S.] in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Designating the Attorney-General to Represent the People at Regular Special and Trial Term of the Supreme Court, County of Ulster, to Manage and Conduct Proceedings in Connection with Investigation of Acts of DeWitt C. Seward

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the HONORABLE NATHANIEL L. GOLDSTEIN, *Attorney-General, of the State of New York, Capitol, Albany, N. Y.:*

Pursuant to the provisions of section 62 of the Executive Law and the statutes and law in such case made and provided, I hereby require that you, in person or by one or more of your assistants or deputies, attend a regular Special Trial Term of the Supreme Court, appointed to be held in and for the county of Ulster for the month of January 1945, and such later terms as may be necessary and appear before the grand juries drawn for said terms, for the purpose of managing and conducting in said court and before said grand juries any and all criminal actions and proceedings, including any and all examinations, inquiries, investigations, arraignments, hearings, arguments, trials, appeals and special proceedings which may be had or taken therein relating to:

(a) any and all unlawful acts or omissions, or alleged unlawful acts or omissions committed or alleged to have been committed by one DeWitt C. Seward and any persons acting in consort with him;

(b) any and all unlawful acts or omissions, or alleged unlawful acts or omissions in any way connected or arising from any proceedings heretofore or hereafter conducted in connection with said unlawful acts or omissions committed by said DeWitt C. Seward; and

(c) any and all acts heretofore or hereafter committed or omitted, or alleged to have been committed or omitted, to obstruct, hinder, or interfere with any inquiry, prosecution, trial or judgment pursuant to or connected with this requirement;

and further, that for the purpose of continuing your management and prosecution of any and all said actions and proceedings, you, in person or by one or more of your assistants or deputies, attend any other court to which jurisdiction may be transferred by operation of law, or by court order or pursuant to a direction of any said grand jury; and

I further require that in all matters aforesaid you, in person or by your assistants or deputies, as of the date hereof, supersede, and in the place and stead of the district attorney of the county of Ulster, exercise all the powers and perform all the duties conferred upon you by said section 62 and the statutes and law in such case made and provided and by this requirement made thereunder; and that in such actions and proceedings the said district attorney shall exercise only such powers and perform such duties as are required of him by you or your assistants or deputies so attending.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of December [L. s.] in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Note.—In connection with this Requirement on the Attorney-General, the Governor issued the following statement:

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *December 13, 1944*

The treasurer of the village of New Paltz in Ulster county, De Witt C. Seward, has been the subject of an investigation resulting from an audit by the State Department of Audit and Control of the village accounts. The district attorney of Ulster county represents Mr. Seward as his private attorney in connection with

an estate. In view of that, the district attorney has requested that the Attorney-General of the State of New York handle the matter in his stead and place. Accordingly, I have today directed the Attorney-General to manage and prosecute any actions and proceedings relating to unlawful acts or omissions committed by the treasurer of the village of New Paltz and by any persons acting in concert with him.

Supplemental Order Designating the Attorney-General to Represent the People at Extraordinary Special and Trial Term of the Supreme Court, County of New York, to Manage and Conduct Proceedings in Connection with Indictments Against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley Snopkoski

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the HONORABLE NATHANIEL L. GOLDSTEIN, *Attorney-General, of the State of New York, State Capitol, Albany, N. Y.:*

Pursuant to the provisions of section 62 of the Executive Law and the statutes and law in such case made and provided, I do hereby require that you, the Attorney-General of this State, attend in person, or by your assistants or deputies, an Extraordinary Special and Trial Term of the Supreme Court appointed by me to be held in and for the county of New York, on the twenty-ninth day of January, nineteen hundred and forty-five, at ten o'clock in the forenoon of that day, and that you, in person or by said assistants or deputies, appear at such term of said court or as such term may be hereafter continued, to manage, prosecute and conduct the trials of the indictments, or any amendments thereto, heretofore filed in the county of Albany against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley S. Snopkoski and transferred by orders dated November seventeenth, nineteen hundred and forty-four, and December nineteenth, nineteen hundred and forty-four respectively, of Honorable Parton Swift, justice of the Supreme Court, sitting at an Extraordinary Special Term of the Supreme Court held in and for the county of Albany, to the said county of New York for the purpose of trial, and that you in person or by said assistants or deputies appear in said court or before any other court in said county in which said indictments, or any amendments thereto, may be tried, to manage, prosecute and conduct all proceedings in connection with or incidental to the indictments herein specified, and in the event of any appeal or appeals or other proceedings connected therewith, to manage, prosecute, conduct and handle the same, and that in person or by your assistants or deputies you supersede the district attorney of the county of Albany in all matters herein specified and you exercise all the powers and perform all the duties conferred upon you by law and this requirement made hereunder; and that in such proceedings and actions the district attorney of the county of Albany and the district attorney

of the county of New York shall exercise such powers and perform such duties as are required of them by you or your assistants or deputies so attending.

This designation is intended to supplement rather than to supersede the designation upon you as Attorney-General heretofore made by me under date of December eleventh, nineteen hundred and forty-three.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twentieth day of
[L. S.] December in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Superseding Order Terminating and Annulling Order Heretofore Made Concerning Proceedings in Connection with Indictments Against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley Snopkoski

STATE OF NEW YORK—EXECUTIVE CHAMBER

To the HONORABLE NATHANIEL L. GOLDSTEIN, *Attorney-General of the State of New York, Capitol, Albany, New York:*

Pursuant to the provisions of section 62 of the Executive Law and the statutes and law in such case made and provided, I do hereby require that you, the Attorney-General of this State, attend in person, or by your assistants or deputies, an Extraordinary Special and Trial Term of the Supreme Court appointed by me to be held in and for the county of New York, on the twenty-ninth day of January 1945, at ten o'clock in the forenoon of that day, and that you, in person or by said assistants or deputies, appear at such term of said court or as such term may be hereafter continued, to manage, prosecute and conduct the trials of the indictments, or any amendments thereto, heretofore filed in the county of Albany against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley S. Snopkoski and transferred by orders entered November 17, 1944 and December 20, 1944, respectively, of Honorable Parton Swift, justice of the Supreme Court, sitting at an Extraordinary Special Term of the Supreme Court held in and for the county of Albany, to the said county of New York for the purpose of trial, and that you in person or by said assistants or deputies appear in said court or before any other court in said county in which said indictments, or any amendments thereto, may be tried, to manage, prosecute and conduct all proceedings in connection with or incidental to the indictments herein specified, and in the event of any appeal or

appeals or other proceedings connected therewith, to manage, prosecute, conduct and handle the same, and that in person or by your assistants or deputies you supersede the district attorney of the county of Albany in all matters herein specified and you exercise all the powers and perform all the duties conferred upon you by law and this requirement made hereunder; and that in such proceedings and actions the district attorney of the county of Albany and the district attorney of the county of New York shall exercise such powers and perform such duties as are required of them by you or your assistants or deputies so attending.

This designation is intended to supplement rather than to supersede the designation upon you as Attorney-General heretofore made by me under date of December 11, 1943.

This requirement supersedes, terminates and annuls the one heretofore made by me on December 20, 1944.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-eighth
[L. S.] day of December in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

VIII
SPECIAL TERMS OF COURT

VIII

SPECIAL TERMS OF COURT

Supplemental Order Designating Justice Henry J. Kimball to Hold Extraordinary Special and Trial Term of Supreme Court, County of Orange, in Place and Stead of Riley H. Heath, Resigned

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, By an order dated the eighth day of July nineteen hundred and forty-two, and by further orders dated the twenty-fourth day of July nineteen hundred and forty-two and the sixteenth day of November nineteen hundred and forty-two, Governor Lehman appointed an Extraordinary Special and Trial Term of the Supreme Court to be held in and for the county of Orange; and

WHEREAS, By said order dated the twenty-fourth day of July nineteen hundred and forty-two, Governor Lehman designated the Honorable Riley H. Heath, a justice of the Supreme Court of the Sixth Judicial District, to hold said Extraordinary Special and Trial Term of the Supreme Court; and

WHEREAS, the said Honorable Riley H. Heath, designated in such order to hold such Extraordinary Special and Trial Term of the Supreme Court, has tendered his resignation as a justice of the Supreme Court and is, therefore, unable to perform his duties in connection therewith;

THEREFORE, it appearing to my satisfaction that the public interest requires it and in accordance with the statute in such cases made and provided, I do hereby designate the Honorable Henry J. Kimball, who is a justice of the Supreme Court of the Fifth Judicial District, to hold such Extraordinary Special and Trial Term of the Supreme Court in and for the county of Orange in the place and stead of the Honorable Riley H. Heath.

In my judgment, it is sufficient notice thereof that the same be published on the first and fourth days of February nineteen hundred and forty-four in the *Middletown Times-Herald* and the *Newburgh-Beacon News*, both of which are newspapers published in the county of Orange, New York.

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the City of Albany this twenty-
[L. S.] seventh day of January in the year of our Lord one
thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

NOTE.—In connection with the foregoing Order the following statement was issued:

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, January 28, 1944

Governor Dewey yesterday designated Honorable Henry J. Kimball, of Watertown, one of the justices of the Supreme Court in the Fifth Judicial District, to preside over the Extraordinary Special and Trial Term of the Supreme Court now being held in Orange county. Justice Kimball was appointed to succeed Justice Riley H. Heath, of Ithaca, who tendered his resignation recently and who had been designated to preside over the term.

Extraordinary Special and Trial Term of Supreme Court, County of Ulster, for Purpose of Trying Indictments Against Roy M. Page and Designating Honorable Ely W. Personius to Hold Such Term

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, In my opinion, the public interest requires it;

THEREFORE, In accordance with the statutes and law in such case made and provided, I do hereby appoint an Extraordinary Special and Trial Term of the Supreme Court to be held at the County Court House in the county of Ulster, on the twenty-sixth day of June, nineteen hundred and forty-four, at ten o'clock in the forenoon of that day, and to continue so long as may be necessary, for the purpose of trying any and all indictments, or any amendments thereto, now pending before the Supreme Court in the county of Albany against Roy M. Page, which indictments were transferred for trial to the county of Ulster, by order of Justice Personius, dated May twenty-fifth, nineteen hundred and forty-four, sitting at a Special Term of the Supreme Court held in and for the county of Albany, or any indictments against said Roy M. Page which may hereafter be transferred to the county of Ulster; and for the purpose of conducting such other and further proceedings as may be necessary or incidental to such trial or trials and such other proper matters as may come before the court; and

I do hereby designate the Honorable Ely W. Personius, of Elmira, New York, who is a justice of the Supreme Court of the Sixth Judicial District, to hold the said Extraordinary Special and Trial Term as hereinbefore described; and

I do further direct that notice of the appointment of the said Extraordinary Special and Trial Term of the Supreme Court and the designation of the said presiding justice be given by publication on the twenty-ninth day of May and the sixth day of June, nineteen hundred and forty-four, in the *Kingston Daily Freeman* and the *Saugerties Daily Post*, both of which are newspapers published in the county of Ulster, New York.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-
[L. s.] sixth day of May in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Supplemental Order Declaring the Extraordinary Special and Trial Term of the Supreme Court, County of Albany, Shall Also Be for Inquiry and Prosecution of Illegal Acts Relating to Law Enforcement

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, in my opinion, the public interest requires it,

NOW, THEREFORE, in accordance with the statute in such case made and provided, I do hereby declare that the Extraordinary Special and Trial Term of the Supreme Court appointed by my orders dated November thirteenth, nineteen hundred forty-three and December eleventh, nineteen hundred forty-three, to be held at the County Court House in the county of Albany, commencing on the thirteenth day of December, nineteen hundred forty-three, for the purposes stated in such orders shall also be for the purpose of inquiry, prosecution and trial or judgment which may be made, held, conducted or given thereat, concerning or relating to any and all acts heretofore committed or omitted or alleged to have been committed or omitted in the county of Albany, or in any subdivision thereof or in any political or civil entity situated therein, in violation of any provision of law arising out of or connected with the nonfeasance, misfeasance or malfeasance in office of any public officer in charge of the enforcement or prosecution of such law, or arising out of, related to or connected with any matter or investigation concerning which the district attorney of such county or other law-enforcement officer of the county or of any subdivision thereof or of any political entity situated therein has failed, neglected or refused to take appropriate action, and for the purpose of conducting and handling such other proper actions, proceedings and matters relating thereto as may come before the court.

This order shall be deemed supplemental to the orders heretofore made by me on the thirteenth day of November and the eleventh day of December nineteen hundred forty-three, appointing said term.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this second day of June
[L. s.] in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Extraordinary Term of the Appellate Division of the Supreme Court of the Third Department to Transact Certain Business Which Shall Come Before It

STATE OF NEW YORK—EXECUTIVE CHAMBER

It appearing to my satisfaction that the public interest requires it, I do hereby appoint an Extraordinary Term of the Appel-

late Division of the Supreme Court of the Third Judicial Department, to be held on Wednesday, July 26, 1944, at ten o'clock in the forenoon, at the court room set apart for the session of said Appellate Division, at the city of Albany, New York, for the transaction of such business as shall come before said court.

Notice is hereby given of such appointment.

I hereby direct that this notice of appointment be published in the *Newburgh-Beacon News* and the *Sullivan County Evening News*, such newspapers being published in the counties of Orange and Sullivan, respectively, on Tuesday, July 25, 1944, and that on or before said date copies of it to be mailed to each of the Justices and the Clerk of said Appellate Division, it being my judgment that such publication and mailing is the only notice of this appointment the public interest requires.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth day of
[L. S.] July in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

NOTE.—In connection with foregoing Order the following statement was issued:

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *July 25, 1944*

Governor Dewey yesterday ordered an Extraordinary Term of the Appellate Division of the Supreme Court, Third Department, to convene Wednesday, July 26, 1944, in Albany at 10:00 A. M.

Request had been made for such a term of court for the consideration of an appeal arising out of a contest for the nomination by the Democratic Party for the office of Representative in Congress for the 29th Congressional District.

Supplemental Order Designating Justice Daniel F. Imrie to Hold Extraordinary Special and Trial Term of Supreme Court, County of Albany, in Place and Stead of Ely W. Personius, Deceased

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, By an order dated the twentieth day of December, nineteen hundred and forty-three, I did appoint an Extraordinary Special and Trial Term of the Supreme Court to be held in and for the county of Albany; and

WHEREAS, By said order I designated the Honorable Ely W. Personius, a justice of the Supreme Court of the Sixth Judicial District, to hold said Extraordinary Special and Trial Term of the Supreme Court; and

WHEREAS, By reason of the death of the said Honorable Ely W. Personius, designated in such order to hold such Extraordinary Special and Trial Term of the Supreme Court, it is necessary to name another justice in his place to hold such term;

THEREFORE, It appearing to my satisfaction that the public interest requires it; and in accordance with the statute in such cases made and provided, I do hereby designate the Honorable Daniel F. Imrie, who is a justice of the Supreme Court of the Fourth Judicial District, to hold such Extraordinary Special and Trial Term of the Supreme Court, in and for the county of Albany, in the place and stead of the late Honorable Ely W. Personius.

In my judgment, it is sufficient notice of this designation that the same be published on the eighteenth day of December, nineteen hundred and forty-four in *The Knickerbocker News* and *The Times Union*, both of which are newspapers published in the county of Albany, New York.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixteenth day of
[L. S.] December in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Extraordinary Special and Trial Term of Supreme Court, County of New York, for Purpose of Trying Indictments Against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley S. Snopkoski and Designating Honorable Charles B. McLaughlin to Hold Such Term

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, In my opinion, the public interest requires it;

THEREFORE, In accordance with the statutes and law in such case made and provided, I do hereby appoint an Extraordinary Special and Trial Term of the Supreme Court to be held at the Criminal Courts Building, 100 Centre Street, in the county of New York, on the twenty-ninth day of January, nineteen hundred and forty-five, at ten o'clock in the forenoon of that day, and to continue so long as may be necessary, for the purpose of trying the indictments, or any amendments thereto, heretofore filed in the county of Albany against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley S. Snopkoski, which indictments were transferred for trial to the county of New York, by orders dated November seventeenth, nineteen hundred forty-four, and December nineteenth, nineteen hundred forty-four, respectively, of Honorable Parton Swift, justice of the Supreme Court, sitting at an Extraordinary Special Term of the Supreme Court held in and for the county of Albany; and for the purpose

of conducting such other and further proceedings as may be necessary or incidental to such trial or trials and such other proper matters as may come before the court; and

I do hereby designate the Honorable Charles B. McLaughlin, of the city of New York, who is a justice of the Supreme Court of the First Judicial District, to hold the said Extraordinary Special and Trial Term as hereinbefore described; and

I do further direct that notice of the appointment of the said Extraordinary Special and Trial Term of the Supreme Court and the designation of the said presiding justice be given by publication of this order on the twenty-sixth and twenty-seventh days of December, one thousand nine hundred and forty-four, in the *New York Herald Tribune* and the *New York Sun*, both of which are newspapers published in the county of New York, New York.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twentieth day of
[L. s.] December in the year of our Lord one thousand nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

Superseding Order Terminating and Annulling Order Heretofore Made of Extraordinary Special and Trial Term of Supreme Court, County of New York, for Trial of Indictments Against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley S. Snopkoski, and Designating Honorable Charles B. McLaughlin to Hold Such Term

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, In my opinion, the public interest requires it;

THEREFORE, In accordance with the statutes and law in such case made and provided, I do hereby appoint an Extraordinary Special and Trial Term of the Supreme Court to be held at the Criminal Courts Building, 100 Centre Street, in the County of New York, on the twenty-ninth day of January 1945, at ten o'clock in the forenoon of that day, and to continue so long as may be necessary, for the purpose of trying the indictments, or any amendments thereto, heretofore filed in the County of Albany against John J. Murphy, William M. Gaulty, Joseph P. Boyle, William J. Kilmartin and Stanley S. Snopkoski, which indictments were transferred for trial to the County of New York, by orders entered November 17, 1944 and December 20, 1944, respectively, of Honorable Parton Swift, justice of the Supreme Court, sitting at an Extraordinary Special Term of the Supreme Court held in and for the County of Albany; and for the purpose of conducting such other and further

proceedings as may be necessary or incidental to such trial or trials and such other proper matters as may come before the court; and

I do hereby designate the HONORABLE CHARLES B. McLAUGHLIN of the city of New York, who is a justice of the Supreme Court of the First Judicial District, to hold the said Extraordinary Special and Trial Term as hereinbefore described; and

I do further direct that notice of the appointment of the said Extraordinary Special and Trial Term of the Supreme Court and the designation of the said presiding justice be given by publication of this order on the ninth and tenth days of January 1945, in the *New York Herald Tribune* and the *New York Sun*, both of which are newspapers published in the County of New York, New York.

This appointment, designation and direction supersedes, terminates and annuls the one heretofore made by me on December 20, 1944.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-eighth
[L. s.] day of December in the year of our Lord one thousand
nine hundred and forty-four.

(Signed) THOMAS E. DEWEY

By the Governor:

(Signed) PAUL E. LOCKWOOD,
Secretary to the Governor

IX
REMOVAL PROCEEDINGS AND INVESTIGA-
TIONS

IX

REMOVAL PROCEEDINGS AND INVESTIGATIONS

In the Matter of the Investigation into the Management and Affairs of the Department of Mental Hygiene and the Institutions Operated by It

Summary of the Report of the Moreland Commission Appointed by Governor Dewey to Investigate the Department of Mental Hygiene

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 16, 1944*

Sharp criticism of the failure of the Department of Mental Hygiene in past years to provide adequate supervision and direction for the twenty-six institutions in the Department and the 103,000 patients in their care is made in the report of the Moreland Commission appointed by Governor Dewey to investigate the Department of Mental Hygiene, made public today.

Praising the initiative displayed by Doctor MacCurdy, the new Commissioner of Mental Hygiene, in endeavoring to correct the conditions existing in the Department, the report holds that "the primary cause of the failure of the Department to keep pace with progress in the care of the mentally ill in New York in the last few years was weakness of leadership at the top" and the failure of former Commissioners to exercise their legal powers and assume their legal responsibilities "with the necessary vigor".

During the past twenty years, the report reveals, the number of patients in the care of the Mental Hygiene Department doubled and expenses for maintenance increased by 150 per cent.

"Over the years a slowly creeping paralysis of bureaucratic initiative and lack of effective organization and direction from the top had been crippling the Department at the very time when its responsibilities were increasing", the report disclosed. This has resulted in Mental Hygiene institutions becoming "principally custodial institutions rather than hospitals in the true sense of the word".

The Moreland Commission, while criticizing the apathy and inertia of former Commissioners, points out that a number of the institutions with able superintendents have been relatively well run and that even with all their faults the New York institutions are among the best of the mental hospitals in the nation. It points out that the war has resulted in draining off a substantial part of the professional and nursing staffs from the institutions, creating problems that are today particularly acute. The Commission praises the "loyal services of the physicians, nurses and other employees who have voluntarily taken on increased duties and worked longer hours to handle the present problems of the institutions".

The report cites a number of specific cases in which the Commissioners feel that the Department has been lax. It points out that while the New York system pioneered in the use of shock therapy, many of the institutions have since discontinued its use and one institution has never employed any form of shock therapy. The report attributes this "chaotic result" to the inertia of the Department, pointing out that "certain institutions were able and alert at clinical matters while others were not. There was no over-all direction from the Department as a whole to bring up the standards of those institutions which were lagging behind".

The report also declares that "the incidence of the tuberculosis in the State mental hospitals indicates a lack of medical care and supervision which is nothing less than shocking". In 1942, the report states, almost one out of every ten deaths from tuberculosis in the State of New York occurred in a State mental hospital, the death rate from tuberculosis in these institutions being thirteen times as high as that of the general population. The Commission recommends the erection, as part of the post-war planning program, of a hospital specially designed and equipped to take care of mental patients afflicted with tuberculosis.

Food preparation in a number of the institutions was also criticized. The report reveals that out of twenty-one institutions where a dietetic survey was made, only five had a dietitian or nutritionist in charge of food preparation and service. Recognition is given, however, to the fact that increased provision for dietitians has been made in the new budget and that overhauling of food service is underway.

The administration of two of the institutions was specifically criticized. In Craig Colony for Epileptics at Sonyea, N. Y., conditions were found to have existed in some of the buildings for the last five or six years which the report states "beggar description" and which "members of the Commission felt could never have existed in a civilized community". Conditions at Craig Colony have been materially improved during the past year.

Syracuse Psychopathic Hospital, Syracuse, N. Y. was found to be serving no useful purpose as it has been operated in the past. It is pointed out that in the past fiscal year there were in this institution two employees for every patient and that the average per capita cost of care for the patients had been at the rate of \$2,780 a year as compared with a comparable per capita cost in the other institutions of \$401 a year. The Commission recommends that this institution either be closed or, if it is to be continued, that its facilities be devoted to the specialized treatment of certain types of mental illness for which facilities are not available in other State hospitals.

The work done by the Psychiatric Institute in New York city is praised but the Commission urges that this institution should be "not merely a separate research and teaching organization but also a research and teaching organization for the hospitals in the entire system". The report states that the Director of the Psychiatric Institute in the past has tried to develop a program which would integrate the research and teaching of the institute with that of the State hospitals but that he has received no active support from previous Commissioners or many of the superintendents.

Laxity in the collection of funds for patient care, in the collection of funds for the care of veterans and in the handling of cash at the Institutions is described in the report and recommendations are made for the correction of these conditions. Over \$5,000,000 is shown to be owing for the care of veterans over a period of years in these hospitals, because of the fact that the Department for a number of years failed to adopt any systematic policy for obtaining authorizations for the treatment of these veterans from the Veterans' Administration.

The Commission states that the increased admissions to the State hospitals is very largely due to the commitment in recent years of persons with mental symptoms resulting solely from old age. Twenty-two per cent of all persons admitted to State hospitals in 1942 were persons over the age of seventy. The Commission made a survey of a number of these cases and found that a substantial percentage of them were not in need of mental hospital care. The Report states:

So long as no adequate provision is made by the local communities for the aged, just so long will the State mental hospital be considered both by their relatives and the local communities as a convenient "dumping ground" for them. The result will follow that the State hospitals will become in effect old folks' home rather than hospitals in the true sense of the word. Until the State refuses to allow the mental hospitals to be used as old folks' homes, just so long will the State hospitals fail fully to achieve the status of primarily curative hospitals.

The Commission, to meet this problem, recommends the establishment of a long-range program shared by the State, counties and cities to provide for this group of citizens, pointing out that such a program would do much to solve the problem of overcrowding in the mental hospitals and at much less expense than the building of new mental hospitals.

The Commission also urges that as soon as the War is over vigorous steps should be taken to deport aliens in these institutions pointing out that 13 per cent of the total admissions in the year 1942 were aliens.

The Commission reveals that it has not been content to wait until its report could be published and therefore has worked with the new Commissioner of Mental Hygiene and representatives of the Executive Department and of the Legislature with a view to taking prompt steps designed to correct certain of the outstanding defects which have been found in the Department. As a result a number of recommendations made by the Commission are now in process of being put into effect.

Some of the recommendations will be provided for in the new budget. The office of the Commissioner of Mental Hygiene is to be completely reorganized and he is to be provided with an adequate staff to carry out the functions of his office. A revision of the classification of war personnel has been put into effect and plans have been made to establish schools in the Department for training practical nurses so that attendants will have an opportunity for advancement and a new type of professional training.

As to those recommendations on which legislation is required the Commission reports that necessary bills have been introduced in the Legislature. One of these bills will change the admission procedure by providing that a court may certify a patient to a hospital for a period of preliminary observation. A clarification of the duties of members of the Board of Visitors is provided in another bill. Other legislation has been introduced completely revising the procedure for the collection of reimbursement for patient care so as to simplify the procedure and prevent the opportunities for discrimination and favoritism which were found to exist in the past.

The commission points out that some of its recommendations cannot be put into effect until the post-war period when additional manpower will be available. Among these recommendations are that the administration of the hospitals should be rearranged and the emphasis placed upon curative procedures. In this connection it is urged that the clinical director in each hospital should be elevated to a position commensurate in salary with that of the Superintendent.

Among other recommendations of the Commission are the segregation of the teachable mental defectives in separate state schools; provision for an increased staff of psychiatric social workers and of an increased staff of occupational therapists; periodic review of all patients to ascertain eligibility for parole; utilization of the colony plan for certain types of state hospital patients and the establishment in local voluntary and municipal hospitals of psychiatric units and clinics, with state aid if necessary.

The report also suggests that staffs of visiting physicians and surgeons be provided to each of the Institutions to conduct regular medical and surgical services in their specialties thus relieving the ward physicians for the purely psychiatric care of the patients.

The Commission was appointed in June, 1943, by Governor Dewey as a result of conditions found to exist at Creedmoor State Hospital. The Governor directed the Commission to examine the mental hospital system of the State "and to suggest methods for improving both the administration and the treatment of patients."

The Commission consists of the following:

Archie O. Dawson, New York, N. Y., Chairman.
Attorney

Peter Irving, M.D., New York, N. Y.
Secretary and General Manager, The Medical Society of the State of
New York

Lee B. Mailler, Cornwall, N. Y.

Superintendent, Cornwall Hospital, Cornwall, N. Y.

Chairman, New York State Health Preparedness Commission

Fraser D. Mooney, M.D., Buffalo, N. Y.

Superintendent, The Buffalo General Hospital, Buffalo, N. Y.

Charles G. Roswell, C.P.A., Springfield, N. Y.

Assistant Director, United Hospital Fund of New York.

The Director of the survey was Dr. Christopher G. Parnall, Medical Director of the Rochester General Hospital, Rochester, New York, who was assisted by a staff of experts in the various fields related to mental hospital care.

REPORT OF MORELAND COMMISSION

THE CARE OF THE MENTALLY ILL IN THE STATE OF NEW YORK

THE COMMISSION

ARCHIE O. DAWSON, New York, N. Y., *Chairman.*

Attorney

PETER IRVING, M.D., New York, N. Y.

Secretary and General Manager, The Medical Society of the State of New York

LEE B. MAILLER, Cornwall, N. Y.

Superintendent, Cornwall Hospital, Cornwall, N. Y.

Chairman, New York State Health Preparedness Commission

FRASER D. MOONEY, M.D., Buffalo, N. Y.

Superintendent, The Buffalo General Hospital, Buffalo, N. Y.

CHARLES G. ROSWELL, C.P.A., Springfield, N. Y.

Assistant Director, United Hospital Fund of New York

STAFF OF THE COMMISSION

Director

CHRISTOPHER G. PARNALL, M.D.

Medical Director, The Rochester General Hospital, Rochester, N. Y.

Adviser in Medical Care

PERCY L. SMITH, M.D.

Senior Psychiatrist, The Institute of Living, Hartford, Conn.

Advisers in Nursing Care

ELIZABETH S. BIXLER, R.N.

Director of Nursing, Norwich State Hospital, Norwich, Conn.

Dean-Elect, Yale University School of Nursing, New Haven, Conn.

JOSEPHINE VALENTINE, R.N.

Supervisor of Nursing Education, New York State Department of Education

Adviser in Psychiatric Social Service

WINIFRED W. ARRINGTON

Field Secretary, New York City Committee on Mental Hygiene, New York, N. Y.

Adviser in Hospital Administration

LEIGHTON M. ARROWSMITH

Former Administrator, St. John's Hospital, Brooklyn, N. Y.

Adviser in Dietetics and Nutrition

MAME T. PORTER

Nutritionist, New York State Department of Health

Adviser in Accounting and Statistical Methods and Procedures

ALEXANDER M. MACNICOL, C.P.A.

Greenman, MacNicol & Company
Public Accountants

Counsel

ALFRED J. BOHLINGER

Executive Secretary

EVELYN ALFRED

Staff Assistant

MARIE B. BERTSCH

PREFACE

In March 1943, information was received by Governor Thomas E. Dewey of the existence of a rapidly spreading outbreak of amoebic dysentery at Creedmor State Hospital located at Queens Village, New York, and of the failure of the Superintendent of the hospital to take steps recommended by local health authorities to stop its spread, protect the health of the patients, and prevent the extension of the disease to adjacent communities. Acting pursuant to Section 8 of the Executive Law, the Governor appointed a special Commissioner to make an investigation of the affairs and management of this hospital, and of the Department of Mental Hygiene, in so far as it related to the administration of this institution.

The results of that investigation were set forth in the report dated May 24, 1943, submitted by Archie O. Dawson, the Commissioner appointed by the Governor. During the investigation, Dr. William J. Tiffany who had been Commissioner of the Department of Mental Hygiene since 1937 resigned, and Dr. George W. Mills, Superintendent of Creedmoor State Hospital since 1935, was retired.

The report on that investigation indicated that the lax handling of the outbreak of amoebic dysentery was merely a symptom of administrative incapacity at the hospital. The investigation further showed, as set forth in the report, "an administrative breakdown in the Department as a whole, which warrants further study and investigation with a view toward the making of constructive recommendations relating to the entire Department."

Both the Governor and the Legislature determined that the conditions which were found to exist at the time of that investigation should not be allowed to continue. Up to this time, the Mental Hygiene Law had provided that the Commissioner of Mental Hygiene, appointed by the Governor, had to be a physician of at least ten years' experience, and "at least five years' actual experience in the care and treatment of persons afflicted with mental disease in an institution for their care and treatment." In its practical application, this meant that the Commissioner had been chosen from the Mental Hygiene system, and had been a former Superintendent of one of the State mental hospitals. The Legislature promptly adopted an amendment to the law, which was signed by the Governor, removing this restriction on the appointive power, in order that the Governor might appoint as Commissioner a man who was primarily an experienced hospital administrator. After an extensive survey of medical men with this type of experience in hospital administration, Governor Dewey appointed, on June 3, 1943, as his Com-

missioner of Mental Hygiene, Dr. Frederick MacCurdy, who had been for fifteen years Director of the Vanderbilt Clinic of the Columbia Presbyterian Medical Center, and who was professor of Hospital Administration at the College of Physicians and Surgeons of Columbia University.

On May 26, 1943, Governor Dewey appointed a Commission of five members, also under Section 8 of the Executive Law, to make a complete and impartial survey of the operations of the entire Department of Mental Hygiene, and of the institutions which are administered by it.

The Governor, in appointing the Commission, stated that he had been "deeply disturbed by the evidence . . . of long-standing deterioration and breakdown in the Department of Mental Hygiene in the last few years." He directed the Commission "to examine the mental hospital system of this State, and to suggest methods for improving both the administration and the treatment of patients."

The Commission held its first meeting on June 5, 1943. In order that it might make its investigation with the aid and assistance of a staff of experts well qualified to appraise conditions in the past and to recommend practical improvements for the future, it retained a staff of persons who had long experience in various fields of hospital management.

The Commission appreciates the cooperation of the following institutions and departments which have made members of their staffs available for work on this survey:

Through the cooperation of The Rochester General Hospital, Dr. Christopher G. Parnall, Medical Director of that institution, was granted a six months' leave of absence to assume the post of Director of the survey. Dr. C. C. Burlingame, Director of The Institute of Living, one of the leading private institutions for the care of the mentally ill (formerly known as the Hartford Retreat), granted a three months' leave of absence to Dr. Percy L. Smith, a senior psychiatrist of his staff, to assist the Commission in making a survey of the medical and psychiatric care of patients in the State hospitals. The Commissioner of Health of the State of New York granted to Miss Mame T. Porter a leave of absence to supervise the survey of the dietary and nutritional problems in the institutions of the Department of Mental Hygiene. The State Department of Education loaned the services of Miss Josephine Valentine, R.N., to conduct the survey of the nursing care of patients and the State Charities Aid Association released Miss Winifred Arrington of its Social Service Staff to make the study of social service problems.

Certain members of the Commission and of its staff have visited each of the twenty-six institutions operated by the Department of Mental Hygiene. They have had long conferences with the new Commissioner, with the Superintendents of the various institutions and members of their staffs, as well as with representatives of the employees' association and of the Boards of Visitors. In every respect they have received the utmost cooperation from Commissioner MacCurdy and the officials and employees of the Department.

In making its survey, the Commission has also sought the advice and assistance of leading members of the professions interested in the problems of the Department of Mental Hygiene. Outstanding members of the various professions accepted appointment to advisory committees appointed by the Commission, and gave freely of their time and experience in considering the problems presented to them. Members of these advisory committees visited certain of the institutions, worked with the staff members assigned to particular parts of the survey, conferred with the Chairman of the Commission, and gave their advice and judgment, based upon long professional experience, in appraising both the problems presented and the recommendations proposed to meet these problems. A list of the members of the advisory committees appears on page 122 of this report, and the Commission wishes to express its thanks and appreciation for the assistance they gave in the preparation of this report.

Since the Commission had utmost cooperation from the new Commissioner of Mental Hygiene, and since the Commission believed that conclusions from a survey of the nature suggested by the Governor could best be reached by a study of the problems by a staff of experts, it became unnecessary to have public hearings, but certain testimony was taken in private hearings.

The Commission adopted as its objective, at the first meeting, a policy of determining "what is best for the patient." In making the survey, the approach of the Commission and its staff was scientific and fact finding, rather than inquisitorial. The report does not deal so much with the individual institutions as with the problems common to all or many of them.

The report is not intended to be exhaustive and detailed. It is essentially a summary designed to serve as a practical guide in setting forth the principal problems affecting the Department of Mental Hygiene and to suggest the means for their solution.

No person who makes a study of this Department can fail to realize and appreciate the many fine points about many of the institutions or the conscientious performance of thousands of employees in carrying on the work of the institutions. The criticisms contained in this report should not lead to the conclusion that everything is bad in the Department. It is not. There is much of which to be proud and the fact that the emphasis in the report is upon conditions that needed correction should not keep us from realizing that on the whole the New York institutions, with all their faults, are among the best of the mental hospitals in the nation.

The defects were due primarily to the fact that the Department had not kept pace with the responsibilities placed upon it. Over the years a slowly creeping paralysis of bureaucratic inertia and lack of effective organization and executive direction from the top had been crippling the Department at the very time when its responsibilities were increasing. If it had not been for the energy and initiative displayed by the new Commissioner of Mental Hygiene, the present situation, with the dislocations due to the war, would have been more critical.

The report of the Commission shows certain underlying facts found by it which created this condition. Although the faults vary, back of all of them was this glaring lack of proper organization of the Department and its failure to secure persons of sufficient capacity for the important administrative and clinical positions in the Department and the institutions.

The Commission's recommendations for correction of the conditions found by it are contained in the report together with a summary of the corrective measures already taken by Commissioner MacCurdy or provided for in legislation introduced with the approval of the Commission.

INTRODUCTION

THE GROWTH OF THE NEW YORK STATE HOSPITAL SYSTEM

Relatively, as time is reckoned, the present rational attitude toward mental disorder is a recent development. "Lunatics" and "maniacs" were regarded formerly as dangerous members of society and were confined in penal institutions and given the general status of criminals. The mentally disturbed were frequently chained, restrained by harsh measures, or kept in solitary confinement. Gradually public officials, physicians, and the public in general came to realize that the mentally ill were not responsible for their condition and more humane measures for their care were provided. Even so, for many years the insane were committed to almshouses and local jails. Thus a stigma attached and, to a degree, still attaches to almost any type of mental illness. Progress has been slow but New York State has always been among the more progressive in the matter of public provision for the humane care of the mentally afflicted. From the opening of the first insane asylum at Utica just one hundred years ago, New York has shown an increasingly humane desire to provide adequate facilities for the care of the mentally ill, until today there are twenty civil mental hospitals caring for over 80,000 patients, together with six institutions for the mentally defective and epileptics, with over 18,000 patients. The institutions for the mentally ill are no longer known as "insane asylums." They have become "mental hospitals."

The passage of the State Care Act by the Legislature of 1890 marked the first recognition by a state government that the care of the indigent mentally ill was entirely a state rather than a local responsibility. Although in the

early days of care of the mentally ill in State hospitals, or insane asylums as they were then termed, the institutions were under State control, the cost was a charge against the counties. Consequently many counties rather than pay for care in a State institution continued to retain patients in almshouses and even in jails.¹

When the State in 1890 took on the entire responsibility for the care of the mentally ill, such responsibility included the cost of maintenance of patients in the institutions. A greatly increased demand resulted for the care of the mentally ill, to meet which there was a rapid expansion of the system. Until 1890 there were six State hospitals. In the decade following, seven more were established. Annual expenditures rose in the same period from \$877,000 to \$4,400,000. Since the turn of the century seven more mental institutions, aside from the State schools, including the State Psychiatric Institute and the Syracuse Psychopathic Hospital have been erected; and one, at Edgewood, Long Island, is in the course of completion.

In 1926, the State schools for mental defectives were transferred from the jurisdiction of the State Board of Charities to that of the State Department of Mental Hygiene. The first of the State schools was started on an experimental basis at Albany in 1851 and moved to Syracuse three years later. Admissions to the Syracuse State School are supposed to be limited to teachable mental defectives of school age. The Newark School was next in 1878, followed by Rome in 1894, Letchworth Village in 1911, and Wassaic in 1930. The Willowbrook State School, erected to relieve the congestion of the other schools, was turned over to the United States Army in 1942 for hospital purposes before it was occupied.

The Department of Mental Hygiene, as distinguished from the institutions under its control is a lineal descendant of the Lunacy Commission established by law in 1889. The Commission was composed of three members, a physician, a lawyer, and a representative of the public at large. Previously, responsibility for the supervision of the State mental hospitals, then six in number, had been lodged in the State Board of Charities. The creation of a Commission was strongly opposed by Superintendents at the time who felt that their prerogatives were being encroached upon unduly. In 1912, the Lunacy Commission became the State Hospital Commission, still with three members, and in 1927 the Department of Mental Hygiene was organized under a single Commissioner to whom was granted all the power previously exercised by the Commission.

From completely autonomous institutions under control of their separate Boards of Governors but with supervision from the State Board of Charities, the State mental hospitals have thus, by degrees, been consolidated under a single control. However, despite the obvious intention of the Legislature, the consolidation has not resulted in a smoothly operating system. Tradition dies hard, and even today the State hospital system in some respects is still an aggregation of individualistic if not individual institutions. For instance, a Superintendent of one institution cannot be transferred by the Commissioner to another institution without the consent of the Board of Visitors of the institution from which it is proposed to transfer him and transfers of personnel are seldom made, even when vacancies have existed for years. One hospital may be employing methods of treatment which have generally been accepted, while another may never have adopted them.

During the last twenty years the number of patients in the State hospitals maintained by the Department of Mental Hygiene has increased by 100 per cent, and expenditures for maintenance have increased by approximately

¹ The first State hospital was opened at Utica in 1843. The same buildings are still in use. In 1864 the Legislature ordered a state-wide inquiry into the care of the insane in the local poorhouses. Out of this grew the Willard Act of 1866 which provided a new hospital for the chronic insane, known as Willard State Hospital. The Act provided that all chronic insane should be removed from the county almshouses and from Utica and sent to Willard and that all acute cases were to be sent to Utica. By 1871 both of these institutions were so overcrowded that the Legislature passed a law enabling counties to receive exemptions from the Act and care for the chronic insane in their own county institutions which were usually adjacent to the poorhouses. The Act of 1890 abolished the distinction between the care of chronic cases and acute cases.

150 per cent. The ratio of patients admitted per 100,000 population showed an increase of over 50 per cent during this period. This increase of patients is, therefore, accounted for only in part by an increase in population.

Investigation does not indicate that this increase in the patients in the State hospitals is attributable to an increase in insanity in the population but rather, that it is because of an increased acceptance of State hospitals as places in which persons with mental illness should be placed for care and treatment. The increase, also, to a substantial extent is the result of the placing in the State hospitals of arteriosclerotic and senile persons who previously had been taken care of either at home or in county institutions. This influx of arteriosclerotic and senile persons to the State hospitals became rapid during the days of the depression and has continued since that time. It is a problem peculiar to itself which is discussed in a later chapter in this report.

During the last twenty years only one new school for mental defectives was opened by the State. During this period of time the number of patients in the State schools has increased nearly three times and the expenditures for maintenance at approximately the same rate.

In 1942, Willowbrook State School with a rated capacity of 4,000 was completed to take care in part of the overcrowding which existed in the State schools. However, before it could be opened for patients it was turned over to the Federal Government at a rental of \$1.00 per year to be used as an army hospital. It is now known as the Halloran General Hospital. It will be returned to the State when it is no longer needed by the Army.

The increase in population in the State schools is accounted for only in part by the increase in population during the past twenty years. The ratios of patients per 100,000 population was 58.5 in 1923 and 132.6 in 1942.

The following figures show the increase in the mental hospitals of the Department in the last twenty years (July 1, 1923–June 30, 1942):

	1923	1942*
Number of hospitals, including the Psychiatric Institute and Syracuse Psychopathic Hospital	13	21†
Resident patient population.....	38,002	73,120
Patients on parole and family care.....	3,300	9,933
Total patients under care.....	41,302	83,053
Ratio of patients under care per 100,000 population	403.6	668.9
Number of admissions and readmissions.....	8,772	17,611
Ratio of patients admitted per 100,000 population	81.1	128.7
Number of patients discharged as recovered....	1,825	3,270
Ratio of recoveries per 100 admissions and readmissions	20.8	18.6
Expenditures for operation and maintenance..	\$11,954,658.79	\$30,474,048.08
Capital additions and improvements.....	\$2,183,991.26	\$4,340,312.92

The following figures show the increase in the State schools for mental defectives in the last twenty years:

	1923	1942
Number of schools.....	4	6†
Total number of patients under care.....	6,368	18,144
Ratio of patients under care per 100,000 population.....	58.5	132.6
Number of patients admitted.....	995	1,534
Ratio of admissions per 100,000 population.....	9.2	11.3

* Figures have been used for the fiscal year ended June 30, 1942 in this table as well as in certain other places in this report by reason of the fact that the fiscal year which ended in 1943 was only a nine-month period and therefore, does not in many instances give a proper basis for comparison.

† Includes Edgewood State Hospital, not yet in operation.

‡ This includes New York State School for Mental Defectives, (Willowbrook) which is in use by the army at the present time.

Craig Colony for Epileptics was established in 1896 for persons afflicted with epilepsy. The increase in Craig Colony in twenty years is shown in the following figures:

	1923	1942
Total number of patients under care.....	1,573	2,514
Ratio of patients under care per 100,000 population.....	14.4	18.4
Number of patients admitted.....	233	221
Ratio of admissions per 100,000 population.....	2.2	1.6

The increase in expenditures from 1928 to 1942 for the State schools and Craig Colony is shown in the following:

	1928	1942
For operation and maintenance.....	\$2,959,637.42	\$6,601,472.22
For capital additions and improvements.....	\$1,867,727.27	\$3,923,482.94

CHAPTER I

PROFESSIONAL CARE OF PATIENTS

At the present time, because of war conditions, practically all of the institutions are understaffed. The shortage of physicians, nurses, and ward attendants is particularly acute in certain of the institutions.¹ It would not be fair, therefore, to judge the standard of professional care which existed prior to the war by that which exists today. The fact that the State hospitals and State schools are operating even as well as they are today, is a tribute to the loyal service of the physicians, nurses, and other employees who have voluntarily taken on increased duties and worked longer hours to handle the present problems of the institutions.

War problems, however, are not permanent problems and the war is not an excuse for certain conditions which have existed for many years. This Commission has, therefore, studied the problem of the professional care of the patients in these institutions, not with reference to the present alone but more particularly with reference to conditions before the war curtailed the professional staffs. Only by such a test can it be seen whether the Department has fully met the responsibilities imposed upon it. Steps which the new Commissioner is taking to meet, in part, the present emergency shortage of personnel, are discussed in the chapter on Personnel.

The hospital for the mentally ill properly has two functions: (1) a curative function to restore to sanity and good mental health, or at least to better mental health, as many of the patients as possible; (2) a custodial function to protect society from the harm or damage that may be done, if a person mentally ill were allowed at large in society.

Even the custodial function may be carried out in different ways. If the sole purpose were to protect society, the old system of dungeons and shackles would be sufficient. Modern society recognizes, however, that even patients confined for the welfare of society must be given sympathetic and humane treatment. The test should be not whether patients are kept in the institutions without escaping, but whether while in those institutions they are treated as mentally sick persons rather than as criminals.

The patients in mental institutions are often able to know and appreciate the difference between sympathetic and unsympathetic treatment. Life in a mental institution, even at its best, does not make them happy, but sympathetic care can make them happier than they otherwise would be. Only as long as they are treated as patients, rather than as prisoners, will they be enabled to live out their years in that greater comfort which society owes them.

The outstanding deficiency in the mental hospitals in New York State is that the Department of Mental Hygiene in past years has allowed them to become principally custodial institutions rather than hospitals in the true sense of the word. Progress in these institutions has not kept pace with that shown in general hospitals.

¹ The over-all shortages, as of October 1, 1943, were as follows:

Physicians	31%
Ward employees	32%
Other employees	17%

The shortage in each institution is shown on the chart on page 110 of this report.

The war has accentuated some of the problems arising from inability to provide adequate curative care. The war has not caused them.

It cannot be expected that this condition is one that can be completely changed, for so long as there are mentally ill there will always be the problem of custodial care, and custodial care at its best has its limitations. Only so far as the State puts the emphasis on the therapeutic aspect, rather than the custodial aspect, will real progress be made.

To move in this direction is not easy. The easy path is that of custodial care. To move in the other direction requires initiative, imagination, leadership, and organization—qualities which have not been noteworthy in the Department of Mental Hygiene during the last decade.

The following conditions are found to have existed in these institutions, so far as the professional care of patients is concerned:

MEDICAL AND PSYCHIATRIC CARE

When a patient is admitted to a hospital, he is given a physical examination. The inter-relationship of the physical and the mental is well known. Without an adequate physical examination on admission, the cure of the mental ills of the patient may be long delayed. However, in many of the institutions this physical examination on admission has been inadequately recorded. Particularly in the State schools and Craig Colony are the admission examinations cursory. Examinations of this type do not give an adequate picture of the individual's physical condition. For example, it has been obvious for a long time that no such physical study is complete without supplemental laboratory examinations and x-rays. Rarely in any of these institutions is a blood picture taken on admission and chest x-rays on admission have been started only in the present year.²

When a patient is first received he is placed in a Reception Building, where customarily living conditions are more pleasant than in the so-called Continued Treatment Wards. In the Reception Building, the patient usually sleeps in a single or double room and has more homelike surroundings. While in this building, an effort is made to diagnose his condition and determine the care or treatment needed. The reception units seem to work particularly well in most hospitals, for there the emphasis is upon diagnosis and treatment. These units are organized as hospitals and a substantial number of patients, after treatment for relatively short periods of time in these units, are discharged. It is a striking commentary on the lack of statistical methods of this Department, however, that this Commission has been unable to ascertain what proportion of the patients discharged from the mental hospitals in a year had never progressed beyond the reception unit.

If a patient does not respond to a period of treatment in the reception unit, he is then transferred to a Continued Treatment Ward. Segregation in those wards is not by diagnosis but by the type of behavior of the patient. In this way acutely disturbed patients are separated from the mildly disturbed. These wards usually house approximately sixty patients who sleep in a single dormitory at night. The dormitories are connected with a room known as the Day-Room, furnished with heavy chairs, tables, and benches, off which room as a rule, is an open porch enclosed by heavy bars. In this day-room, the average patient spends the day hours unless he is assigned to work in some part of the institution or is sent to Occupational Therapy class.

The Commission has considered charges that patients in these Continued Treatment Wards are physically mistreated by employees and attendants. Undoubtedly some cases of this nature do occur, but the Commission believes that they are relatively rare and isolated cases. There has been no credible evidence of physical mistreatment of patients, except in rare cases and the Commission believes that the Superintendents of the hospitals are alert to the necessity of discovering and discharging employees responsible for such mistreatment.

The real problem is not one of active mistreatment of the patient as much as it is of the lack of adequate professional care of the patient. Proper

² All hospitals make a Wassermann test for syphilis; check on eye, ear, nose, and throat; and immunize the patients against typhoid fever, small-pox, and diphtheria. All female patients receive a gynecological examination. Routine dental examinations are made of all patients.

psychiatric care requires active and not merely passive medical supervision. While there has been no budgetary ratio of physicians to patients in the mental institutions, this Commission is advised by the Department that a tentative ratio of one physician for each one hundred and fifty patients has been the goal of the Department. This ratio has never been achieved, the best ratio having been approximately one to one hundred and eighty.³

Even eliminating those physicians who are in executive positions and those who are charged with special functions, this ratio of physicians to patients would seem to have been sufficient if the psychiatrists could have given their time to the psychiatric treatment and care of the patients. The trouble has not been so much shortage of psychiatrists, as that these members of the staff have had too little time for education in and practice of psychiatry and very little supervision of their psychiatric work.

It is customary for one physician to be placed in charge of a building or a number of wards in a building. This member of the staff, as the system is at present organized, has charge of administrative matters with reference to the buildings or wards, takes care of the physical ills of the patients, and is supposed also to attend to the psychiatric treatment of the patients. It is estimated by members of the Commission's staff who have visited the institutions, that from a quarter to a half of the time of the staff physicians is expended on the care and treatment of the purely physical ills of the patients.

The studies of this Commission lead it to the conclusion that two steps should be taken to enable these ward physicians to devote their time primarily to the psychiatric care of the patients in their charge.

In the first place, a better organization of the nursing care would take a considerable amount of administrative work from the shoulders of these physicians. This matter is discussed in the section on "Nursing Care of Patients."

In the second place, the care and treatment of the physical ills of the patients which now take a substantial amount of the time of the ward physicians, could be handled much better by a small resident staff of medical and surgical internes and residents supplemented by a visiting staff of outside physicians. To expect a physician who is primarily a psychiatrist, also to be an expert in the handling of fractures, treatment of conditions of the eye, ear, nose and throat, and in the treatment of the numerous other ills which befall patients in these hospitals, is fair neither to the physician nor to the patient.

The addition of such a resident staff of medical and surgical men would not mean an increase in the total number of physicians on the staff but rather a better organization of the staff since the number of physicians would, in the opinion of the present Commissioner, not need to be greater than the total number now provided for. The adoption of this proposal would mean that so far as the physical ills of the patients were concerned, the hospitals would operate on a basis similar to that of a general hospital. The work of the resident staff would be supplemented by a staff of visiting physicians in the various specialties of medical practice, who would have regular services in the hospitals as they now do in general practice. One institution which has already made considerable progress in this direction is Rockland State Hospital. In addition, it would be desirable to have physicians from the community who are specialists in the fields of neurology and psychiatry added to the regular visiting staff of all the institutions.

The results to be gained by the adoption of such a method of medical organization would be: (a) the ward physicians would be enabled to devote their attention primarily to the psychiatric care of patients; (b) the physical ills of the patients would be treated either by resident physicians, particularly qualified, or by specialists in active practice who would be conducting a regular service in the hospital; and (c) the entire institution would receive a stimulus because it would have, on its regular visiting staff, physicians in active practice who would thus bring the institution and its problems to the attention of the community and the local medical societies. Most of the hospitals today carry in their reports lists of physicians as "Consulting Staffs," but these consultants come in only when they are called for special

³ The current ratio of physicians on duty in the institutions of the Department is one physician to approximately three hundred patients.

situations. They do not have a regular service in the hospital and are not substitutes for a regular visiting staff.

While it probably would be necessary in some cases to make some financial arrangements with outside physicians on the visiting staff, the expense of such payments would in the aggregate, be far less than the addition of competent specialists to the full-time resident staffs of the institutions; and the intangible benefits to be obtained from a visiting staff of outside physicians would be something which could not be obtained merely by adding members to the existing hospital staff.

When relieved of the duty of attending to the physical ills and with better organization of the nursing administration, the ward physician would have time to give that personal attention to the patients which is the prime requisite in the care and treatment of patients suffering from mental illness.

More time of the ward physicians for purely psychiatric care and treatment is not enough, however. There pervades many but not all, of the institutions, a listless attitude on the part of the ward physicians, and an intangible feeling that if the wards are clean and orderly their job is done. An active program of psychiatric care requires a different attitude than this.

Properly to analyze a mental condition and to help in curing it, it is necessary to understand the patient's background and that of his family and relatives, his personality, his adjustment to life from childhood, and the evaluation of his present symptoms. To promote a proper adjustment to life requires time and patience. It requires furnishing the patient in many cases with a course of activity which will develop his self-reliance and diminish his introspection. Lonely hours of idleness in wards accentuate rather than cure a mental condition. Too soon in such an environment, a patient becomes "institutionalized" and as a result, his mental condition deteriorates rather than improves. A program of affirmative psychiatric care requires a medical staff with an affirmative point of view.

Two factors seem to have been obstacles to the creation of such an attitude of mind on the part of the medical staff of this Department in the past:

(1) The Emphasis in all the Institutions Has Been on Administration, at the Expense of Clinical Medicine

A physician in the State hospital system should have an opportunity to advance to a top position on one of two lines, either (a) hospital administration in its various aspects, or (b) clinical medicine. The State hospitals properly should offer an opportunity for the physician specializing in psychiatry to make a life work of the medical care and treatment of the mentally ill. As the Department has been run in the past, however, a physician had to be both an administrator and a clinician; and advancement to the top positions in the Department was reserved for the psychiatrist who became an administrator.

In the larger hospitals provision has been made for several administrative assistants to the Superintendent. These share the administrative burden, while the Clinical Director alone must assume the responsibility for the increased clinical work which must be carried on. No provision has been made for a sufficient number of Associate and Assistant Clinical Directors and as a result the position of Clinical Director has in many instances become an office desk job, leaving little time or opportunity for directing the care and treatment of patients.

The Clinical Director receives the same salary as an assistant to the Superintendent. To better his earnings, he must change over to administration and become an administrative Superintendent. The position of Superintendent carries the highest salary on the institutional payroll and hence it becomes the ambition of most of the members of the staff to leave their clinical duties and become executives as quickly as possible. Because of this, there are those with years of experience in pathology and with the highest clinical qualifications who have given up their chosen work and transferred to an administrative post in order to obtain advancement. Many promotions have been made directly from the clinical field to the superintendency.

As a result, in some institutions we have neither outstanding clinicians nor adequate administrative Superintendents. Different qualifications and different types of personality are needed for positions of such dissimilar natures. To make the institutions function as hospitals, the emphasis must be changed so that clinical medicine will rank equally important with hospital administration.

In the chapter on Departmental and Institutional Organization the Commission recommends a change in the hospital organization in order that the present condition will not continue, and so that a physician specializing in clinical medicine may thereafter advance to a post as Clinical Director in the institution more nearly comparable in compensation and emoluments with that of the administrative Superintendent, and so that there will be a differentiation in duties and responsibilities between the clinical staff and the medical administrative staff.

The Clinical Director in such an organizational set-up would supervise and direct the clinical work with the patients. He would have the responsibility of seeing that every patient's case was reviewed periodically and that the progress or retrogression of the patient was closely watched and studied. The ward physicians would be responsible to him. This would put the emphasis on the cure of the patients rather than merely on their custodial care.

(2) Appointment to Positions of Authority in the Institutions Has Been Limited to Physicians Who Have Made a Career of Being in the Institutions, with the Result That the Quality of Medical personnel has deteriorated

Under the Civil Service Law and Regulations medical positions, other than those of interne or assistant physicians, have been filled by Civil Service promotional examinations from those in a lower rank. As a result, any physician wishing to enter the New York State Hospital System could enter it only in the lower brackets of interne or assistant physician. The higher positions are then filled only by those promoted from lower ranks in the institutions.

The result has been that no new blood comes into the institutions from the outside except in the lowest rank. Those who enter the Department in this position as a rule fall into two groups: (a) those who desire a lifetime position of security and (b) those who are actively interested in the care of the mentally ill and wish to specialize in it. It is obvious that the physicians who hold most promise for the future are those in the second category. However, the physicians in this category are the very men who, as a rule, wish a variety of experience and who to a large extent, leave the State hospital system after a few years and go elsewhere to get a broader experience. It is just such men, or men of this type who have advanced in other institutions for the care of the mentally ill, who should have the opportunity to compete on even terms for positions of responsibility on the medical staff of the Department when a Civil Service examination is held. The present system allows for no such possibility and many of the able, progressive men are winnowed out of the system with no corresponding opportunity to draw in men of outstanding ability.

It is the opinion of the members of this Commission that although the Department now has more physicians on its staff than it had twenty years ago, the over-all quality of the physicians coming into the Department is relatively lower than it was at that time. Over half of the Superintendents stated that in their opinion one of the principal weaknesses in the Department is that it has not been attracting the best equipped types of physicians.⁴ This matter is further discussed and recommendations are made with reference thereto, in the chapter on The Personnel of the Department.

The inertia which has resulted from the two factors above discussed is not easily measured. That such inertia has existed in the Department is, however, obvious. Two glaring examples are typical:

⁴ According to the records of the Department, only seven out of twenty-six Superintendents are Diplomates of the American Board of Psychiatry and Neurology. Of those classed as First Assistant Physicians and as Clinical Directors, only twenty-five out of fifty-eight are so qualified; while in the senior assistant group only twenty-three out of one hundred eighty-five are Diplomates.

(3) Varying Use of Shock Therapy

The most important development in the treatment of mental illness in the last decade has been the development of shock therapy. When it first came into notice, arrangements were made by the New York State Hospital System in 1937 to have Dr. Manfred Sackel of Vienna, the leading authority on the subject, introduce the technique at Harlem Valley State Hospital. The then known treatment was insulin shock therapy. Arrangements were made for representatives of the different hospitals to be present and they were instructed in its administration, technique, results, and dangers. Following this, the treatment was introduced in all except two hospitals of the New York State hospital system. It has since been widely used in other states and countries. Studies have been made both by the Psychiatric Institute and by the Temporary Commission on State Hospital Problems as to the results of shock therapy treatment, and those studies demonstrate its beneficial results in certain types of mental illness.⁵

A case study made by the Temporary Commission on State Mental Hospital Problems and published in the S.C.A.A. News of December 1942, shows that of 747 cases treated at Brooklyn State Hospital from January 1, 1937 to July 31, 1940 by the use of insulin shock therapy, 76 per cent were sufficiently improved to leave the institution and of those who recovered or were discharged from the institution, 53 per cent have never returned to it. The use of shock therapy is a recognized technique in the leading private institutions for the care of the mentally ill.

The second form of shock therapy to be introduced was metrazol. Electric shock therapy, the last to be introduced, has been continually used in many of the hospitals with good results.

Nevertheless, in spite of this record of early instruction in shock therapy and the good results which appear to come from it, we find the following: Only twelve out of the twenty hospitals are now regularly using insulin shock therapy. Only five are using metrazol regularly and two of the institutions have never used electric shock therapy. Binghamton, Kings Park, and Utica have used electric shock therapy only recently. One institution has never used any form of shock therapy.

In other words, a patient who lived in Syracuse, if he were taken into Syracuse Psychopathic Hospital and thereafter to Willard State Hospital, would never have had the advantage of insulin shock therapy, while the same patient, if he had been committed to Marcy State Hospital would have had the opportunity to receive the treatment.

Any such chaotic result cannot be entirely excused on the ground of lack of personnel, for some hospitals which have discontinued insulin shock therapy on this ground have no greater shortage of personnel than some which are continuing it. The fundamental reason was the inertia above described. Certain institutions were able and alert in clinical matters while others were not. There was no overall direction from the Department as a whole to bring up the standards of those institutions which were lagging behind.

(b) Tuberculosis

The incidence of tuberculosis in the State Mental Hospitals indicates a lack of medical care and supervision which is nothing less than shocking. In New York State during 1942, almost one out of every ten deaths from tuberculosis occurred in State mental institutions. The tuberculosis death rate in these institutions for the three year period 1940-1942 was 611.5 per 100,000 population, compared with a death rate for the State as a whole of 45.7 or thirteen times as high as that of the general population.

⁵ Since the introduction of shock therapy into the Department of Mental Hygiene in 1937, there have been up to the present time fifty-three articles on shock therapy written by members of the staff of the Psychiatric Institute and forty-six articles written by members of the staffs of the various hospitals.

A survey made of the incidence of tuberculosis among employees of the State mental institutions shows that it is almost twice that found among employees in general industrial occupations in New York State.⁶ Between July 1, 1935 and October 15, 1942, the State Insurance Fund allotted more than \$1,700,000 to meet the cost of medical care of and compensation for State employees who had developed tuberculosis in consequence of their employment in the hospitals of the Department of Mental Hygiene. The amount paid out by the State Insurance Fund represents only a part of the real cost of the ravages of a disease which experience shows can be largely minimized by appropriate measures of control. This cost does not include the direct and indirect cost of the disease among patients, nor the loss sustained as a result of illness and death not only by employees and patients but also by the population in general, in which contact infections have developed from the foci in the State institutions.

Not until 1941 were steps finally taken, in cooperation with the State Department of Health, to put on an organized program of control of the disease of tuberculosis in the mental hospitals. In that year a start was made and a survey made of all patients and employees to determine the extent of the existence of the disease. Analysis showed, in the twenty-three institutions first surveyed, that 4,273 patients or 5.2 per cent had clinically significant tuberculosis, requiring segregation and that an approximately equal number had lesions, apparently healed or not active. Among 14,228 employees, 156 or 1.1 per cent had clinically significant tuberculosis; while 359 or 2.5 per cent had apparently healed lesions.

A resurvey, now in progress, shows some improvement in the tuberculosis situation but a great deal must be done before a satisfactory control can be effected.

The almost casual way in which shock therapy has been employed and the ineffectual handling of the tuberculosis problem are tangible examples of inadequacy of medical care in the State mental institutions. They may be regarded as symptoms of a deep seated defect and justify the conclusion that the less tangible medical and psychiatric problems are, likewise, ineffectually dealt with when viewed from the standpoint of a progressive and scientific application of medical knowledge.

NURSING CARE OF PATIENTS

Visits to many wards in many of the hospitals revealed huge, overcrowded, dreary units with masses of patients, some in bed receiving a minimum of nursing care, others up and, except as they were assigned to assist with the work of the institution, inactive for many hours of the day. The majority seemed apathetic, some restless, and many unhappy. The wards were usually clean and orderly.

All up-patients, except those who are so extremely disturbed that they have to be confined in single rooms and except "working patients" who are sent to other parts of the institution for regular work hours, spend the greater part of the day in the Day-Room. It is a common sight to see some thirty to ninety patients sitting in rows in such rooms or walking restlessly up and down without any supervised activity whatever. When the weather permits such patients are occasionally escorted out of doors, in many institutions only for a group walk in a two-by-two file. Even with the occasional movies, dances, and other entertainment conducted in the main recreation building, there remain many hours of every day when large numbers of patients sit or walk idly about in the Day-Room with nothing to do. Instances were observed in some semi-disturbed and epileptic wards where there were not even enough chairs or benches to seat all of the patients, so that many had to choose between standing or sitting on the floor.

Merely safe nursing care is not sufficient. Good nursing care requires active individual care which speeds recovery or improvement and which con-

⁶ The Commission has relied in this part of the report on an able survey recently completed on "Tuberculosis in State Mental Hospitals" by Dr. Robert E. Plunkett of the New York State Department of Health.

tributes to the comfort and happiness of the patient. The greatest obstacle to a realization of such results in the present situation is the "mass treatment" of patients characteristic of the institutions.

While a certain amount of "mass treatment" must always be expected, nevertheless such treatment falls far short of what properly should be the objective. In a previous section of this chapter it has been pointed out that poor organization of the nursing care results frequently in a great burden of administrative work falling upon the ward physicians.

The present unsatisfactory situation with respect to nursing care in the State mental institutions results from a number of factors, other than an over-all one-third shortage in personnel incident to the war. The principal factors are: (1) inferior nursing procedures and facilities; (2) inadequate organization and supervision of the nursing and ward personnel; (3) inadequate ratio of registered nurses in the ward personnel; (4) inadequate quality of attendant personnel.

(1) Nursing Procedures and Facilities

Nursing techniques are unstandardized and often poor. Many of the supervisory nursing personnel either are not well taught or have grown careless in their nursing procedures or are too occupied with other matters or are generally overworked. The majority of the supervisory positions are held by graduates of the schools within the Department, yet the principal state that students complain of being unable to carry out on the wards the nursing procedures they have been taught in the classroom.

Well conducted hospitals have found standardized ward manuals of nursing procedures essential to the maintenance of good nursing practice. Such manuals are nonexistent in most of the mental hospitals.

Satisfactory facilities for maintaining an infectious precaution technique for the occasional infectious case which develops, are not to be found in a number of the institutions visited. Makeshift methods, some of doubtful value, are resorted to, such as merely screening the patient in an open ward and using hand solutions in lieu of thorough hand cleansing. In the majority of wards the beds are so close together that communication of upper respiratory infections seems to be inevitable.

Habit training for permanently institutionalized patients seemed conspicuously absent, particularly with the present shortage of personnel. The result is retarded recovery of some patients and excessive untidiness and accelerated deterioration of others. How one evil may intensify another is illustrated if one considers the relation between habit training for untidy patients and the problem of laundry supplies required when such training is neglected.

The nursing service or utility rooms are generally badly located and inadequately equipped. Facilities for sterilization and storage of ward equipment and supplies are often extremely meager.

(2) Organization and Supervision of the Ward Personnel

Throughout the State institutions there has been a divided responsibility for the nursing care of patients. The director was the principal of the School of Nursing in each of eighteen of the twenty-six hospitals and State schools. Although she may have been held responsible for the nursing, she had little or no authority over the nurses and attendants. As nursing is one of the most important functions in the care of the mentally ill, it would seem that responsibility and corresponding authority for this function should be centered in a single head.

In addition to such a Chief Supervising Nurse there should be, however, a sufficient number of competent nursing supervisors to maintain at all times a close check on the work of the ward personnel. No institution was found to have a general evening or night nurse supervisor. In only one of the thirteen institutions surveyed from a nursing standpoint were there three supervisors in each building or division, one for each eight hour period of the twenty-four hour day.

(3) Inadequate Ratio of Registered Nurses in the Ward Personnel

Because of war conditions most of the institutions have not been able to secure the personnel provided for in the budget. It is only by the service of those nurses and attendants who have stayed with the institutions and worked more intensively for longer hours that many of the institutions have been able to keep in operation at all. However, since it may be expected that this condition may correct itself at the conclusion of the war, the pertinent question is whether the personnel for which the Department has asked in the past is sufficient to provide adequate nursing care for patients.

The Department of Mental Hygiene in establishing its budgets has apparently proceeded upon the basis of allowing the following ratios of ward personnel to patients:

Brooklyn State Hospital.....	1 to 5.5
Other Mental Hospitals.....	1 to 6.75
Craig Colony (for epileptics).....	1 to 13

These ratios include both registered nurses and attendants but they do not represent the number of nurses or attendants on duty at any one time. When allowing for three eight hour shifts, days off, sick leave, and vacations, the ratio for nurses and ward personnel would mean that at the best there would be on duty at any one time only one nurse or attendant for approximately every thirty patients.

In order to arrive at some approximate estimate of adequate nursing service and of numbers of ward personnel and further to discover deficiencies, if any, this Commission secured the services of Elizabeth Bixler, R.N., to make a survey of the adequacy of nursing personnel in a typical State hospital. Miss Bixler is the Director of Nursing in Norwich State Hospital, Norwich, Connecticut and Dean-elect of the Yale University School of Nursing. She has had extensive experience both in private and State mental hospitals. Rockland State Hospital was selected as typical and her findings indicate what the nursing situation is generally throughout the State hospitals.

From this survey it was found that while the number of nurses and ward attendants on duty was inadequate at the time because of war shortages, the total number provided for would have been sufficient had there been a proper proportion of registered nurses to other ward personnel.

The following table shows a comparison of the number of nurses and ward personnel required for good nursing care, allowed in the appropriation, and at present employed.

	Number required for good nursing care	Quota allowed	On duty now
Supervisors	42	15	14
Charge Nurses	87	62	47
Staff Nurses	85	42	7
Practical Nurses	87	0	0
Attendants	578	749	444
Clerical Ward Aids.....	14	0	0
Total	893	868	512

The foregoing figures indicate that as far as the total number of nurses and ward personnel is concerned the quota allowed is only 2.9 per cent short of what might be regarded as an adequate number. The ratio of allowed ward personnel to patients is 1 to 6.6.

Even though the full quota were employed, nursing care would be inadequate, as there would be a disproportionate number of registered supervising and staff nurses. An adequate nursing staff would require that approximately 24 per cent of the ward personnel be registered nurses, whereas the quota allowed this hospital calls for only 13.7 per cent of the ward personnel. Of the nursing personnel now on duty, registered nurses represent 7.8 per cent of the total quota and 13.2 per cent of the total ward personnel employed at present.

Commissioner MacCurdy is conducting a study of adequacy of nursing service in several of the other hospitals in an attempt also to formulate a standard by which to measure the adequacy of the nursing service.

If the nursing situation at Rockland is to be considered typical of the State hospitals, granting that there would be varying factors affecting the adequacy of nursing in the different hospitals, it would appear that a total quota of nursing personnel on a basis of 1 to 6.75 patients would be sufficient to obtain good nursing care, provided, however, that approximately 24 per cent of such personnel consisted of registered nurses and provided that all of the ward personnel were assigned to the nursing care of patients and not used for non-nursing duties.

As of December 1, 1943, the total number of ward personnel authorized was 11,144 which represented a ratio of 1 nurse or attendant to each 6.4 patients. There was on this date a shortage of 33.2 per cent of ward personnel because of war conditions which reduced the ratio to those on duty to 1 to 9.7. Of the total authorized ward service personnel 1,574 or 14 per cent were registered nurses and of the total number of personnel actually on duty 1,086 or 14.6 per cent were registered nurses. If the authorized quota had included 24 per cent of registered nurses, the total number in this category would have been 2,674 instead of 1,574.

The ratios established by the Department contemplated that all ward personnel would actually be doing ward work with the patients. This has not been the case, however, chiefly because of the widespread custom of "detailing" individuals from this group not only to fill gaps everywhere else in the institutions but also to fill positions not otherwise provided for. On the day of the visit to Willard State Hospital eleven attendants were "detailed" full time and thirteen part time (varying from two to eight hours daily) to such duties as central clothes rooms, telephone switchboards, garden or lawn work, distribution of mail or laundry, and ambulance or transfer duty. Three other ward attendants were doing full time occupational therapy work. Similar conditions exist in nearly all the hospitals. The custom of extracting someone from the ward personnel to fill every need elsewhere is a practice which cuts in seriously on the available ward personnel.

Another misuse of nursing service is the privilege accorded to officers of the institutions to demand an unlimited amount of special nursing care for members of their households. For example, in one institution, a staff member required the full time service of three professional nurses for several weeks to attend a child ill in his home with whooping cough. Since the average ratio of professional nurses to patients in all of the institutions is today approximately 1 to 75, the removal of three from any hospital service for a number of weeks makes a serious inroad upon the care of hospital patients.

Two hospitals, which were particularly studied with reference to the ward personnel actually doing ward duty, were Brooklyn State Hospital and St. Lawrence State Hospital, both of which had their complete quota of ward personnel. Although Brooklyn State Hospital had its full quota of nurses and attendants, a survey made on October 14, 1943 showed that there were actually on ward duty during that day approximately 21 per cent less than the quota contemplated, the difference representing those who were off duty for vacations, sick leaves, etc. and those who were "detailed" for duties elsewhere.

In St. Lawrence State Hospital, which also had no substantial shortage of ward personnel at the time of the survey, there were 176 attendants actually on duty in the wards during a twenty-four hour period out of a total of 270 attendants employed.

When we consider the hospitals which have a shortage of ward personnel resulting from war conditions, the situation is critical. In Willard State Hospital at the time of the survey there was a 38 per cent shortage of ward personnel. There are wards containing sixty or more patients in Willard State Hospital which for long hours in the night have no nurse or attendant present, since the person assigned has to supervise several such wards. In one building inspected by the Commission one attendant had the duty at night of supervising a ward of sixty patients on one floor and another ward of approximately the same size on another floor. When he left the first ward he locked the door and went downstairs and unlocked the door on the lower ward. During the

time he was in the lower ward there was no person supervising or in charge of the sixty mentally ill patients in the upper ward who were locked in a room with no nurse or attendant present at all. This situation can be multiplied many times over. One ward in the hospital containing suicidal patients is unattended during certain hours of the night because the attendant is required to leave this ward and attend to two other wards.

The references to Brooklyn State Hospital, St. Lawrence State Hospital, and Willard State Hospital are not made as illustrative of conditions peculiar to those institutions but rather as typical of the two types of institutions, i.e., those which have their full quota of ward personnel and those which are suffering from a severe shortage of ward personnel because of the war.

(4) Quality of the Attendant Personnel

It has never been possible to attract as many desirable people to attendant positions as have been needed and today, not only are there many vacancies and a rapid turnover, but the statements of the administrative officers indicate that quality has steadily deteriorated with the increasing difficulties in filling vacancies during the war. The former requirement that the institutions employ attendants from a civil service list without an adequate trial period on the job accelerated the lowering of quality.

To secure persons of the type needed in these institutions it is necessary to change the status of the attendant position and give some opportunity to those who have the capacity for advancement. Only in this way will there be attracted to this service men and women who will be interested in their jobs and interested in progressing to positions of greater responsibility. Recommendations leading to this end are discussed in the chapter on The Personnel of the Department.

DIETETICS AND NUTRITION

While the food served to patients has been sufficient in quantity it has been decidedly inadequate in those elements which are necessary for a balanced diet and much of the nutritive value of the food served has been lost by improper and inefficient preparation. The reason for this condition was only in part the small per capita budget allowance for food. A more important reason was lack of proper supervision of food planning and preparation and lack of provision for trained dietitians. This function of supervision has been largely carried on by Head Cooks who may be experienced in the management of kitchens and the handling of kitchen help but who have had little if any training in food values or in scientific food preparation.

(1) Lack of Dietetic Supervision

In only five of twenty-one institutions inspected by the Commission's Adviser on Dietetic Problems was there a Dietitian in charge of food preparation and service. The result of this lack of supervision is clearly apparent. For example, there has been a failure properly to utilize fresh foods which were already being grown on the institutional farm or were then present in the storeroom. At the time of the inspection in one institution, canned vegetables and canned fruit were being served when fresh vegetables and fruit from the farm were available.

In most of the institutions, food was overcooked and prepared far in advance of the time at which it was to be served. In some institutions, the food was served long before the patients were ready to eat it, with the result that by the time the patients arrived in the dining rooms the food was cold. In other instances, food traveled long distances without suitable containers to keep it hot. High nutritional losses occur in food when it is prepared far in advance of cooking time, when overcooked, when improper methods of cooking are used, and when such food is held hot over long periods of time. For these reasons the food in most of the institutions has lost much of the original content of its vitamins, particularly those of the B-Complex and of Ascorbic Acid (Vitamin C).

With few exceptions, the institutional menus are high in carbohydrates, low in protein and calcium, and deficient in vitamins. Yet with the beef purchased on the hoof by the State, pork raised on the farms, with the possibility of abundance of fresh vegetables, milk, poultry, and eggs, a satisfactory diet, from the standpoint of adequate nutrition could readily be provided with proper dietetic supervision.

It is, of course, impossible at the present time to secure the services of a sufficient number of properly qualified dietitians to staff the culinary services of the institutions. This is because of the demands, both civil and military, for large numbers of additional trained personnel. That the army recognizes the need for competent dietitians in army hospitals is shown by the fact that the Officer Procurement Service has recently issued a call for one thousand additional trained dietitians, and the New York State Dietetic Association has sponsored a recruiting rally to enlist them.⁷ Minimum requirements of the army for the grade of Dietitian are four years of college with a major in Home Economics followed by at least one year of internship training in an accredited hospital.

Only two of the hospitals and two of the schools out of twenty-one had Dietitians with a background of four years' college preparation who were in charge of the food service. One school had a graduate of a two year course in charge, six hospitals had two year course graduates in charge of special diets only, while the remaining institutions had no Dietitians whatever. The situation regarding Dietitians is not the result of the war; it has existed for many years. Many of the Superintendents have recognized the need for Dietitians and have tried to get them. They have failed to do so because, in the past years, they had no support in the Department's central office.

There are from three to thirty-five kitchens in the institutions visited, with as many as forty-six dining rooms in one. Without some central dietary control it is impossible to know what food actually is being served to the patients, or to keep any check upon the method of preparation of the food. In two institutions visited on two separate days, large groups of patients who were supposed, under the published menu, to receive cereals for breakfast, were found by the Commissioners to be receiving only three slices of bread apiece and a cup of Postum or cup of coffee. In each of these institutions, the Superintendent expressed surprise when informed by the Commissioners of this fact. The Steward stated that supplies were available, but in neither of the institutions had there been any effort to supervise the food which was served or to find out whether the patients were getting what they were supposed to receive.

The present Commissioner is cognizant of the need for Dietitians in each of the institutions and is making an effort to secure them, knowing that it will be difficult at this time to inaugurate what is, in effect, a new project, when available personnel is so scarce.

Not alone are experienced and qualified Dietitians with appropriate experience needed in each institution, but there should be, in the Commissioner's office, a trained and experienced Nutritionist charged with the duty of inspecting the institutions, and making certain that they maintain adequate food allowances and proper standards in the preparation and in the service of the food. In the past there has been no such supervision. Allowance has been made for this position in the new budget for 1944-45.

(2) Adequacy of Budget Allowance for Food

The State of New York, in the twelve months' fiscal period ending June 30, 1942, expended over seven million dollars for food for institutions in this Department, exclusive of food produced on the institutions' farms.

Quality of food purchased for the institutions and raised on the farms is for the most part good and the State has maintained an inspection service for purchased meat, fruit, and vegetables which results in maintaining good initial quality.

A breakdown of the cost of food during this period including food raised on the farms, has been obtained by this Commission. It shows that the daily

⁷ *New York Herald Tribune*, December 5, 1943.

per capita cost of raw food for all employees and patients in the State schools was \$.244 per individual or a cost per meal of \$.081. It shows that the per capita cost of raw food for employees and patients in the State hospitals during this same period was \$.26 per individual and \$.086 per meal. When it is considered that the amount of raw food used for officers and employees of the institutions is substantially better and larger than the amount consumed by the patients, it is readily apparent that the cost of food consumed by patients is materially less than the figures given above.

The Department of Mental Hygiene, in its General Order Number 6, has provided over the years that the daily per capita allowance of food for officers, employees, and patients shall be as follows:

Meats	9 oz.
Farinaceous foods	13 oz.
Potatoes	10 oz.
Eggs	1 egg
Milk	1½ pints
Butter	2 oz.
Cheese	2/5 oz.
Sugar	2½ oz.
Tea	1/5 oz.
Coffee	1 oz.
Fruit.....	25 cents per week per person

It is to be noted that this daily ration allowance includes no provision for vegetables other than potatoes.

The patients in the hospitals have not been receiving, however, the food allowance called for by the order of the Department. A comparison between hospitals in the use of this ration allowance is of interest. Two items can be reasonably compared—milk and eggs.

The following tables show what the ration allowance called for in eight of the State Hospitals with reference to milk and eggs and the amount of the products that were actually available to the hospitals in the period July 1–September 30, 1943:

	Ration allowance per person per day	Produced on farm and purchased during July, August Sept. per person per day	Per cent of ration available during July, August, Sept.
MILK			
Binghamton.....	.75 qt.	.50 qt.	67%
Brooklyn.....	.75 qt.	.55 qt.	73%
Buffalo.....	.75 qt.	.50 qt.	67%
Central Islip.....	.75 qt.	.72 qt.	96%
Creedmoor.....	.75 qt.	.72 qt.	96%
Hudson River.....	.75 qt.	.26 qt.	35%
Middletown.....	.75 qt.	.63 qt.	85%
Marcy.....	.75 qt.	.57 qt.	76%
EGGS			
Binghamton.....	1	.64	64%
Brooklyn.....	1	.69	69%
Buffalo.....	1	.59	59%
Central Islip.....	1	.83	83%
Creedmoor.....	1	.82	82%
Hudson River.....	1	.46	46%
Middletown.....	1	.69	69%
Marcy.....	1	.58	58%

Thus, Central Islip and Creedmoor obtained 96 per cent of the ration allowance for milk while Hudson River obtained 35 per cent. Again, Central Islip obtained 83 per cent of the ration for eggs while Hudson River obtained 46 per cent. Needless to say, conditions such as these lead to unbalanced and inadequate diets.

The Commission is advised that in the budget for the fiscal year beginning April 1, 1944 an appropriation has been made for food in the sum of \$9,033,333, an increase of approximately 25 per cent over the budget appropriation for food for the twelve months period ending June 30, 1942, even though the number of patients in the hospitals and school is now less than in that fiscal period.

(3) General

The farms operated by the institutions under the control of the Department produce annually products valued at over \$1,000,000, but there is evidence to show that in many respects the farm production is not coordinated to the food needs of the institutions. It is supposed to be the duty of the person in charge of food service in an institution to plan with the farm manager a schedule of production, so that there may be available the right foods at the right time. There is little indication that this is commonly done.

Bread, which forms a considerable part of the diet in the institutions and appears frequently to be substituted for other articles on the menu, is turned out by the bakeries in generous quantity. It looks and tastes good but lacks enrichment. Since it forms such a large part of the diet, its use results in a daily caloric intake for patients which is preponderately carbohydrate and practically vitamin and mineral free. Many states now require by law that all white bread be made of enriched flour and contain at least 3 per cent of dried milk in order to assure higher protein, mineral, and vitamin content, and no lower standard should be maintained in the State mental institutions.

Food waste varies greatly in the institutions. Waste is frequently caused by lack of standardization of portions. Another factor causing waste is the failure to use standard recipes. Accurate measurement of ingredients assures uniformity of quality and cuts down extravagance and wastefulness in compounding diets.

In many of the institutions the kitchens are sadly in need of repairs and repainting. In others of the institutions the kitchens are without screens, with the result that flies are very much in evidence in the food preparation rooms throughout the summer months.

It is probable that for a long time to come most of the work in the kitchens and dining rooms will have to be done by patients acting under the supervision of trained attendants. The use of patients' labor in these capacities is perhaps not desirable, but in view of the shortage of available manpower cannot be avoided. It is a condition which can have bad results or good results, depending upon the adequacy of the supervision. In many respects, the use of patient labor in food preparation has a therapeutic value for the patients who are so employed. However, it is particularly necessary under those conditions to make certain that a careful check be kept on the sanitary facilities in the kitchens. This check has not been kept in the past. It would seem desirable that arrangements be made for a physical examination of every patient working in the kitchens or dining rooms, and that sinks be installed in each of the kitchens in such positions that all patients and employees would be compelled to wash their hands whenever they entered the kitchen. The training of patients and employees too, in rules of good hygiene, is important.

Correction of the physical conditions should be a primary objective in any plan for the repair of the institutions. However, the fundamental problem in this branch of the institutions, as in so many others, has been a failure on the part of the Department in past years to provide an adequate staff of trained personnel at the top to direct the food preparation.

PSYCHIATRIC SOCIAL SERVICE

The logical future trend of the treatment of the mentally ill lies in emphasis on prevention and cure rather than on custodial care. If future needs are to be met, it will require a change not only in method but also in thinking. Attention to the individual patient must be intensified, supplanting mass

methods as far as possible. Institutional care should be less and less necessary as an adequate program of prevention and extramural treatment is developed to augment it. Such a program involves continued psychiatric treatment of the patient and, in order to make it most effective the psychiatrist must know that the effect of his treatment is not nullified by social and economic conditions which prevent the patient's adjustment to life in the community.

To assist the physician in maintaining supervision of the patient in the institution but more particularly in the community, social workers especially trained in psychiatry should be available in sufficient numbers to assure unhurried, thorough assistance to the patient and his family in meeting the problems he faces in adjusting himself to independent living.

Good psychiatric social work is essential to the process of successfully paroling and discharging patients. It is not sufficient merely to treat and train the patient in the hospital. The ultimate objective should be to help him so completely that he can be released from the hospital and stay released. Successful parole or discharge requires consideration not alone of the patient but also of the social and economic environment to which he is returning. Too often on discharge the patient goes back to precisely the same family, business, or neighborhood problems which were responsible for his breakdown.

It is necessary, therefore, before a patient is paroled or discharged that investigation be made of the environment in which he is going to live. The family needs preparation for understanding him, or if he has no family, time must be taken to find a home in which he will be not only tolerated but accepted. Arrangements must be made, if possible, to keep him self-supporting. To parole patients without this kind of planning is to invite trouble rather than to avert it.

In the same way, after the patient is returned to the community, some follow-up is necessary to help him remain adjusted. This follow-up, among other things, makes it possible to detect any recurrence of old symptoms and in many cases enables the social worker to handle some of the more acute problems that arise within the household and so obviate the need for readmitting the patient to the hospital. To parole a patient and then be unable to help him through his emergencies is fair neither to him, the hospital, nor the community. In pre-parole investigation and post-parole follow-up the social worker should be an aid to the physician. She should be his arm reaching out into the community.

Two excellent studies of the adequacy of social service in the State hospitals have been prepared under the auspices of the Temporary Commission on State Hospital Problems. They are:

"Study of Social Service to Parole Patients from Rockland State Hospital" by Edith Holloway, dated July 8, 1942.

"Study of Social Service to State Hospital Patients paroled in New York City" by Sue H. Mason, dated October, 1942.

This Commission has not duplicated these studies. This Commission, however, has acquainted itself in some detail with the social service program of certain hospitals other than those intensively studied by the Temporary Commission and this survey indicates that certain of the conclusions reported in the above named studies are applicable throughout the State.

Miss Mason's study of social service activity with patients paroled into New York City shows that on February 1, 1942, the average case-load per worker was 117.3, while the average number of cases actually dealt with per worker was only 69. A considerable number of paroled patients were receiving no follow-up from social service at all.

A detailed case study of 100 patients on parole from Rockland State Hospital was made by Miss Holloway. She found that of these 100 patients on October 1, 1941, 46 needed chiefly follow-up visits and that only 25 patients or 54 per cent actually received this service. She also found that 50 patients needed additional rehabilitative services but that only 10 patients or 20 per cent actually received the help they needed. In other words, the social service staff has been able to ring the door bells of only about half the group for

whom follow-up might have sufficed and has worked individually with only a fifth of those who, with more personal attention, might have been really helped to stay in the community.

Any reorganization of psychiatric social work in the Department should take into account the following rather obvious necessities:

1. Too large a case-load makes effective work impossible. As of November 1, 1943, the total number of cases assigned to social service in the Department was 14,616. There were on that date positions for 151 social workers of whom 136 were employed and working. This gives a case-load of 97 patients per authorized social worker and a case-load of 108 per social worker employed. Actually the 136 social workers were able to handle only 8,386 cases, or an average of approximately 62 cases per social worker. At a case-load of 60, it would have taken 92 social workers in addition to the 151 to cover adequately the 14,616 assigned cases. This is not the whole story. Of these 14,616 cases only 1,622 were cases living in the institutions. The balance were cases on parole, in family care, and in the community. There are no figures available to show how many patients living in the institutions need social service, but it may fairly be estimated that there are at least 60 potential cases in each 1,500 patients living in the institutions.

Other agencies of the Government have found that a smaller case-load than that in this Department is essential to effective work. For the Division of Parole of the Department of Correction, the law provides, for example, that there shall be one parole officer to each 75 cases. For the Home Relief Division of the Department of Welfare in New York City the case worker averages approximately 65 cases. Much more intensive work is needed from a psychiatric social worker than from either of these other groups and a case-load of more than 60 per worker imposes a responsibility which cannot be met adequately. Steps should be taken to provide at least one psychiatric social worker for every 60 patients on parole, in family care, and for cases referred through the clinics and one psychiatric social worker for each 1,500 patients living in the institutions. At these ratios there are now needed 211 social workers for those on parole, in family care and referred through the clinics and 60 more for patients living in the institutions. In other words, 271 social workers are now needed and positions exist for only 151 and not all of these positions can be filled.

It may be pointed out that if a social worker is responsible merely for keeping five patients out of the hospital for a twelve months' period, she has saved the State the equivalent of her salary. Adequate social service follow-up would be an economy rather than an additional expense.

2. Social workers in the institutions should not be used for functions that do not belong in their field. At the present time the Commission finds psychiatric social workers assigned to all manner of miscellaneous duties. They are taking visitors around the institutions, acting as chauffeur and escort for patients going to and from the hospitals for medical care or for readmission or parole, transporting medical specimens to laboratories, securing autopsy permits, arranging for State burials, disposing of patients' possessions and effects, and making psychometric tests.

3. Under present arrangements social workers supervising paroled patients do this from their respective hospitals regardless of the distance of the hospital from the residence of the patient. Workers from several different hospitals are, therefore, traveling from distant hospitals into the same territory. This is most particularly apparent in New York City. There, social workers from ten State Hospitals converge upon a single small area, traveling distances of from two to eighty miles one way from their several institutions and pursuing one another at times to the same block, even to the same house, to contact their respective patients. Because of sheer lack of organization, a dozen workers have been treading on one another's heels, spending energy and dollars, crossing

and recrossing one another's paths through certain hours of the day, and then scattering to their hospitals at night. In a number of cases at least a third of their time is spent traveling to and from their hospitals. Plans are now being developed by Commissioner MacCurdy to establish a parole centre in New York City which will enable a group of social workers operating from one central location to cover work with patients from ten hospitals around the Metropolitan area. This should permit the social work program to be divided intelligently on geographical lines, but preserving the institution-patient relationship, and at the same time conserving time, funds and energy. A corresponding plan for other districts of the State seems desirable in order to avoid useless travel. If the State is permitting its workers to spend large parts of their day in travel and so paying them merely to keep in motion, valuable opportunities for closer follow-up of patients are being thrown away.

OCCUPATIONAL THERAPY

Occupational therapy is a useful adjunct in psychiatric care both for the custodial and the potentially curable types of patients. For the former, it provides a means of reconciling them to the institutional life; for the latter, it provides a step toward resocialization.

The current budget allows 237 occupational therapists, aids, and instructors for the twenty hospitals in the Department. This is approximately one occupational therapy worker for each 304 patients. Attached to the Commissioner's office there is also a Director of the Bureau of Occupational Therapy and a Supervisor of Physical Training.

The Commission has considered the efficacy of the occupational therapy program as it has been conducted in the past from two standpoints: (1) adequacy of personnel and (2) adequacy of the program.

(1) *Adequacy of Personnel.* It is the estimate of Commissioner MacCurdy that approximately 60 per cent to 70 per cent of the patients in all institutions should have some form of occupational therapy, but that at the present time only one-half of those who should be receiving this training are able to obtain it. To carry out fully an effective program in the institutions would require doubling the number of occupational therapists.

(2) *Adequacy of the Program.* Many of the departments of occupational therapy seem to be well run when looked at as units within themselves. A proper organization of this work, however, would require that it be coordinated directly with the work of the Clinical Director with emphasis placed upon furnishing occupational therapy for more patients and less emphasis upon the nature of the products made by the patients. To treat occupational therapy as a department by itself in the institution disregards the true objective of the program.

Great pride is taken by the occupational therapists in the objects made by patients under their direction. These objects are sold by the hospital and the proceeds used to replace materials needed by the occupational therapy classes. The result seems to have been that not infrequently the occupational therapists have unduly accented the production part of the program at the expense of the therapeutic side. In many instances the occupational therapists have complained to members of the Commission and staff that the parole of patients has deprived them of good workers and therefore, they have not been able to turn out as good products as they had in past years and this despite the fact that the parole of a patient is the true objective at which they should be aiming. The test of an occupational therapy department should not be how many satisfactory articles are made, but rather how many patients have been helped on the road to recovery.

From this standpoint it is unfortunate that the products manufactured by the patients are sold by the hospital. It would seem to be therapeutically more desirable if the products made by them were to become their own property and if the proceeds from their sale were to go to those patients who made them or if, on the other hand, the objects were given to their relatives or friends. This would create a stimulus for activity which cannot be obtained

when the products are sold for the general benefit of an occupational therapy fund.

Another way of disposing of the products of occupational therapy would be to utilize them in brightening up the appearance of the wards. In a few instances patients have been given the opportunity to make articles such as window hangings and furniture covers for their own quarters. Their interest in so doing has been notable and their pride in having something tangible to which they have contributed their effort and skill is manifest.

A proper coordination of the work of the occupational therapists with that of the psychiatric physician would also require that the occupational therapy department follow up the cases of the patients who work in the hospital. Patients who work in kitchens or dining rooms in the institution can be considered either as doing necessary labor or as engaged in a program of vocational readjustment. Too often the latter aspect of this work is ignored. Again, the necessity is apparent of regarding the institution as a whole rather than as composed of different segments and departments.

SUMMARY

The conclusion is inescapable from any survey of this Department that the professional care of the patients has failed for years to come up to the standard that properly could be expected of it. Lethargic administration of the Department over the years has deadened initiative and created an inertia which it is hard to overcome in the present days of shortage of manpower.

The recommendations made in this Chapter and in Chapters VIII and IX of this Report would in the opinion of the Commission do much to correct the conditions which have been allowed to develop in this Department.

CHAPTER II

THE STATE SCHOOLS AND CRAIG COLONY

THE STATE SCHOOLS

Under control of the Department there are five schools for mental defectives, the Syracuse State School established in 1851; Newark in 1878; Rome, 1894; Letchworth Village, 1911; and Wassaic, 1930. A new school, Willowbrook, located on Staten Island was completed but not occupied before it was turned over in 1942 to the United States Army.

The State schools show a greater degree of overcrowding than do the State hospitals, 20 per cent against 15 per cent. The figures, however, do not graphically present conditions as observed by actual inspection. To give only one example, at Letchworth Village space intended for treatment rooms was utilized as a ward for infants with thirty-two children in sixteen cribs, so crowded together that it was barely possible for the nurse to pass between them.

There are certain similarities between a State mental hospital and a school for mental defectives. Each has the function of custodial care and the responsibility of rehabilitation whenever possible of such of its patients as can maintain themselves as members of society.

On the other hand, there are marked differences. The patient with mental illness may be cured of his affliction; the one who is mentally defective can only be encouraged to make such effort as is within his mental capacity. The treatment of the one is primarily medical and psychiatric; of the other, training as far as his mentality will permit.

Two general classes of patients are found in the schools; those who are of sufficient intelligence to profit by instruction to a point where they can manage for themselves and those of such varying low grades of mentality that they must be cared for as long as they live. Custodial care is thus, relatively, a more acceptable objective in a school for the mentally defective than in a hospital for the mentally ill.

The following table gives a general picture of the distribution of various types of mental defectives under care in these institutions during the fiscal year ended June 30, 1942.

STATE SCHOOLS FOR MENTAL DEFECTIVES
STATISTICS FOR FISCAL YEAR ENDING JUNE 30, 1942

SCHOOL	Total number under care	Number on parole	Number in colonies	Number in family care	Number in colonies, and family care	Number of patients in institutions	Per cent on parole, in colonies, and family care	GRADES OF DEFECTIVES				
								Number of idiots	Number of imbeciles	Number of morons	Not mentally defective and unascertained	Per cent of high grades on parole
Letchworth Village...	4,701	519	.....	207	726	3,975	15	708	2,149	1,474	370	22
Newark.....	3,178	546	182	225	953	2,225	30	419	1,260	1,291	208	24
Rome.....	3,950	412	965	...	1,377	2,573	35	483	1,751	1,700	16	18
Syracuse.....	1,350	386	388	...	774	576	57	10	96	1,244	...	30
Wassaic.....	4,965	373	25	166	564	4,401	11	713	2,090	1,780	382	13
Total.....	18,144	2,236	1,560	598	4,394	13,750	24	2,333	7,346	7,489	976	20

(a) Education in the State Schools

Since the mentally defective, even those of the highest grades, are capable only of limited academic attainment, their training requires teachers with specialized preparation. High grade defectives, given what academic education they can absorb, together with graded vocational training, can be made self-supporting.

For the lower grades of mental defectives, i.e., idiots and low grade imbeciles, continued custodial care is necessary. Those at the lower end of the scale are practically without mentality, helpless, and unteachable. Those with some glimmer of intelligence can, with habit training, become less burdensome and may be able to learn simple exercises such as music-rhythm, or if possessed of a somewhat more advanced intelligence, can do handiwork of varying quality.

When the Syracuse State School was opened, its purpose was to receive only teachable children of school age. Newark State School was designed for feeble-minded girls. Rome State School was established as a purely custodial institution and was first known as "The Rome State Custodial Asylum." Likewise, Letchworth Village which was opened in 1911, was established as "The Eastern New York Custodial Asylum."

Although the original intention was obviously to segregate the teachable mental defectives from those requiring only custodial care, today both teachable and custodial cases are found in all of the State schools. If it is desirable, as an educational policy, to segregate retarded children in special classes in the public schools, the question naturally arises whether the teachable mental defectives should not be placed in separate schools and removed from contact with the low grade imbeciles and idiots.

This Commission is of the opinion that teachable mentally defective children capable of rehabilitation should be segregated in separate schools in which the primary function is education and training rather than medical and psychiatric care. Patients sent to custodial institutions who are later found to be teachable and potentially able to return to community life should be transferred to schools specializing in education and rehabilitation for self-support. This was the original policy of the State.

In order to insure the most effective use of educational methods there should be on the Commissioner's staff an experienced educator who has specialized in the field of training of the mentally defective. It would be his function to coordinate and supervise the program of education in the State schools and advise the Commissioner regarding policies and methods relating to such program.

(b) Provision for Mentally Defective Infants

More adequate provision should also be made for mentally defective infants in certain of the State schools. While an opinion of the Attorney General can be construed to mean that the State does not assume responsibility for mental defectives under the age of five years, as a practical matter the responsibility has been assumed but without corresponding accommodations being made available. A mentally defective child under five, particularly if of low grade, can be harmful to and disruptive of normal family life and it is to the interest of the State, as well as to the family, to have such a child cared for in a suitable institution. If they are to be accepted however, adequate facilities must be provided for them.

(c) Colonies of the State Schools

By a colony is meant a relatively small supervised unit detached from but under control and direction of a parent institution. The colony serves two purposes: (1) a means of transition from institutional life to life in the community, and (2) a place for a modified type of custodial care for patients who, although able to adjust themselves with help to a semi-independent life, are incapable of living "on their own" in the community. The colony system has been highly successful as operated by three of the State schools.

The following table shows the number of colonies of the State schools and the distances from their parent institutions:

	100-200 miles	50-100 miles	20-50 miles	15-20 miles	10-15 miles	Under 10 miles	Total colonies
Letchworth Village.	.	.	..	.	..	..	0
Wassaic.....	..	1	..	..	..	.	1
Newark.....	.	1	2	..	..	4	7
Syracuse.....	..	.	..	..	..	16	16
Rome.....	2	1	2	1	2	26	34
Total.....	2	3	4	1	2	46	58

Nineteen colonies are owned by the State, while 39 are rented. They are located from the Hudson River to Lake Erie.

From the foregoing table it is to be noted that of the 58 colonies, 9 are 20 miles or more from the parent school, one being 200 miles from the parent school. Such distant units are difficult to supervise and expensive to operate. They have been established over the years without sufficient thought being given to proper location. The present Commissioner has already started a plan for the relocation of distant colonies by transferring a colony of the Rome State School located in Syracuse to the nearby Syracuse State School. For effective control and adequate supervision, colonies should be located generally within a convenient radius of the schools to which they are attached. Distant colonies now operated should be relocated on sites within a short distance of parent institutions.

Some of the buildings housing colonies, particularly rented structures, are not adapted to their use. For instance the Commission found one rented building in Syracuse occupied by a work colony of eighteen girls with a single bathroom and so overcrowded that three girls were sleeping in an unfinished attic. The colony system is of such value that the State should provide suitable quarters for the colony units. They should be such as to inspire a feeling of pride on the part of the children and to attract the best type of supervisors.

There are two types of colonies in the State schools: (1) school colonies and (2) work colonies. The former are for patients receiving instruction, usually the younger children, and for those able to live custodial lives but unable to progress to work colonies. The latter are for patients who show sufficient aptitude to give promise of ability to care for themselves after a period of supervised work and communal life.

Boys in the work colonies are usually sent out to be employed on neighboring farms while girls are sent to nearby homes for domestic service during the day, returning at night to the colonies. Funds earned by these children are placed in a colony account and are used with the approval of the Commissioner for the expenses of the colonies and school. The children receive weekly allowances and at one school personal savings accounts are added to monthly. As the earnings of the children are really a credit against a charge for maintenance, it is felt that the best interests of the State would be served by indicating this connection through a personal account for each child.

As the work colonies are self-supporting to a large extent and as overcrowding in the schools, especially at Letchworth Village, can be partly overcome by an extension of the colony system, such an extension should be planned wherever possible.

CRAIG COLONY FOR EPILEPTICS

This institution was opened in January 1896 for the care of epileptics. The purpose of the institution is "to secure the humane, curative, scientific, and economical care and treatment of epileptics, exclusive of insane epileptics" (Mental Hygiene Law, Sec. 150). Epileptics who are mentally incompetent but not insane are admitted to the institution. The provisions for commitment of incompetent epileptics are similar to those provided for the commitment of patients to State school or hospitals. Of 166 patients admitted during the last fiscal period, 131 were mentally incompetent, i.e., morons, imbeciles, or idiots.

During the fiscal year ending March 31, 1943 the average daily population, excluding parolees, was 2,303. The certified capacity of the institution is 1,990. The percentage of overcrowding on October 1, 1943 was 11.6 per cent. The institution covers 2,108.5 acres and represents a capital investment by the State of \$4,389,199.14. A farm is maintained at the institution which has a dairy herd of 102 cows; farm products were raised in the last fiscal period to a total value of \$97,049.46. The budget for the last fiscal period (nine months ending March 31, 1943) was \$737,475.95.

The shortage of employees in this institution is one of the worst in the Department. As of October 1, 1943, this shortage was 32.7 per cent of the total positions allowed for this institution.

This institution seems to have been divided by its previous Superintendent into two classifications, one group for the care and treatment of patients of approximate normal mentality and the other for the care and treatment of those whose mental incompetency was marked. For those in the first group the care and treatment seemed to be up to the standard maintained in other institutions. The patients live in cottages or houses which are clean and well cared for. They are allowed the freedom of the grounds; athletic and recreational facilities are provided. A school is maintained for children, attended by one hundred sixteen pupils and staffed by eight teachers assigned from the State Teachers College at Geneseo. Occupational therapy classes are also conducted.

When we turn to the care of the other group of patients, the deteriorated, conditions were found to have existed over the last five or six years that beggar description. A visit to the Onondaga Building and the Schuyler Building, where these patients are housed, revealed conditions not duplicated in any other institution in the Department.

The Schuyler Building was designed to house two hundred women. Over three hundred women have been crowded in there, all epileptics and all mentally incompetent. This building has a dormitory lined with beds and a Day-Room where the patients can spend their daytime hours. Patients are not allowed in the dormitory during the daytime unless they are bed-ridden. The Day-Room has only a few benches or chairs in it, so that for the majority of the three hundred women crowded in this building there is no place to sit during the daytime hours except on the floor. Women walk around and sit on the floor of the room during the day in various states of undress. Since there are only two hundred beds in the building and since there are over three hundred women housed there, it has been necessary to provide sleeping accommodations for the balance by laying over one hundred mattresses directly on the floor of the Day-Room when evening comes, and on these mattresses, laid side by side throughout the length and breadth of the room, one-third of the women spend their nights.

In the similar building for men, the so-called Onondaga Cottage, similar conditions exist. In this building over sixty men sleep each night on mattresses laid on the floor of the Day-Room. In this room itself, in daylight hours, nearly two hundred patients walk up and down with no place for most of them to sit except on the floor and nothing to keep them in the least occupied. In a corner closet are piled sixty mattresses foul with the smell of urine, waiting to be laid out in rows on the floor of the Day-Room when evening comes. In this building young boys are herded together with middle-aged and old men, all of them mental incompetents and some admittedly sexual perverts. Also it has been the practice of the institution occasionally to place other patients in this crowded room, not because of their degree of mental incompetency, but to punish them for disobedience or for attempting to run away from the institution.

The contrast between these crowded buildings and the cow barn, where the dairy herd of the institution is kept, is marked. The cows are kept in clean spacious quarters, well provided with fodder, while certain of the wards of the State in this institution have lived and slept under conditions which members of the Commission felt could never have existed in a civilized community.

This is no new condition. It was admitted by the physician in charge that the same conditions have existed in these buildings for at least six

or seven years and possibly for ten years. The present shortage of attendants has made the condition more critical but essentially conditions are the same in these buildings as they have been for a number of years. There has been no adequate explanation given as to why such conditions should have been allowed to exist either by the institution or the Department of Mental Hygiene over such a period of time. That they were allowed to exist seems to have been the result of:

(a) Inertia of the Management of the Institution

Other buildings in this institution have not been filled to capacity. One building, designed to house sixty patients, was completely empty for over a year. Some remodelling of the buildings and a shift of patients and personnel would have helped to some degree to correct the conditions which have been allowed to exist with reference to the deteriorated patients. Commissioner MacCurdy, upon his first visit to the institution, ordered immediate plans to be drawn up to this end so that the present facilities of the institution can be used to their best advantage. Some such steps could have been taken long ago by a vigorous administration of the colony.

(b) Lack of Attention by the Department to the Needs of the Institution

Proper inspection of the institution in the past would have revealed the conditions which this Commission finds to have existed over a number of years, and proper allocation of funds by the Department would have provided for the building or reconstruction of a building in the colony in such a way as to bring the standard of care for these patients up to at least that given patients in other institutions of the Department. The Acting Superintendent, who succeeded the former Superintendent who retired on October 1, 1943 after thirty-five years' service as Superintendent, stated, and the Commission thinks with justice, that the institution has been treated as a "step-child" of the Department for years past.

CHAPTER III

EDUCATION AND RESEARCH

The study of mental disease in all its aspects holds out a prospect for progress in medical science. Psychiatry must be dynamic, always seeking for causes, trying new methods, and alert to opportunities to spread knowledge. It is only in an atmosphere where teaching and learning flourish that the patient stands the best chance for recovery. The State hospital system offers a vast field of opportunity for education, a field that has been neglected to the detriment of patients, physicians, and the public alike. Nothing would contribute more to improved care than the creation of an atmosphere of education and research throughout the whole system. If well trained, imaginative, and intellectually active workers are needed, there is no better place to train them than in the State hospital system. That it has not been done to the extent possible does not mean that it cannot be done. What is needed is leadership and opportunity.

MEDICAL EDUCATION

The opportunity of the mental institutions for medical education should be utilized both for undergraduate and graduate instruction. One of the essential factors in reducing the incidence of mental disorders is the early diagnosis and treatment of conditions which, if detected before they progress to serious stages, require no long period of hospitalization. The average medical practitioner has had little opportunity to learn even the elements of psychiatry. Courses in medical schools are usually sketchy and contact with patients afflicted with mental disorders is very limited. If good clinical work is to be done in the mental hospitals, the medical schools throughout

the State in cooperation with these hospitals, should develop valuable courses of practical instruction in psychiatry for their students, providing not just casual "look—see" visits but actual experience with patients, the basis of all sound clinical training. Medical students would actually work in the wards, the laboratories, and the libraries. Thus, when the student becomes a practitioner he would have at least a groundwork of knowledge which would enable him more adequately to manage his patients who exhibit signs of mental breakdown.

Practically in all cases, before a medical graduate goes into independent practice or begins his preparation for a specialty, he serves a period of internship in a hospital. With the vast wealth of clinical material, with an expanded program of sound clinical teaching, and with the provision of adequate laboratory and research facilities, the State hospitals should be able to offer the most attractive opportunities for internship that the medical graduate could possibly find. The advantage to the hospital in being able to secure the best product of the medical schools ought to be perfectly obvious. Opportunity for training in many branches of medicine can be offered, certainly in psychiatry but equally so in various specialties of medicine and surgery. Thus, the State would contribute to the better professional equipment of many physicians who would practice within its borders, some of whom would be attracted to the medical service of the hospitals in which they had trained.

However, in the education of physicians the State hospitals should not attempt to be self-sufficient. The medical staffs of the best general hospitals in the State are made up of outstanding practicing physicians who serve the poor without pay and whose chief compensation comes from association with others of their kind in a common effort constantly to extend the limits of scientific medicine. Visiting medical staffs similar to those of general hospitals should be assembled to serve the mental hospitals. This recommendation has been discussed in the chapter on Professional Care of Patients. Such visiting staffs would, as in the general hospitals, be teachers of the resident staff and help create an atmosphere of scientific medicine in which the entire staff would be inspired to do better work.

The interest in the advancement of medical science of a hospital medical staff embraces so many intangibles that it is difficult to appraise such interest, either quantitatively or qualitatively. A number of years ago, however, in searching for a measure which would be indicative of such interest, Dr. Henry Christian, then Professor of Medicine in the School of Medicine of Harvard University, proposed that the percentage of autopsies, more than any other one thing could be used as an index of the scientific interest of a hospital medical staff. The American Medical Association has adopted such an index and has set a minimum percentage of .15 of autopsies for any hospital before it could be approved as a place for the training of internes.

For the year 1942 the American Medical Association reports for hospitals approved for internships and residencies an autopsy rate of 35.2 per cent while for registered hospitals not approved the autopsy rate is only 11.3. There were, in the same year, twenty-one hospitals with autopsy percentages of .70 or over.¹

During the fiscal year ending June 30, 1942, there were 6,663 deaths of patients in the State hospitals with 1,851 autopsies or a percentage of 27.8 of autopsies. In the previous fiscal year there were 6,693 deaths with 1,877 autopsies or a percentage of autopsies of 28. In the 1942 year, the percentage of autopsies in the different hospitals varied from a low of 7.7 to a high of 48.3.

Since the percentage of autopsies is considered so important as an index of its scientific and teaching standards, a hospital should make every effort to utilize every death as a means of adding to medical knowledge. Both from the standpoint of the interest of the staff itself and from that of attracting the best type of young medical graduate, a hospital should strive constantly to improve its record in the percentage of autopsies performed. An average percentage of 50 is easily within the reach of the State mental hospitals and a goal of 75 per cent is not too high to expect to attain.

¹ Journal of the American Medical Association, March 27, 1943.

Laboratory facilities for research with adequate personnel are lacking in all of the State mental hospitals. Pathologists where they are present have usually had their training almost entirely within the State system and lack a diversified background of scientific training.

To combat ingrowing tendencies each institution should have a travel-study fund to enable members of the medical staff to attend important professional meetings and to visit centers where noteworthy medical work is being done, in order to study new methods which may be of interest and use in their own institutions.

PSYCHIATRIC INSTITUTE AND HOSPITAL

The State Psychiatric Institute, which was first known as the Pathological Institute, was established by the State Commission in Lunacy in 1895 and was located at No. 1 Madison Avenue, New York City. In 1901, the Institute was moved to Ward's Island. The cornerstone of the present building, housing the Psychiatric Institute, was laid December 17, 1927, and the building was formally dedicated December 3, 1929. This institution was specifically designed and equipped for the following purposes:

(1) To conduct special experimental and clinical investigations into the causes and treatment of mental disorders.

(2) To provide facilities for teaching psychiatry to medical students.

(3) To organize and present courses of postgraduate instruction to physicians in psychiatry and allied subjects, especially physicians connected with State institutions under the supervision of the Department of Mental Hygiene.

The Institute does not operate as a general reception or observation hospital and does not specialize in the emergency care of mental disorders.

This institution is well equipped and well staffed. At the close of the last fiscal year it had fifteen physicians and sixty-seven graduate nurses on its staff with a total personnel of two hundred and forty-two officers and employees. There were one hundred and fifty-five patients in the hospital at the end of the fiscal year. The State expended for the maintenance and operation of the institution during the nine months' period ending March 31, 1943, the sum of \$417,083.06.

It is difficult, of course, to appraise the value and adequacy of scientific research such as has been conducted at the institute but many excellent papers have come from work done by the Institute.² However, the Commission was struck by the lack of coordinated research at the Institute. While it is obvious that members of the staff of the Institute should be given an opportunity to do individual work in fields in which they are particularly interested, it would also seem desirable that there should be in progress one or two large coordinated investigations in some field of mental illness, including its related subjects, which would represent contributions from all members of the Institute's staff. In such studies the Director should play an active directing part.

While the first two purposes for which the Institute was organized seem to have been fulfilled in part at least, the third purpose seems never to have been carried into effect, except to a very limited extent. Physicians connected with the State hospitals have not had the postgraduate instruction or stimulus from the Institute which it properly could have provided. This has been partly the fault of the Institute and partly the fault of previous Commissioners of Mental Hygiene who failed so to coordinate the work of the Department as to make the Institute a dynamic teaching and research center for the institutions within the Department. The Institute has been run as a separate institution devoted to its own research and the teaching of medical students and has not been closely coordinated with either the work or the staff of the State hospitals. As a result, the State hospitals generally

² Summaries of research work done at the Institute from 1930 to date have appeared in the Psychiatric Quarterly Supplement published by the Department in the issues of April 1940 and January 1943.

have a feeling that the Institute is separate and apart from them and not conversant with their problems and of little help in meeting them. This fact is recognized and regretted by the Director and the staff of the Institute. The Director has in the past tried to develop a program which would integrate generally the research and teaching of the Institute with that of the State hospitals but states that he has received no active support from previous Commissioners and many of the Superintendents.

To get full value for the Department from the Institute, the Institute should be not merely a separate research and teaching organization but also a research and teaching organization for the hospitals in the entire system. It should bear the same relationship to the hospitals that the General Staff School bears to the various units in the army during peace time. Its staff should not operate in cloistered seclusion but its influence should spread into the State hospitals and draw new personnel from them. While war conditions and shortage of personnel make impracticable any decided changes in policy at the present time, it is believed that a constructive program could be instituted by the Department which would bring about such changes as soon as conditions return to normal. With such objectives in mind it is recommended, when conditions do return to normal, that the Department and the Institute work out a program of coordinated liaison in the following manner:

- (1) Members of the staff of the Institute should be sent for periods of time to various State hospitals to give lectures, demonstrations, and instruction in advanced methods of treatment and diagnosis to the medical staff. The teaching program of the Institute would in this way be carried to the hospitals. There should be no reason for some State hospitals to state, as they do at present, that there is no member on their staff who has been thoroughly instructed in shock therapy or other advanced methods of treatment of the mentally ill.

- (2) Arrangements should be made whereby younger physicians on the staff of the State hospitals would receive an opportunity from time to time to take a period for advanced study or do specialized research work at the Institute as members of its staff and without any loss of salary or seniority in their own institutions. Prior to the war, inter-hospital conferences with certain physicians from the upstate and downstate hospitals were held at periodic intervals but these conferences failed to meet the real needs of the situation for they were more in the nature of "refresher" courses than an opportunity for postgraduate study and research. It hardly needs to be pointed out that if younger physicians in the State hospitals had the opportunity during their career for a period of postgraduate research and study, it would provide a stimulus to more advanced thinking and therapies, the result of which would be incalculable to the State hospitals. At the present time, it is all too easy for a young physician in a State hospital to let his professional imagination grow dulled with the passage of years, his interest in research become stagnant, and to consider that which has been done in the past as sufficient for the present and the future. If the Institute were to afford to the more promising younger physicians from the State hospital system an opportunity for a period of residence and postgraduate work at the Institute, it would provide a ferment for the entire system.

- (3) At the present time, some research is done at the various State hospitals by members of their staffs. There is, however, a real need for some leadership, guidance, and coordination of this research. While the work would be done in the separate hospitals, the leadership, guidance, and coordination should come from the Institute and its Director.

In other words, the Institute should be an integral part of the State hospital system providing a dynamic stimulus to teaching, research, and modern methods of therapy in each of the State hospitals. Only to the extent that the Institute raises the standard of the system on the whole is it meeting the purpose for which it was organized. This purpose it is not meeting now and this fact has been recognized over the years past by the Director of the

Institute and many of the physicians in the State hospitals. Failure to accomplish this purpose has not been the fault of the Institute nor of the physicians in the hospital system but rather a lack of leadership and imagination in the Department.

SYRACUSE PSYCHOPATHIC HOSPITAL

This hospital was established as the State Psychopathic Hospital at Syracuse University by Chapter 346 of the Laws of 1926. It was opened on December 26, 1930. By Chapter 295 of the Laws of 1930, it was provided that this hospital shall be under the "supervision, direction, and control of the Commissioner (of Mental Hygiene), and, subject to legislative appropriations, it shall be maintained as a part of the institutional system of the Department of Mental Hygiene."

In 1935 it was provided by law that—

The methods of procedure for the conduct of State hospitals and State psychopathic hospitals, including the admission, discharge, parole, and transfer of patients, provided in this chapter, shall apply to Syracuse Psychopathic Hospital, but the Commissioner is authorized to establish such additional rules and regulations for the conduct of the hospital as he shall deem reasonable and necessary; . . .

No additional rules or regulations for the conduct of the hospital have been promulgated by any Commissioner.

This hospital has a rated capacity of sixty; it has accommodations for sixty-six patients. For the fiscal year ending March 31, 1943 it had a staff consisting of three physicians, forty-three ward employees (of whom fourteen were graduate nurses), and twenty-one other officers and employees. During this past fiscal year there was a daily average population at the hospital of only 35.62 patients. In the previous fiscal year the average daily population was 52.11 patients.

The average daily population for these two years, as compared with the staff, was as follows:

Fiscal year	Average daily population of patients	Average number of staff
1942.....	52.11	67 (as at June 30/42)
1943.....	35.62	78 (as at March 31/43)

The ratio of employees to patients in the other State hospitals for these years was one employee for 4.86 patients in 1942, and one employee for 5.5 patients in 1943.

The average per capita cost of the care of the patients in other State hospitals for the fiscal year ending June 30, 1942 was \$401.46. At Syracuse Psychopathic Hospital this average per capita cost was \$2,780.11 for the fiscal year ending June 30, 1942 and \$2,753.17 for the nine month fiscal period ending March 31, 1943 which, if computed on a twelve month period, would amount to \$3,670.89 or at the rate of \$10 a day per patient. The total amount spent by the State for this institution in this nine month fiscal period was \$98,067.91.

These figures raise an immediate question as to whether the services rendered to the hospital system at this institution warrant these over-all expenditures. There are three needs which it might be assumed could be met by an institution such as this: (1) It could render a specialized type of service not available generally in the State hospitals; (2) it could be a research institution; or (3) it could be a teaching institution. None of these needs is met, however, by this institution as it has been run since its opening.

The Superintendent frankly admitted that there is no service rendered to patients at this institution which is not available at the State Hospitals. The average stay of a patient at the institution is twenty-eight days. If he cannot be discharged within this twenty-eight day period, he is ordinarily transferred by commitment to a State Hospital. In the fiscal year ending March 31, 1943,

of the 416 patients discharged, the discharge of 170 was merely a commitment to a State hospital. Of the so-called recovered cases during that year 65 per cent were alcoholics. This institution has been operated as a reception hospital similar to psychopathic reception hospitals, which in other large cities are maintained at city or county expense, while this one is maintained at the expense of the State.

The Superintendent also admitted frankly that the institution is not a research institution and that no research is done there that is different from the type done at any other State hospital.

The Superintendent of the Institution is on the staff of the Syracuse University Medical School. He receives \$8,500 a year from the State for acting as Superintendent of the Psychopathic Hospital and \$2,000 a year additional from the Syracuse University Medical School for teaching. He stated that he spends approximately one-third of his time in connection with his teaching work at the Medical School. He stated that the other two physicians on his regular staff did not teach at the University. The students at the Medical School visit the institution and get clinical experience with the patients. However, it may be pointed out that any teaching institution in psychiatry which has to justify its existence should have some knowledge of the methods and procedure of shock therapy. It is a striking commentary on this institution that at no time during its existence has it ever employed shock therapy. Students at the Medical School, in order to learn about shock therapy, find it necessary to go to Marcy State Hospital rather than to get their instruction at the Syracuse Psychopathic Hospital. At no time has the Superintendent had any of his staff take instruction in shock therapy.

A striking commentary on the operation of this hospital is that in the past year the Superintendent closed two of the six wards justifying this on the ground of "shortage of ward employees." As a result, numerous patients who could have been kept and treated in this hospital have been shipped out to Willard State Hospital, Marcy State Hospital, and Utica State Hospital, where the shortage of employees and inadequacy of accommodations are much more acute than at this institution.

As at present operated there is no excuse for this institution. The State is neither justified in spending almost \$150,000 a year merely to provide teaching facilities in psychiatry for the students at Syracuse University Medical School, and inadequate and outmoded facilities at that, nor is the State justified in spending this amount for a mere reception hospital in Syracuse.

It may be that with an able imaginative Superintendent the institution could be transformed to the full extent of its facilities into a hospital for the specialized treatment of certain types of mental illness and thereby justify its existence both as a hospital and a teaching institution. To accomplish any such transformation in its functions would need a change in point of view in administration of the institution. It cannot justify its existence merely by acting as a reception center.

NURSING EDUCATION

Nursing schools have been conducted in some of the Department institutions since 1891. The number of such schools has increased from time to time until today there are eighteen accredited schools in the Department offering a three year course. Thirteen of these schools and two of the institutions which do not conduct the full course have been approved for affiliation with general hospital schools, whereby students from the latter are received for three months' instruction in psychiatric nursing.

The primary purpose in establishing nursing schools in these institutions was probably the preparation of graduates who would be qualified for and interested in continued employment in them; in other words, the schools were expected to be a source of supply of graduate nurse personnel. Other motives may have had a part, as illustrated by the statement of one hospital Superintendent that, "We ought to have a nursing school here because we have an excellent clinical situation for a school and because students are always available to fill in for night duty or other special needs when you can't get a graduate." Others maintain that student nurses are a wholesome stimulation

to the medical and graduate nurse staffs in keeping "on their toes" professionally. It is generally agreed that more nurses need to know more about the mental care of every patient in or out of hospitals.

Whatever the purposes may have been, the results have not been entirely a matter for pride. The existing schools as a group do not compare favorably with the other accredited schools in the State. Their faculties are less in number and in preparation than those of other schools; the teaching equipment (laboratories, libraries, etc.) is below average; they have a comparatively poor record in the State licensing examinations;³ in spite of high student stipends they have not been able to enroll the desired number of students; their better graduates in recent years have sought employment elsewhere.

The Utica State Hospital students receive instruction during the preclinical term in a central school conducted cooperatively by several schools in that locality; hence these students are taught this part of the curriculum by well prepared nurse instructors. In all other Department schools the preclinical teaching is done entirely in the home school. In some schools all of the teaching of regular and affiliating students and attendants is done by the principal and her assistants with such help as is available from staff doctors, pharmacists, laboratory technicians, and dietitians. In the majority of the schools one or more supervisors or charge nurses are "detailed" to teaching full or part time, thus lessening the amount of supervision on the wards. The nurses so "detailed" are for the most part not prepared to teach but are selected for their interest and willingness to cooperate in this phase of the program.

The following table shows the academic preparation of the nurses who gave the preclinical teaching in these schools (except Utica) last year:

		Less than 4 years'	H. S. Grad.	College	Bachelor's	Master's
	Positions filled	High School	No college	No degree	degree	degree
Principals.....	17	2	4	8	3	0
Assistant principals	15	4	0	9	2	0
Instructors.....	19	2	4	6	6	1

Dietetics courses were taught in 1942-43 by graduate dietitian instructors in not more than six of the schools, in at least nine by graduates of two year home economics courses not designed to prepare hospital dietitians, and in at least one by a nurse without special preparation in dietetics.

The ward teaching which is an essential part of the clinical curriculum is done by the supervisors and head nurses. The educational background of these groups was analyzed in three schools having a total of one hundred forty-eight nurses in such posts. Fifty-eight were high school graduates, twenty-nine had had some high school work, and sixty-one had no high school record. None had had as much as a year of college work. Nine had had their nursing course in a general hospital school while one hundred and thirty-nine were graduates of schools in psychiatric hospitals, the majority from the same hospital in which they are now employed.

The "bricks without straw" demand upon these schools to educate students without educators goes further in expecting them to accomplish this end without tools in the shape of adequate teaching laboratories or libraries. In this respect the Utica School is an exception because it benefits by its participation in the central school. Of the remaining thirteen schools visited, four are still without adequate nursing arts' laboratories; seven have no science laboratory (for teaching anatomy, microbiology and chemistry); three have inadequate and three fairly satisfactory science laboratories. In two there is

	Department Mental Hygiene Schools	All other schools
New Candidates	1,404	16,959
Failures	224	2,030
Percent of Failures.....	16	12

Failures of the Mental Hygiene Department Schools were one-third higher than the average for other schools.

³ Results of State Board Examinations 1935-42 inclusive

no dietetic laboratory while in each of the other eleven there is a fairly adequate one. Each school has at least one satisfactory lecture room but the libraries are for the most part rather meagre in content and not well housed; in three schools the books are kept in an office as there is no separate library room.

Prior to the war there had been for some years a tendency away from the paying of student stipends among independent nursing schools. While the value of students' services to the hospitals in which they practiced was still recognized, the costs of teachers' salaries, teaching equipment, etc., made the conduct of a good school increasingly expensive. The majority of schools, therefore, in recent years have either considered the education given as compensation for the service received or have charged a fee to cover the added cost to the school. The Department has continued to consider students as civil service employees and to pay a monthly stipend for the twenty-four months each student spends in the institution. It might have been expected that many candidates would to be drawn to these schools because of this economic advantage, but even this failed to attract the number of students desired. In October 1943, the eighteen Department schools had a total enrollment of six hundred and nine students, an average of thirty-four per school, while the average enrollment in the one hundred and three other accredited schools in the State was one hundred and thirteen. Total admissions to nursing schools in the State were higher this fall than ever before, yet the Department schools admitted fewer than for several years past. In fact, the sum of their admissions was one hundred and eighty-one which, had they been evenly distributed, would have been ten students per school.

The increasing difficulty which these schools are having in attracting desirable students has a number of causes. Candidates for admission to nursing schools are being given more guidance generally in the selection of a school. They are learning, more of them each year, to inquire into such pertinent factors as number and qualifications of the teaching faculty, the kinds and amount of clinical experience offered, the teaching equipment, residence conditions, social opportunities, vacations, ward duty hours, etc. The unfavorable comparison they find between these and other schools in respect to teaching faculty and equipment has already been discussed.

Such a person as a social or health director is quite unknown in these schools. Some of the institutions have requested and obtained one or two housekeeper items for the women students' residence, thus making possible the presence of a mature woman in the building for either eight or sixteen hours a day. Some have not provided even this much supervision but expect the overburdened principal and assistant principal to function also as residence, social, and health directors. For example, in one place where there is just one housekeeper from 7:30 A.M. to 4:00 P.M. six days a week, the principal and assistant are required by the administration to remain in the residence continuously over alternating weekends although they both reside outside of the institution. Furthermore, these two with some assistance from supervisors and head nurses have to alternate for week-day evenings and to cover for the housekeeper during the latter's absence for vacation, illness, or other cause. Students also are often required to answer door bells and telephone during the evening hours.

Colleges, well conducted nursing schools, and other organizations where young students are in residence have long considered supervisory personnel essential to maintenance of health and morale and to the cultivation of desirable living habits among students. Men students as well as women need and deserve such supervision.

An insufficient regard for the health of students is manifested in their civil service classifications which restrict vacations to two weeks and illness allowance to twelve days a year. This is an important reason why students should be removed from civil service. This listing which should protect them from excessive duty hours is in at least one situation, having just the opposite effect. Here officers of the institution make frequent demands for so called emergency night nursing by students who have been on day duty the preceding day, that is, they are commonly requiring a student to work two eight hour periods in the same day. In this connection attention is called to the fact that practically all student nurses are in their late teens or early twenties, the age group most susceptible to tuberculosis.

Because the great number and variety of psychiatric cases treated in the State mental hospitals make them the best clinical field available for psychiatric nursing experience, schools in general hospitals which have no psychiatric division send their students to the State mental hospitals for a three month period of instruction and experience in this field. The number sent has increased every year as more and more schools have come to regard such training as essential for every nurse and as the general hospital schools have increased their own enrollment. Last year 1,502 affiliated students spent three months in the fifteen Department hospitals approved for this course. In the light of these facts, the very small number of nurses who have had this affiliation and who are interested in returning to these institutions for employment after graduation is striking. A study of three institutions with a total of 206 employed graduate nurses showed that only fourteen were from general hospitals while 192 were from schools located in mental hospitals. Even before the war every one of the Department hospitals had places for graduate nurses either vacant or filled by attendants because registered nurses were not available.

It seems fair to predict that competition in securing both students and graduates will be no less keen following the war than now as candidates become increasingly informed and more opportunities for graduates are opened.

An attempt to bring the eighteen existing Department schools up to a good standard would be wasteful and ineffective because the number of qualified teachers and the amount of equipment needed for eighteen schools would be expensive and, at least during the war and the immediate postwar period, quite unprocurable. Centralization of pre-clinical education for economy and efficiency seems both desirable and practicable.

It is the opinion of this Commission that a single centralized school should be set up under control of the Nursing Division of the Commissioner's office. The existing schools would then become clinical teaching units of the central school to which students would be assigned for their practical ward work after completing their preliminary pre-clinical courses. For the pre-clinical teaching it would probably be advisable to establish two or more regional teaching centers. These centers presumably would be located at State mental institutions where adequate facilities for teaching are available and where suitable teachers could be secured and retained.

The State Department of Education now requires a period of one year affiliation in general hospitals for students in the schools of the State mental institutions. This affiliation would be continued as heretofore.

The central school with its branch teaching centers should be under the direction of a qualified nurse educator appointed by the Commissioner on recommendation of the Department Director of Nursing and responsible to that Director for the selection and admission of students, the plan and conduct of the curriculum, the placement of students in the hospital divisions for nursing practice, and all other matters pertaining to the school program.

Students should not be thought of as working for the hospital and available to fill gaps in the employee ranks, but should be given the same status as that of students in other educational institutions. State scholarships for needy students should be made available to those who merit such assistance. Men and women should be admitted on an equal basis.

By such concentration of resources it should be possible to secure a strong faculty, and the best of teaching equipment, provide good living conditions in a desirable location, and compete successfully with the best schools in the State in attracting desirable students.

Students from schools outside of this system should be received by affiliation for training in psychiatric nursing through the central schools rather than directly by each hospital as heretofore. The best facilities of the school should be utilized to improve the program offered to affiliate students in order to retain the existing affiliations and encourage new ones. Development of this phase of the educational program is important, not only in order to interest more graduate nurses in employment in the mental hospitals, but because all community nurses need to be better prepared to assist in the prevention of mental illness.

It is further recommended that with the elimination of the title of attendant and the adoption of the regrouping suggested in the Chapter on The Personnel of The Department, there should be established within the Department a central school for the training of practical nurses. This school, which should at least meet the minimum requirements of the Board of Regents for an approved practical nurse school, should be directed by a principal responsible to the Department Director of Nursing for the program in its entirety as previously indicated for the central school to prepare professional nurses. The cost of conducting the school and of maintenance for those enrolled in it should be borne by the State.

It is possible that many persons now or previously employed as attendants in these institutions may meet requirements for admission to the practical nurse school, and if so, they should be encouraged to apply in order to become classified under civil service as practical nurses. Members of this group should be admitted on exactly the same basis as all others enrolled in the school.

In addition to establishment of central schools on the two levels dealt with above, it is hoped that, following the appointment of a Department Director of Nursing to assist in guiding and coordinating the whole nursing education system, there may be set up a course in psychiatric nursing for graduate nurses who desire to make this field a specialty and who seek to prepare for teaching and supervisory positions in mental institutions. The sponsorship of a recognized university or college able to offer courses in nursing administration and nursing education should be sought for this program which should be organized in harmony with the policies of the Association of Collegiate Schools of Nursing.

By a plan of centralization as outlined in the foregoing paragraphs, the individual institutions of the Department would be relieved of the responsibility for conducting professional or practical nursing schools or courses. They would, however, continue to benefit by the presence of student nurses from the Department's central schools and affiliating organizations, assigned through the central school to the institutions for nursing practice. Such a plan would make possible a much stronger nursing education program than could ever be developed in a number of separately conducted schools.

CHAPTER IV

PHYSICAL PLANTS

The twenty-six institutions in this Department represent an investment by the State of New York of \$188,000,000. They cover 21,872 acres of ground and range from buildings erected a century ago to buildings only recently completed and not yet equipped.

The New York State Lunatic Asylum at Utica was authorized in 1836 and in 1843 received two hundred and seventy-six patients. This institution is now Utica State Hospital and the main building in use today is that which was erected one hundred years ago.

The older institutions grew up without an over-all guiding plan and in many cases utilized structures which had been designed and built for other purposes. The main building at Binghamton State Hospital was built originally in 1860 as an asylum for inebriates. The principal building at Newark State School was occupied in 1878 having been designed for use as a private school. When Manhattan State Hospital was opened in 1871, it took over some buildings on Ward's Island which for a number of years had been in use as an immigration hospital. Even as late as 1924 Harlem Valley State Hospital took over buildings which had been erected as cell blocks for a State prison.

Under such circumstances it is not surprising that the earlier buildings were not appropriately designed for use as State hospitals or State schools. Although, of course, many of the old buildings have been reconstructed in part, they nevertheless present problems which do not exist in more modern buildings. Many of them, for example, have wooden floors which are an ever

present fire hazard. In many of them a constant battle has to be waged against rodents and vermin. Some of the old buildings at Willard State Hospital and at Binghamton State Hospital need complete reconstruction before they can be considered either safe or adequate for the care of mental patients. Under Chapter 717 of the Laws of 1941, Manhattan State Hospital is to be closed in 1948 and the property turned over to the City of New York for use as a park. If this institution were to be continued, it would need substantial reconstruction.

In some of the old institutions no proper provision was made to house the medical staff with the result that doctors and their families have had to live in rooms and apartments in the same buildings with patients. For a physician to be forced to bring up his children in an apartment in the same building with throngs of mentally diseased patients is a deterrent to securing an adequate medical staff.

The buildings erected since the turn of the century have in most cases provided more adequate accommodations both for employees and patients. Since 1923 the Department has had a standing committee on construction. This committee has concerned itself chiefly with the planning of interior and service arrangements of new buildings, leaving the general planning to the State Architect. There are, however, certain aspects of the physical plants of the Department which need immediate attention.

(1) Construction and Planning

There are good arguments from an economic point of view to support the value of such enormous institutions as those caring for 5,000 patients and more. There is little doubt, however, that size has an important bearing on the quality of medical care. Patients in large hospitals cannot receive the same amount of individual attention as those in small hospitals. The care given to patients becomes mechanical and flows along the lines of mass production. The details of administration even with good assistants become more difficult to follow. Policies are made to fit the size of the plant rather than the patients' needs. In extending a plant the tendency is to add buildings for patients without a corresponding increase in service facilities.

Buildings for the care of the mentally ill should, to serve their purpose, be appropriately designed so as to put the emphasis on the care and rehabilitation of the patients rather than merely on their custodial care. Too often in the past buildings have been erected of the skyscraper type which are adequate for bed patients but make it almost impossible for ambulatory patients to get out into the open and secure fresh air and exercise which are prime requisites for better mental health. The continued treatment buildings at Brooklyn State Hospital are typical of this type of structure. The three storied buildings for the accommodation of patients, such as are found in the prison-like Orleans group at Rochester, erected in 1938, have added great difficulties to giving the patients open air recreation. On the other hand, the Howard group at Rochester, built five years earlier, is not only limited to two stories in height but also provides enclosures where patients may come and go at will under minimum supervision. The design of Edgewood State Hospital, which has recently been completed, but not yet equipped, points in the proper direction. This institution has a tall building designed to house the bed patients and to contain the medical and surgical facilities. The buildings for other types of patients are low structures allowing easy access to the grounds.

In those institutions having tall buildings, few if any patients were seen in the open air, whereas at Central Islip a large proportion of the patients go out of doors on each bright day. The patients who are able to be out in the open and receive some exercise show the benefit in being less disturbed at night.

Very few of the institutions have any enclosed space adjoining the buildings to which the patients may go for exercise. Failure to provide these exercise yards, even in modern institutions such as Creedmoor State Hospital and Pilgrim State Hospital, leads to the regimented marching of patients

through the hospital grounds. This is of little help in the attempt to return patients to a normal way of life. It is poor therapy to keep patients herded in a crowded room when with little planning they could be given an opportunity to be out of doors. Rockland State Hospital has solved the problem in part by fencing off a space between buildings and covering this fence with green burlap. This provides an excellent area for the patients from the adjacent buildings. In all future planning it would seem desirable to provide for exercise yards directly connected with the buildings so that the patients would receive their exercise in the open air with a minimum of additional supervision.

In planning even the latest hospitals insufficient attention has been given to the maintenance of a proper balance between bed and ambulatory patients. At Pilgrim State Hospital an infirmary was built in the last decade to hold 1,018 patients. Today it has been necessary to place in this building 1,708 beds, an average overcrowding of 67 per cent, while the total overcrowding in the institution is only 10.3 per cent.

The failure to provide covered passageways between the residence buildings and the dining halls presents serious health problems, particularly in the State schools. Wassaic State School, which was opened in 1930, has been built with an orderly arrangement of buildings but no protective passageways were provided between the dormitories and the dining halls. As a result, the thousands of mentally defective children who are patients of the school have to tramp three times a day through the rain and snow for considerable distances from their residence buildings in order to get their meals. They frequently arrive at the dining halls wet through and must eat in damp clothes and with wet feet and return in the same condition to their residence buildings before they can change their shoes or clothes. This unnecessary exposure to the elements indicates a lack of consideration for the health of the patients in designing the buildings. Willowbrook State School, a still later example of planning, also was not provided with covered passageways to the dining halls. It is noteworthy, however, that as soon as the army took it over for use as Halloran General Hospital it erected covered passageways.

The above are merely some of the indications of the lack of consistent and functional planning in the Department. While decided progress has been made in this respect in the last twenty years, there is still great need for improvement.

(2) Provision for the Tuberculous Patients

In the chapter on Professional Care of Patients, reference has been made to the large number of tuberculosis cases found in the State mental institutions. Until recently very little has been done toward effective segregation of these patients. Even today we find overcrowded wards for the tuberculous patients in the acute hospital building at Letchworth Village where all patients are fed from the same kitchen. At Kings Park State Hospital, five hundred fifty tuberculosis patients occupy part of a group housing 1,800. In a number of other institutions little if any effective segregation is employed.

A combination of mental illness and tuberculosis presents unique problems. The patients in many cases cannot be trained to observe ordinary sanitary precautions which are necessary to prevent a spread of the disease. Nurses and attendants taking care of such patients must be specially trained in precautionary measures. From this standpoint it is uniformly recognized that the only effective segregation of tuberculous patients with active disease can be accomplished by their hospitalization in buildings specially designed and set apart for the care of such patients, or in separate institutions. Each tuberculosis hospital would have to have a staff of physicians specially trained in tuberculosis with adequate laboratory and x-ray facilities.

At Central Islip State Hospital there is a unit especially designed for the care of tuberculosis. This was completed in 1940. It is built on a plan of single storied pavilions, each with a peaked roof, connected by a long corridor. Although completed within the last three years, this unit for tuberculosis does not conform in plan with modern tuberculosis hospitals which largely follow

the design of general hospitals for acute diseases. This unit is designed to house over 1,000 patients. There are, however, in the Department approximately 5,000 patients requiring special care as a result of tuberculosis.

For the better treatment of these patients and for the safety of the other patients and employees, it is recommended that special hospital buildings be included as one of the first items of a postwar planning program to house all the tuberculous mentally ill so that they may effectively be segregated and treated. It would be desirable that such hospitals be located near the State hospitals for the tuberculous now maintained by the Department of Health so that the Department of Mental Hygiene would have the advantage in treating these patients of close contact with the medical staffs of the hospitals which are specializing in the care of tuberculosis.

(3) *Maintenance*

It would seem that more attention has been given to the construction of new units than has been given to the maintenance of the buildings in the Department. Through a failure to insist upon a regular and definite program of maintenance the Department is now faced with the problem of building upkeep when much of the needed repairs could have been accomplished years ago. There are, for example, such items as unpainted outside wood work in recently constructed buildings at Willard State Hospital. At Harlem Valley State Hospital subsurface passageways are inundated after each rainfall. At Rockland State Hospital there are reciprocating engines unused because of faulty governors. At Binghamton State Hospital and Syracuse State School, baseboards have drawn away from the floor and painting has been neglected for many years. At Harlem Valley State hospital a ceiling has fallen due to a leaking roof. At Wassaic State School there have been many roof leaks. At Pilgrim State Hospital not only have roofs had to be repaired but sidewalls waterproofed as well, and as a consequence wards have recently been closed in order to renew the plaster.

A current program of adequate maintenance would be an economy in itself. The institutions have in many cases observed a policy which was penny wise and pound foolish and have allowed buildings to deteriorate which could have been kept in good condition by a prompt expenditure of relatively small amounts of money.

Although the State appropriated in the ten years from 1933 through 1942 the sum of \$1,371,090 for maintenance materials in six hospitals, there was left unexpended by these institutions from this sum the amount of \$155,646. Here was a case where funds were made available by the State but were not used either because of faulty planning or faulty supervision. At Gowanda State Hospital, for example, where some of the patients' rooms had not been painted for fifteen years and where outside metal work in the newer buildings was badly rusted from lack of attention, there were \$39,136 of funds appropriated for maintenance materials over this period which had not been used. This was not because of war conditions, for the unexpended balances existed for many years before the war.

The remedy for these conditions can be found in (1) the employment on the central office staff of an active supervising engineer and (2) the establishment of a yearly reserve for repairs and maintenance to be placed at the disposal of the Department for allocation where it is most needed.

(4) *Fire Prevention*

A report on certain hospitals in this Department was prepared by the National Board of Fire Underwriters in 1923 giving in detail the fire hazards which existed and their recommendations regarding what should be done to correct these hazards. At that time the amount of \$750,00 was appropriated to carry out in part the recommendations made by that Board. These funds were spent principally to regularize the proper number and type of exits and for the installation of sprinklers.

The Commission believes that a new survey should now be made by the National Board of Fire Underwriters taking in all buildings of the Department so that expert advice may be secured as to possible fire hazards and recommendations with reference thereto. In the last ten years there have been twelve fires in institutions in this Department where the loss was over \$1,000 in value with an aggregate damage from them of about \$175,000.

(5) *Service Equipment*

The disadvantage of incomplete planning show clearly in the unbalance of the service units. We find water shortage at Rockland and Letchworth, excessively cramped quarters for the inadequate bakery at Newark, eight boiler plants in need of rebuilding or additions, and storage facilities in eight institutions which have not kept pace with the increase in patients.

The absence of constructive, long range planning, therefore, seems to be the basic reason for present conditions. The Commission recommends that the Committee on Construction of the Quarterly Conference, now composed of Superintendents and a representative of the Department of Public Works, be properly aided by calling on experts in the various fields of hospital construction and its duties enlarged to cover the whole construction field of the Department.

(6) *Farms*

On 12,000 acres of land both State owned and rented, the institutions of the Department are raising farm products valued at wholesale prices at over \$1,000,000. Twenty-three of the institutions have farms ranging from an investment value of \$1,200 to \$200,000.

The Agriculture and Markets Law states that "The Commissioner shall give such direction as in his judgment is deemed best to each Superintendent, warden, or other person in charge of the several farms connected with the State institutions above mentioned as to proper care and development of farm lands and as to kind, production, and disposition of crops, stock, and produce and all other matters connected with the management of such farms." The Commissioner of Agriculture through the Division of State Institutions Farms has wisely interpreted the law in such a manner that the Division of State Institutions Farms is more of an advisory than a control agency. However, it is felt that closer coordination of the Department of Mental Hygiene with the Division of State Institutions Farms is essential, if the farms are to be run at greatest efficiency. In order to secure this coordination it is recommended that the Department employ a Director of Farms. The Department has an enviable opportunity to set an example to the farming industry of the State but it must not be forgotten that the farms exist primarily to help in the task of training and rehabilitation and to produce food for patients and not to show a profit.

Seventeen of the institutions maintain dairy herds but in five their own production is supplemented from commercial sources. Fourteen maintain their own pasteurizing plants. The Division of Sanitation of the Department of Health indicates that in thirteen herds the quality of the raw milk is poor and in only three is it classed as good. In one it is classed as fair. In eight of the herds the cows with mastitis are not segregated and in three others the Division of Sanitation recommends the elimination of cows with mastitis. The presence of mastitis may well account for the poor quality of the raw milk.

All institutions are now using pasteurized milk but the Division of Sanitation reports that the pasteurizing equipment of seven is fair and that of three is poor.

Below is a table of statistics representing the results of the latest inspections of the Division of Sanitation.

	Pasteurized	Own plant	Commercial plant	Own herd	Commercial	OWN SUPPLY			No recent inspection	Mastitis
						Good	Fair	Poor		
Kind of milk used.....	26	..	..	..	..	..	..	..	..	..
Where pasteurized †.....	..	14	14	..	..	..	..	..	..	..
Sources of raw milk.....	17	14	..	..	..	..	..
Quality of raw milk *.....	3	1	13	..	..
Dairy farm equipment †.....	5	4	3	5	..
Dairy farm operations.....	6	2	4	5	..
Quality of pasteurized milk.....	12	4	0	1	..
Pasteurizing plant equipment.....	7	7	3	..	..
Pasteurizing plant operations.....	12	4	1	..	..
Cows with mastitis not segregated.....	8

* Quality of raw milk is rated according to results of laboratory examinations of milk samples. A conclusive opinion cannot be made without the results of frequent physical examinations of the herd. Rating of "poor" is given when examination of milk shows more than 500,000 cells per ml. which is an indication of mastitis.

† Emphasis in supervision has been placed upon pasteurizing equipment and its operation, as this phase of milk handling is the most important factor in producing safe milk.

‡ "Commercial" indicates supply from an approved commercial pasteurizing plant which is under constant supervision of local and State health departments.

The Commission recommends with reference to the farms that:

1. All pasteurizing plants be equipped as soon as possible in accordance with the recommendation of the Division of Sanitation of the Department of Health.
2. The Department insists on the segregation of cows having mastitis.
3. All cans of pasteurized milk be sealed with wire and lead seals at the pasteurizing plant and that, when available, milk dispensers of a type approved by the Division of Sanitation be used at all points where milk is dispensed.
4. Phosphotase tests be made routinely on samples of pasteurized milk and cream as recommended to the Department by the Division of Sanitation in its letter to the Commission of November 28, 1943.
5. As soon as practicable the employment of patients be discontinued in the milking of cows, in the washing and sterilizing of containers and equipment, and in the handling of pasteurized milk except in sealed cans.
6. Milk be pasteurized in commercial plants unless a competent operator is placed in charge at each pasteurizing plant.
7. Intensive efforts be made to increase the productivity of the milking herds.

CHAPTER V

REIMBURSEMENT FOR PATIENT CARE

The institutions in this Department are maintained "for the care and treatment of poor and indigent persons" (Mental Hygiene Law, Sec. 24-a). A "poor person" is defined in the law as "a person who is unable to maintain himself and having no one legally liable and able to maintain him," and "an indigent person" is a person who has not sufficient property to support himself and "to support the members of his family lawfully dependent upon him for support"¹ (Mental Hygiene Law, Sec. 2). However, the law has always contemplated that the legally liable relatives of an indigent person shall be liable for the cost of the care and treatment of the patient in a mental hospital or State school. The persons legally liable under the law are the husband, wife, father, mother, and children of the patient (Mental Hygiene Law, Sec. 24-a, Subdivision 2). These are some of the persons who

¹ The Commissioner may, however, permit persons who are neither poor nor indigent to be received and maintained in an institution conditioned upon prompt and regular payment for their care and treatment. (Mental Hygiene Law, Sec. 24-a.)

are responsible under the law for the support of such a relative, even if he or she were not confined in a mental institution (Social Welfare Law, Sec. 101).

It is fair and proper that these designated relatives should provide for the support and maintenance of a person in a State hospital or State school if financially able to do so, for otherwise they would, by committing a relative to such an institution, escape an obligation which would be imposed upon them if the relative were maintained at home. The provisions for the collection of funds for patient care are now embodied in Section 24-a of the Mental Hygiene Law. This statute provides that these relatives are liable for the cost of care and treatment of the patient. This cost is determined by taking "the total direct and indirect cost to the State for the care and treatment of patients for the preceding fiscal year, which total cost shall be divided by the average daily patient population for that year of patients in all State institutions under the jurisdiction of the Department of Mental Hygiene, and the per capita cost arrived at shall be the cost of care and treatment of such patient." However, the liability of the relatives of a patient for payment of such cost has the limitation that they shall be so liable only "if of sufficient ability" (Sec. 24-a, Subdivision 2).

The Commission has made an investigation to determine whether the provisions of the statute are being complied with, and relatives "of sufficient ability" are paying for the cost of the care and treatment of patients for whom they are legally liable, or whether this statute is being applied in an inefficient and discriminatory manner, so that some persons are paying for the care of their relatives while others are not. The investigation discloses that for the fiscal years 1941 and 1942 only the following per cent of patients were having reimbursement made for them, and such reimbursement was made for such patients in the following amounts:

Year ending 6/30	Number	Per cent of total patients in the institutions	Amount collected per paying patient	Total collected
1941.....	8,059	11.0	\$311.60	\$2,511,160.83
1942.....	8,464	11.4	328.77	2,782,687.45

It is the estimate of the attorney in charge of the Reimbursement Bureau of the Department that, if properly applied, the provisions of the statute would result in reimbursement for approximately 25 per cent of the patients in the hospitals. If this is true, there has been approximately \$3,000,000 annually which properly should have been collected by the State from relatives legally liable and with sufficient ability to pay but who have avoided paying.

(1) Determination of the Extent of a Relative's Ability to Pay

The collection of funds for patient care is the duty of the Reimbursement Bureau of the Department. This Bureau has Special Agents attached to each of the following hospitals: Buffalo, Rochester, Willard, Syracuse Psychopathic, St. Lawrence, Utica, Middletown, Binghamton, and Hudson River. In addition, there is an agent who operates out of the State Office Building in Buffalo, and agents who have operated out of the State Office Building in New York City.² These agents each have certain institutions assigned to them. When a patient is admitted to the hospital, the names and addresses of the patient's relatives and such other information as is obtainable regarding the financial ability of the patient or those legally liable for the patient's care, is required to be secured and forwarded to the Special Agent. In actual practice the only information usually obtained is the name or names and addresses of the relatives. Upon receipt of the admitting information, the agent forwards to the person or persons legally liable a questionnaire for such person or persons to furnish information as to financial ability, as well as any information which they may have regarding any property belonging to the patient. This question-

² Commissioner MacCurdy has recently decentralized this office so that the agents in this area will also be attached to particular hospitals.

naire is not required to be notarized and there is no provision in the law providing for any penalty for a wilfully false return.³

No verification is made by the agent to check the correctness or the truth of the information set forth in the answers to the questionnaire as to the financial ability of the persons legally liable. After the agent has examined the questionnaire, and relying upon the answers, he fixes what is known as a "recommended rate" to be paid by the person or persons legally liable. The original of the questionnaire with the "recommended rate" is then sent to the Albany office of the Department for approval or disapproval.

In fixing the "recommended rate," the agent follows no prescribed formula nor does he have any established standard of "ability to pay" to guide him in his determination as to the rate to be charged to the persons legally liable. In the Albany office there likewise is no formula or standard. As a result the rates fixed have shown wide variations resulting in gross inequalities. A spot check has been made of several hundred recent cases which shows no consistency in the determination by the agent as to the amount which should be paid for the support of a relative. In one case, for example, the combined income of two persons legally liable, with no other dependents, aggregated over \$225 per month and the rate fixed for the support of the relative in the hospital was \$5 per month. In another case, the person legally liable had an income of \$160 per month, and was compelled to support from it a dependent son. Nevertheless, he was directed to pay \$25 per month for the support of his relative in the State hospital. Similar disparities can be multiplied many times by reference to the files of the Reimbursement Bureau.

It need hardly be pointed out that where the Special Agent and the Reimbursement Bureau have power to fix rates with no established standard by which their determination can be judged, a wide gate is open for favoritism and discrimination. The Chief Agent of the Reimbursement Bureau in New York frankly admitted upon examination, that in past years politicians had sought special privileges for persons for whom they were interested in securing a reduction in rates.

It is a startling fact that until 1942, after a rate had once been fixed, no subsequent questionnaire was sent to the relative unless the persons legally liable requested a reduction. Thus, a rate once fixed was, as a practical matter, frozen forever even though the persons legally liable became affluent thereafter. As a result of recommendations of the Health Preparedness Commission of the State, all rates are now supposed to be subject to reinvestigation once a year, except in the case of those patients who have no assets and no persons legally liable for their support. The reinvestigation consists solely in sending out an annual questionnaire; there is no further investigation of the truth or accuracy of the statements made in this subsequent questionnaire.

This reinvestigation as of July 1, 1942, is now proceeding, but has not as yet been completed. Of the 35,380 cases assigned to upstate agents, all questionnaires had been sent out and had been returned as of September 30, 1943. The New York City office had 40,240 cases to reinvestigate, and as of September 30, 1943 had reinvestigated only 7,282 cases. The explanation given for the failure of the New York City office to complete its reinvestigations is that the work involved in investigating new admissions in this area, plus insufficient stenographic personnel, has made it impossible to keep up to date on new admissions and at the same time reinvestigate the old cases. It would appear, however, that the same vigor in making the reinvestigation has not been displayed by the New York City office as was displayed by the upstate agents, and that the management as well as the personnel of the office was woefully inadequate.

Nevertheless, for the year commencing July 1, 1942 and ending June 30, 1943, there was an increase in the percentage of paying patients from 11.4

³ This questionnaire has on it a preliminary statement to the effect that it is not the policy of the Department of Mental Hygiene to collect reimbursement when such payment seriously interferes with the standard of living of the persons legally liable, or prevents them from meeting their usual obligations. This statement is much broader than the law and constitutes an invitation to color, if not deliberately to falsify the information given.

per cent to 15.3 per cent, and the total collections for the same period were \$760,942.98 in excess of all collections for the period in the previous year when no annual questionnaires were sent out. Some of this increase may be due to improved economic conditions, but there would seem to be little doubt that an annual questionnaire as to the financial ability of the relatives to pay for the care of patients related to them is well worthwhile, and that the Department has for many years past been failing to collect moneys properly due to the State because of its failure to require current information from relatives as to their ability to pay.

In the absence of some check-up upon the truthfulness of statements set forth in answers to the questionnaires, it is impossible to know how much additional money might be collected by the State if the true facts were known as to the ability of relatives to pay. It is a shortsighted policy to accept at face value the answers to questionnaires sent in by relatives. Those who are truthful are penalized, while those who falsify their answers are favored. To accept the answers to questionnaires at their face value is like failing to audit income tax returns. It would, of course, be impossible to check the accuracy of all questionnaires, but it would seem to be a justifiable investment for the State to have a corps of investigators to make a spot check on certain of the answers to the questionnaires. The result would pay substantial dividends, not alone because of inaccuracies that might be discovered in the cases that were investigated, but also because relatives would know generally that their answers to the questionnaires were subject to investigation and check, and would, therefore, be more careful and accurate in their statements.

(2) Collection of Amounts due from Relatives of Patients

When the rate has been fixed by the Reimbursement Bureau, the Steward of the particular institution is notified and he sends out monthly bills for the amounts due. The agent of the Reimbursement Bureau does nothing further in connection with the collections unless an account becomes delinquent. At that time the account is referred to the agent for collection, but there is no prescribed procedure for him to follow in making collection.

There are a number of persons legally liable for the support of their relatives who refuse to pay the amounts due even though the rate has been fixed upon the basis of questionnaires submitted by them. To allow these persons to escape their obligations, while compelling honest and conscientious persons to pay, is unfair to the latter and to the State. That this condition has been allowed to exist is because of the inertia and neglect in bringing legal proceedings by the State for the collection of funds, and also due to the cumbersome legal formalities needed at the present time.

When the Special Agent has exhausted what seems to him to be reasonable efforts to effect collection, the account is referred to the office of the Department in Albany where the file is reviewed. If the Albany office determines that the account is suitable for litigation, the claim is placed in litigation. In the Albany area, all litigation since January 1, 1943, is handled by the Department's attorneys located in Albany. In all other areas litigated cases are referred to the Attorney General. The records of the Reimbursement Bureau in Albany have been completely inadequate. This Commission has been unable to find any record of the number of delinquent accounts referred to the Attorney General, the number of cases placed in litigation, or the results of the litigation. Commissioner MacCurdy is endeavoring to correct the situation and it is assumed that a system for keeping proper statistical records by the Reimbursement Bureau will be instituted shortly.

As of June 30, 1942, the uncollected balances due to the State from relatives of patients amounted to \$6,167,873.21. An analysis of the delinquencies since that date shows a steady decline. As of August 30, 1943, the uncollected balances amounted to \$5,557,184.70. That such an amount should be outstanding and uncollected is in itself a startling commentary on the inefficiency of the present system, and the inertia of former Attorneys General in protecting the interests of the State.

Where claims have been placed in litigation, many technical defenses have been advanced, with the result that the Department gradually seems to have fallen into a practice of accepting the best possible compromise that could be worked out. This operated to the advantage of those who failed to pay their obligations and imposed an unfair burden upon those who paid. For example, while the statute states that the rate fixed by the Commissioner shall be presumptive evidence of the cost of care and treatment, experience has shown that in practically all litigated cases the burden for sustaining its rate ultimately fell upon the Department. This involves accounting testimony and computations expensive to present and subject to constant attack. So also, in certain cases, the relatives have claimed that they were not liable to pay the rate fixed because the patient was engaged in vocational work at the hospital, and this despite the fact that the vocational work is very largely a matter of therapy. Also, in the litigation of cases, the Reimbursement Bureau is faced with the problem of presenting proof in each case that the persons legally liable to pay the rate have the ability to do so. The definition of ability varies with the judge or court before whom the question arises.

At the present time the Department, in order to collect moneys due, may bring an action for a money judgment. The Department is also empowered under Title 8-A of the Criminal Code to institute proceedings in the Municipal Term of the Magistrate's Court of the City of New York, as well as in the County Court in each county outside of New York City. While the Department has found the County Courts satisfactory, there has been difficulty in utilizing the Magistrate's Court in New York City, because of the feeling of the Magistrates in New York City that failure to pay amounts due to the State should not be treated as a criminal matter. The adequate enforcement of the State's rights in the New York City area is of considerable importance to the Department, since approximately 60 per cent of the patients in the State institutions are admitted from that area.

(3) Collection of Amounts due for the Care of Veterans

The Department has been negligent in failing to secure payment by the United States Veterans' Administration for the care of veterans in the State hospitals. On June 1, 1943, there was unpaid, on account of care and treatment of veterans, the sum of \$5,534,510 for 1,324 patients, representing in the aggregate 7,571 years of residence of these veterans in the hospitals. Under the World War Veterans' Relief Act, the Veterans' Administration is authorized to pay the State or Municipal hospitals for the care of veterans suffering from neuro-psychiatric conditions which are "service-connected." The Veterans' Administration has entered into separate contracts with the various hospitals in the Department of Mental Hygiene. These contracts contain a clause to the effect that no payment will be made by the Veterans' Administration unless authorization for the care and treatment is given by the Veterans' Administration. The Department of Mental Hygiene has failed to adopt any systematic procedure for obtaining such authorizations. The representative of the Department in charge of reimbursement matters states, "This phase of reimbursement was strictly neglected because there was no administrative policy to follow, neither was there encouragement given when one was willing to do the spade work in this field." Because of this lack of administrative policy and vigorous action, it is probable that a substantial proportion of the sum of over \$5,000,000 has now been lost to the State, which otherwise might have been received by it from the United States Veterans' Administration.

(4) Recommendations

It would seem apparent that in order to avoid discrimination in the collection of funds, and in order that the obligation of persons legally liable to pay should be enforced with uniformity, some consistent procedure should be adopted which would enable the Department to fix a fair rate consistent with ability to pay, which would enable a prompt determination of the ability

of the persons to pay the rate so fixed, and allow for prompt judicial enforcement of the collection order when such liability has been so determined. To this end the following recommendations are made by the Commission:

1. At the present time there are thirteen different sections contained in five different articles of the Mental Hygiene Law covering the matter of reimbursement. It is recommended that all sections pertaining to this subject be codified under one article.

2. Section 24-a should be amended by eliminating the provisions which specifically direct the fixing of the rate for care of patients based on direct and indirect costs, and by providing that the Commissioner of Mental Hygiene may fix a standard rate as the basic rate for the care of patients in the institutions. Subject to the determination of the legally liable persons' "ability to pay" as determined in accordance with Recommendation 3, this basic rate, or so much thereof as such persons were found able to pay, would be the amount charged to them for the care of the relative or dependent in the State institution. In addition, of course, the Commissioner's present authority governing "special agreements" for the care of persons who are not poor or indigent should be continued, with power in the Commissioner to refuse to take into an institution a person who is not poor or indigent, unless such special agreement providing for payment at a rate to be determined by the Commissioner shall be entered into by the legally liable persons, and with power in the Commissioner to remove the patient from the institution and to compel those responsible to take care of such patient, where the agreed-upon rate has not been paid.

3. The Department of Mental Hygiene should establish a formula by which is to be determined how much of the basic rate is to be charged to persons for the care of a relative or dependent. This formula in determining the "ability to pay" should take into account the income of the relatives liable to pay for reimbursement, should allow deductions therefrom in fixed amounts for the support of other dependents, and should determine what proportion of the balance, not in excess of the basic rate, should be devoted to the payment for the care of their relative in a State institution. This formula would then be applied by the Special Agents in fixing the rate.

4. The law should provide that within thirty days after the rate has been fixed the relatives should be notified of such determination by registered mail, and that within thirty days from the date of the mailing of such notice, they would have a right to appeal to the Commissioner for a review of the rate fixed. This would enable an appeal to be taken in special cases where unusual circumstances would, in the judgment of the relatives, make the application of the formula inappropriate. The law should provide that the determination of the Commissioner should be in writing and mailed to the relatives legally liable and that these relatives would have the right, within thirty days after mailing of such notice, to appeal from such determination to the Appellate Division of the Third Department. The law should provide that a rate determined as above provided, subject to such right of appeal, should be a final and conclusive determination of the relatives' ability to pay the rate so fixed. This would mean that if the relatives failed to pay this amount, there would be no question which would need to be litigated except relationship to the patient. This would greatly expedite the securing of the necessary orders for the enforcement of the rate so fixed. The law should, of course, provide that persons legally liable may at any time make application for a revision of rate due to change of circumstances, and that the procedure for determining any revision of the rate, and for appeal therefrom, shall be the same as that provided for the original determination of a rate.

5. All monthly billings for the care of patients should be done from a central office and all collections remitted to a central office. This would provide automatically for a central control of the amounts collected, for prompt ascertainment of delinquencies and for immediate follow-up on these delinquent accounts. For the determination of the relatives' ability to pay it would seem preferable that the agents be stationed at the hospitals rather than in central offices. The annual reinvestigation by sending out supplemental questionnaires should, of course, be continued.

6. The Department of Mental Hygiene should institute a comprehensive system of keeping statistical records of the results of the operations of the Reimbursement Bureau.

7. As to cases in the New York City area, it is recommended that the Department utilize the facilities of the Family Court by securing orders to enforce payment for future care. Inasmuch as, under the system proposed, no question of the ability of the relatives to pay will be presented to the court, the enforcement of the payments of the fixed rate will not impose any further burden on the Probation Department of the Family Court. This court will, however, treat the matter as it properly should be treated, as a matter of the collection of funds for the care of a relative, rather than considering it, as the Magistrate's Court does, in the nature of a criminal matter.

8. The Reimbursement Bureau should be provided with a corps of investigators to check up on the information given by relatives as to their financial resources and income; and the law should provide a penalty for wilfully false or inadequate information in answering the questionnaire concerning their resources and income.

9. An immediate review of all veterans' cases should be instituted to determine which of them are "service-connected", and vigorous steps should be taken to secure reimbursement for these cases from the United States Veterans' Administration, and to see that in the future this procedure is followed with respect to each veteran who is admitted to a State hospital.

To carry the above recommendations into effect would add very little expense to the budget, but it would provide a businesslike means of collecting funds properly due for patient care. It is believed that the savings to the State as the result of the adoption of such a system would be substantial, and would enable the Department to put into effect some of the recommendations made in other chapters of this Report, with no additional net expense to the State.

CHAPTER VI

ACCOUNTING RECORDS, METHODS, AND PROCEDURES

Throughout the entire Department there is a recognition that cumbersome routines have developed over the years which have required the use of manpower and the expenditure of effort by persons in executive positions without the expected compensating benefits. Business office procedures and most accounting practices seemingly are based on the theory that "red tape" in sufficient quantity will eliminate the possibility of defalcations and provide needed "control" over the financial activities of the Department. Questions directed to staff members in the Department concerning the purpose and value of certain procedures, records, and reports frequently met with the answer, "It has been done this way for the past twenty or thirty years."

The Commission retained a firm of certified public accountants with long experience in the auditing of hospitals and in the installation of accounting systems for similar institutions to make a thorough study of the accounting operations of the Department. The report rendered by the public accountants, copies of which have been forwarded to the Commissioner of the Department of Mental Hygiene and to the Comptroller of the State of New York, is lengthy and somewhat technical in nature. It does not seem necessary in this report to enter into all the matters covered by the report of the accountants but attention should be called to matters of major importance contained in their report. Their investigation of business office and accounting procedures revealed:

1. A failure to establish to a proper degree "internal controls" over revenue, expenditures, and funds handled by the various institutions in the Department.

2. Lack of effective supervision over the general policies and procedures which govern the keeping of accounting records in the various institutions and lack of centralized control with respect to certain phases of accounting now being done in the various institutions.

3. Unnecessary duplication of accounting work on the part of individual institutions and the Albany Office.

4. The maintenance of unnecessary records, installed during the past twenty or thirty years, requiring a tremendous expenditure of time and effort with little or no corresponding benefits.

5. A tendency toward hand bookkeeping, whereas bookkeeping machines could be employed to increase office efficiency, establish desired controls, and effect savings in personnel time.

6. Lack of annual audits of financial transactions and failure on the part of the Albany Office to give effect to recommendations included in reports rendered by the Department of Audit and Control.

At present each institution operates as an autonomous unit with regard to its business procedures and accounting records and comparatively little control is exercised over these matters by the Albany Office. The financial affairs of the Department may be subject to a better degree of control by effecting a centralization of certain accounting records in the Albany Office.

REIMBURSEMENT RECEIPTS

At present patient's ledger accounts, in which are recorded charges for maintenance and payments made, are kept in each institution and no control is exercised by the Albany Office over the outstanding balances due the various institutions. Even when the accounting records are well maintained it was found that when payments are received for the accounts of patients, the business office merely receipts and returns the patient's bills. No formal receipts are issued. A proper procedure would be to require the cashier to issue special pre-numbered receipts for all cash received, a carbon copy of which would remain in the business office for audit purposes.

Under the present system whereby each institution maintains its own patients' receivable records, defalcations of patients' receipts may occur and not be detected since the charges to patients' accounts, collection of cash, and the mailing of statements is transacted in the business office in each institution and in some instances by the same individual.

Considering the fact that receivables for patients' care in the fiscal year ending June 30, 1942 amounted to \$2,782,687.45, it would appear desirable for the Albany office to have control over all reimbursing receipts. This could be accomplished by having all accounts receivable records maintained in Albany. Checks and money orders in payment of patient's bills would be mailed directly to Albany and statements of unpaid balances, etc., would be forwarded to the responsible individuals at periodic intervals. The work of posting charges and credits to patients' ledger accounts would be handled much more efficiently and economically on accounting machines. The proper equipment would provide accounting safeguards and produce uniform records. Also, the matter of follow-up on delinquent accounts would be expedited by having such records in the Albany Office, since unpaid balances could be readily referred to the attention of the proper agent in the Reimbursement Bureau.

PATIENTS' CASH FUND

In every State hospital it is customary to accept cash from relatives and friends of patients which is to be held by the institution and used for the patients' benefit. In some hospitals, the administration permits nurses and orderlies to accept such payments from visitors with the understanding that the monies will be subsequently transmitted to the business office. It is believed that the practice of permitting employees to accept cash on behalf of patients should be eliminated and that a General Order be issued prohibiting the acceptance of such cash except in the business office, at which point a formal receipt prepared in duplicate should be issued.

In some institutions this policy has been followed but no administrative ruling has been made which would affect a uniform policy throughout the State system.

COMMUNITY STORES

Community Stores are operated in many institutions in which are sold candy, notions, tobacco, cigarettes, soft drinks, toilet articles, etc. The revenue from sales in some hospitals amounts to over \$175,000 per year. Receipts are in the custody of the Superintendent and Steward at each institution. Disbursements for and on behalf of such stores are made directly by the Steward and are not subject to the approval of the Commissioner nor are they controlled by the Division of Standards and Purchase.

Profits derived from the operation of such projects are expended by institutions for various purposes such as the purchase of equipment, financing of special recreational activities for patients, payment of extra wages to employees, etc. Such special expenditures are subject to the approval of the Commissioner.

In some institutions Community Store receipts were not satisfactorily controlled by the business office nor was there adequate control over the inventory of merchandise and stock on hand.

It can readily be seen that in the handling of small merchandise items to the extent noted, a considerable inventory loss would be experienced unless proper safeguards were installed to guard against such contingency. It would appear desirable to have the Department of Audit and Control install uniform accounting systems for all Community Stores, setting up policies and procedures which would insure to the fullest extent a satisfactory accounting for all cash received and disbursed for such projects, as well as necessary accounting control over inventory of stock. Furthermore, all hospitals operating such stores should be required to submit a detailed report monthly to the Commissioner covering receipts and disbursements. This is not being done at present.

OCCUPATIONAL THERAPY FUNDS

Money derived from the sale of products manufactured by patients in the occupational therapy classes is controlled by the Superintendent and Steward at the various institutions and is used to purchase supplies for the Occupational Therapy Department and on occasion the funds are also used for the purchase of equipment needed by the institution. As in the case of the Community Store, no fixed policies regulate the procedures relating to record keeping, sales, and inventory control over occupational therapy products. In many cases the person in charge of the operations of this Department is also accountable for the receipts from articles sold, as well as the actual inventory of products manufactured.

The business office of each institution should be responsible for maintaining records and special controls over the activities of this Department. It is recommended that an administrative order be issued outlining the accounting practice and procedure to be followed with regard to the handling and recording of all receipts and disbursements so that such items may be controlled in a uniform manner in all institutions.

COLONY FUNDS

In some of the State schools colonies are maintained for patients who are able to accept outside employment but who are not considered sufficiently improved to be placed on parole. Such patients report to their employer during the day and are required to return to the colony at night. Employers are required to pay the wages of such patients directly to the colony supervisor who keeps a special record of each patient's earnings.

It was found on investigation that the sum total of the balances earned by colony patients as per the records of account was greatly in excess of the balance of cash actually on hand in the General Colony Fund. This situation exists for the reason that certain disbursements made out of the colony fund are not for the specific benefit of certain individuals but for general operating purposes, so that it is not possible to "charge" the patients' earnings accounts.

Section 127 of the Mental Hygiene Law reads as follows:

The Commissioner shall make rules from time to time in respect to the disposition of such earnings and as to what portion if any shall be paid to the State as maintenance reimbursement and as to what portion, if any, shall be paid to the inmate earning such wages or compensation or set aside for the use or benefit of such inmate and what portion, if any, may be used for the common benefit of the inmates of the institution or of the colony to which the inmate is assigned. Upon discharge from the institution of any inmate having a balance of earnings to his credit the Superintendent shall determine whether such balance shall be immediately paid over to such discharged inmate or his guardian or shall be held in trust by the deputy treasurer until such time as in the judgment of the Superintendent on authorization by the Commissioner it would serve the best interests of such inmate to pay to him or to his guardian such balance or any part thereof.

According to this section the Commissioner has the right to approve the expenditure of colony funds for purposes which would benefit the inmates of the institution or the colony. The section also stipulates, however, that upon discharge from the institution an inmate is entitled to the unexpended balance of earnings which appear in his account on the books.

The present method of accounting for earnings of colony patients results in a situation whereby the actual amounts due such patients per the records actually exceed the balance of cash on hand. Either a change in accounting procedure or a change in policy should be effected so that the records do not reflect liabilities to which the State does not admit. As a matter of principle, it would appear desirable for a ruling to be issued which would prohibit the use of colony funds for purposes other than actual expenditures made specifically for or on behalf of patients and a charge at a fixed rate for maintenance of the patients.

ACCOUNTING CONTROL OF SUPPLIES

The keeping of perpetual inventory records for the purpose of controlling supplies is, of course, extremely desirable, but only if carried on in such a manner that the desired safeguards are obtained. Every institution keeps perpetual inventory records for the purpose of controlling merchandise in storerooms. These records are maintained on a quantity basis only. Policies concerning the keeping of such records are determined by the Steward in each institution and in a number of hospitals it was evident that the records were kept mainly to comply with a "general order" rather than to establish a safeguard over merchandise and stock on hand. In some institutions the storekeeper has free access to the inventory records which reduces to a great extent the value of the inventory control since shortages may be "adjusted" on the accounts by the very person responsible for the safe-keeping of supplies. It was also found that in some hospitals the inventory records were not used by the Steward to check the quantity of supplies that should be in the storerooms.

Consideration may well be given to the keeping of perpetual inventory records both as to the quantity and value of supplies received and disbursed. Under this system, shortages would have to be recorded on the books, whereas under the present procedure, since only the "quantity" of stock received and issued is recorded, no entries need be made on the books to reflect in dollars the amount of shortages or inventory adjustments. A record of the value of stock issued would also enable institutions to charge various departments with the cost of supplies requisitioned. This is not being done under the present system.

PAYROLL PROCEDURES

Over 15,500 individuals are now employed in the institutions operated by the Department of Mental Hygiene so that the preparation of payrolls

is an involved and time-consuming task. At present the payrolls for the entire Department are prepared in the Comptroller's Department. All employees are paid semi-monthly and received pay checks five days after the end of a payroll period. Since the Comptroller's office requires a period of nine to ten days to prepare the payrolls and since it is necessary to devote a few days' time to the task of noting payroll adjustments in each institution, payroll information is now actually assembled about nine or ten days before the end of each payroll period. Checks are drawn on the basis of this information and as a result a great many checks have to be returned every pay day because of resignations, payroll removals, and other adjustments which occur from the date the payroll information is sent to the Comptroller and before the end of the payroll period.

The Comptroller's Office uses tabulating punch cards to prepare payroll sheets, earnings records, and checks. Insufficient staff makes it impossible for this office to keep information regarding withholding tax deductions so that this data must be kept by each institution.

The present methods and procedures relating to payroll disbursements are the result of legislation which requires a "pre-audit" of every disbursement of State funds. Prior to the enactment of this legislation, all payrolls were prepared and checks were drawn and issued by the business office of each State institution. The present system is cumbersome and unsound from the standpoint of the control of funds and is not, in fact, a "pre-audit." The very fact that payroll checks need to be drawn on information prepared approximately ten days before the end of a payroll period of itself reveals the lack of control the State is able to exercise over payroll disbursements for this Department. This situation leaves the door open to possible fraud in that many payroll checks are distributed to the institutions which are drawn for a sum in excess of actual salaries earned. The necessity of having to return many of the checks drawn because of changes taking place after the payroll schedule is prepared causes a great deal of unnecessary work and must in many instances prove inconvenient to employees of the Department. There is no ready way of determining whether all such checks are returned for correction.

If the pre-audit legislation were to be carried out as apparently intended, no institution would be required to submit its requisition for payroll checks prior to the end of a payroll period. If this were done, however, it would not be possible to pay employees for a period of approximately fifteen days after the payroll period has elapsed.

Probably the most satisfactory manner to handle payrolls in a Department as large as Mental Hygiene would be to restore the work of preparing payrolls to the individual institutions and provide them with mechanical equipment which would enable the business office to prepare in one operation a payroll check, employee's earnings record, and duplicate copies of a master payroll sheet. One copy of this payroll record could be sent to Albany for the approval of the Civil Service Commission and the Comptroller, thereby satisfying the "pre-audit" requirements, whereupon a check could be drawn for the exact amount of the payroll and deposited in a special bank account against which the payroll checks would be issued.

QUARTERLY ESTIMATE

For over twenty years the Department of Mental Hygiene has attempted to control the expenditures of various institutions by having each hospital submit an estimate of all anticipated expenses in advance of each quarter of the year. This information is submitted in considerable detail showing by items the quantity, price, and total cost of every type of expenditure the institutions plan to incur during the ensuing quarter. After the Quarterly Estimate is checked and approved by the Commissioner, it constitutes authorization to incur the expenditures listed and institutions may issue purchase orders covering such items regardless of actual need.

A Quarterly Estimate for any institution consists of from seven hundred to eight hundred pages and must be typed in quadruplicate. It has been estimated that, without considering the time involved in checking this record

in the Albany Office, from one thousand to fourteen hundred days of work are involved just to prepare this information.

The Division of Standards and Purchase as well as the Department of Audit and Control has favored the discontinuance of this record. Legislation was introduced in 1942 which would have relieved the institutions of the need for its continuance but was not enacted as a result of objections raised by the former Commissioner of the Department of Mental Hygiene.

It is extremely difficult to obtain a statement from anyone in the Department which would indicate the need and value of such information. Officers in the Albany Office stated that a number of hospitals, when preparing the Quarterly Estimates, merely copied the items which appeared in previous estimates. This is not surprising since it is probably next to impossible for any administrator or business manager to anticipate the exact needs of an institution for a period of four and a half months. Furthermore, it is believed that this method of limiting expenditure tends to destroy initiative and undoubtedly encourages the "padding" of expenses and supplies for which approval is requested.

With adequate accounting records which would show the relation of actual expenditures and commitments to the budget appropriations, it would be possible to control month by month the operating expenses of each institution without resorting to the "red tape" which now exists with regard to the preparation of Quarterly Estimates.

USE OF ACCOUNTING MACHINES FOR RECORDING BUDGETARY EXPENDITURES

Should the Department of Mental Hygiene discontinue the use of "Quarterly Estimates," it would be necessary to substitute a record which would provide adequate financial information regarding the relationship of actual expenditures to budget appropriations.

At present, this information which involves a needless duplication of work, is kept by hand by both the Albany Office and each institution.

Recommendations have been made in the Accountants' report for the elimination of certain records which are now duplicated within the Department. The use of special bookkeeping machines would enable the Albany Office to keep accounting records of expenditures for all institutions showing with relation to each budget appropriation:

1. Total appropriation
2. Amount of warrants issued and paid
3. Amount of unpaid orders and purchase vouchers
4. Unencumbered balance of budget appropriation

The above record is known as an "Encumbrance Ledger" or "Appropriation Ledger" and a special budget report could be prepared in duplicate from this ledger for each institution, one copy of which could be forwarded to the institution at the end of each month, thus relieving them of the need for keeping the Quarterly Estimate, Cost Distribution Book, and Voucher Register.

For many years the Federal Government, as well as state and city agencies, have successfully engaged the use of accounting machines for the purpose of maintaining an "Appropriations Ledger" and there is no reason why a similar system would not function efficiently for the Department of Mental Hygiene.

AUDIT OF FINANCIAL TRANSACTIONS

The Department of Mental Hygiene does not maintain auditors on its staff charged with the responsibility of verifying and checking the accuracy of the records kept by its various affiliated institutions. An audit of financial transactions appearing on the books of various institutions is made by the Department of Audit and Control and we were advised by the Director of Mental Hygiene Accounts that the records of only nine institutions were audited from January 1, 1942 to November 30, 1943 by the Department of

Audit and Control. Some of the audits covered a period of five years and the average "audit period" for the nine reports rendered was three years.

Considering the tremendous amount expended in the operations of these units, as well as the large amount of receipts which are handled during the course of a year, more frequent audits should be made. An annual audit of every institution would certainly seem justified under the circumstances and it is recommended that such a program be put into effect as soon as possible.

Audit reports prepared by the Department of Audit and Control were reviewed and indicated that a thorough examination of the institutions' records had been made. Many valuable recommendations were incorporated in these reports regarding changes in accounting procedure which apparently were completely disregarded by former Commissioners. Unless the suggestions and recommendations are acted upon by the Commissioner, a financial investigation is meaningless and complaisance on the part of the Department in the past toward poor accounting procedures has resulted in a lowering of the standards throughout the system.

GENERAL

The purpose of this section is to relate briefly a few of the accounting problems which were encountered during the course of this investigation. Aside from the seemingly undue waste of time and effort in the keeping of duplicate records and the retention of records which are of questionable value, the lack of centralized control and understanding of the business procedures as carried on in the various institutions present matters which should be of immediate concern to the Department. In some of the institutions great care is exercised in the keeping of financial records and it is apparent that the individual in charge understood thoroughly the need for good accounting and business methods. On the other hand, a large number of hospital units are failing to exercise sound procedures in their business office, yet until recently little or nothing has been done to correct the situation by the Albany Office.

The report of the accountants retained by the Commission includes specific recommendations relative to all of the subjects touched upon in this chapter. It is evident that the accounting and business procedures in the Albany Office, as well as in the various institutions, should be revised for the purpose of eliminating all unnecessary record keeping and providing, instead, needed and essential financial data which may be used both in the administration of a particular institution, as well as for the purpose of controlling the expenditures of the Department as a whole.

CHAPTER VII

ADMISSION, DISCHARGE, PAROLE, AND FAMILY CARE

CURTAILMENT OF UNNECESSARY LOAD ON THE STATE HOSPITALS

According to the last (1939) publication of the United States Public Health Service on Public Mental Hospitals, New York State has the largest number of mental patients of any state in the Union and the highest hospitalization rate per 100,000 of population (727.0) except Massachusetts (757.0) and the District of Columbia (1296.2).

The 1942 report of the Department of Mental Hygiene shows that according to the local residence of patients on the books of the Civil State Hospitals, the largest number, 23,212 were from New York County, representing a ratio to 100,000 population of 1,224.9. This ratio is almost twice that of the next county (Kings)—618.5. The average ratio for all counties was 607.1.

First admissions from the five metropolitan counties, Bronx, Kings, New York, Queens, and Richmond, totalled 8,867; from all other counties 4,871, or 64.5 per cent and 35.5 per cent respectively, of all first admissions. Of the total on the books of the State hospitals, 53,459 or 64.3 per cent were from the metropolitan counties, while 29,594 or 35.7 per cent were from

the remaining counties. Of the 17,611 admissions and readmissions to the State mental hospitals in 1942, 8,979 were from Bellevue Hospital, 50.9 per cent of the total.¹

As of October 1, 1943 the certified capacity of the Civil State Hospitals was 62,941. The actual number of patients in residence was 72,191. The excess over capacity was at that date 9,370 or 15 per cent. In the State schools for mental defectives the overcrowding was 20 per cent and at Craig Colony the overcrowding was 11.6 per cent. There is no question but that the State institutions are full to over-flowing.

Notwithstanding the overcrowded conditions of the State hospitals and of the institutions for mental defectives, part of Pilgrim State Hospital and part of Rockland State Hospital and Willowbrook State School in its entirety have been turned over to the United States Army for use as military hospitals. These buildings were in large part recently constructed in order to relieve the overcrowding in the institutions of this Department. During the war and probably for some time thereafter they will not be available for this purpose.

The following table shows the percentage of overcrowding in the institutions as well as the actual numbers under care as of October 1, 1943:

STATE INSTITUTIONS	PATIENTS					EXCESS OF PATIENTS OVER CAPACITY	
	Census including parole	Number in institutions*	Number in family care	Number on parole	Certified capacity	Number	Percent
State Hospitals:							
Binghamton.....	2,976	2,653	71	252	2,391	262	11.0
Brooklyn.....	4,489	3,337	3	1,149	2,603	734	28.2
Buffalo.....	2,878	2,494	25	359	1,942	552	28.4
Central Islip.....	8,034	7,117	91	826	6,443	674	10.5
Creedmoor.....	4,964	4,421	.....	543	4,142	279	6.7
Gowanda.....	3,075	2,605	83	387	2,228	377	16.9
Harlem Valley.....	4,760	4,368	105	287	3,972	396	10.0
Hudson River.....	5,180	4,818	102	260	4,131	687	16.6
Kings Park.....	7,203	6,269	24	910	5,390	879	16.3
Manhattan.....	4,256	3,616	1	639	3,616	.....	.....
Marcy.....	2,864	2,497	42	325	2,140	357	16.7
Middletown.....	3,868	3,465	221	182	2,742	723	26.4
Pilgrim.....	9,546	8,634	86	826	7,831	803	10.3
Psychiatric Institute and Hospital.....	133	127	.....	6	210	83	.....
Rochester.....	3,466	3,075	70	321	2,740	335	12.2
Rockland.....	6,770	5,855	52	863	4,700	1,155	24.6
St. Lawrence.....	2,269	1,967	97	205	1,721	246	14.3
Syracuse Psychopathic Hospital.....	26	26	.....	.....	60	34	.....
Utica.....	2,068	1,773	65	230	1,552	221	14.2
Willard.....	3,143	2,926	65	152	2,431	495	20.4
Total.....	82,072	72,191	1,154	8,727	62,941	9,370†	15.0†
State Schools for Mental Defectives:							
Letchworth Village.....	4,723	4,095	211	417	3,178	917	28.9
Newark.....	3,147	2,519	226	402	1,874	491	26.2
Rome.....	3,969	3,506	.....	463	2,440	236	9.7
Syracuse.....	1,344	946	.....	398	677	118	.....
Wassaic.....	4,868	4,389	131	348	3,544	821	23.2
Total.....	18,051	15,455	568	2,028	11,713	2,347	20.0
Craig Colony for Epileptics..	2,399	2,220	.....	179	1,990	230	11.6

* Including colonies.

† Excluding Psychiatric Institute and Syracuse Psychopathic Hospital.

¹ Except for the excellent work of diagnosis and segregation done at Bellevue Hospital the admissions to the State hospitals would undoubtedly be higher. In the year 1942, 29,480 persons went through the Psychopathic Division of this hospital, of whom 8,979 were committed to State hospitals. Of those committed to State hospitals approximately one-third were senile or arteriosclerotic.

With the demand for care in the mental hospitals growing out of all proportion to the increase in population, a determination must be reached as to a future program for the care of the mentally ill. In the past the increasing numbers have been accommodated by the relatively easy, though expensive, expedient of building more hospitals. Within limits, hospital accommodation must be provided. However, before the State is committed to the support of an expanded system of new institutions, the possibility of other solutions to the problem of the care of the mentally ill should be explored. It goes without saying that any such solutions should not sacrifice the quality of care given to patients.

Obviously if the load on the hospitals is to be reduced, four methods must be considered to accomplish that purpose:

(a) restricting admission of patients who do not need the special type of care rendered by mental hospitals or who can be cared for equally well elsewhere;

(b) transferring to appropriate agencies cases for which the State of New York should not bear the responsibility, such as residents of other states, aliens, veterans;

(c) discharge of such patients as reasonably can be expected to become adjusted to life outside an institution through intensified methods of treatment in the hospital and by the use of parole, family and colony care;

(d) preventing serious mental illness by early detection, diagnosis, and treatment.

(a) Restricting Admission of Patients Who Do Not Need the Special Type of Care Rendered by Mental Hospitals or Who Can Be Cared for Equally Well Elsewhere

The great influx of the aged into the State hospitals since the days of the depression has been due not so much to mental ills on their part as to an unwillingness by the local communities and the families to take care of those who are merely suffering from the natural consequences of old age. All too often a patient with some mental symptoms resulting solely from age is committed to a State institution. Twenty-two per cent of all first admissions to State hospitals in 1942 were of persons over the age of seventy. This constantly increasing influx into the State mental hospitals of patients who are senile or who have cerebral arteriosclerosis raises a question as to whether many of them are in need of such care as is provided in the mental hospitals.

Senile psychoses and cerebral arteriosclerosis in the last thirty years have risen from 13.5 per cent of first admissions to 35.4 per cent. The senile and arteriosclerotic patients on the books of the State hospitals represent 11 per cent of the total number. The apparent discrepancy between the percentage of admissions and the percentage in the hospitals is accounted for by the fact that the average stay in the hospital of these patients until death is only a year and a half, many of the deaths, in fact, occurring within a few days after admission.

A comparison of admissions, number in hospital, and length of hospital stay of types of principal mental disorders is:

	Percent of First Admissions July 1, 1941— June 30, 1942	Percent of Hospital Population June 30, 1942	Average Length of Hospital Stay—Yrs.
Cerebral Arteriosclerosis ...	23.0	7.5	1.6
Senile Psychoses	12.4	3.8	1.5
Dementia Praecox	24.2	58.0	19.3
Manic Depressive	5.0	6.3	7.3
Alcoholic	6.6	2.9	7.1
General Paresis	5.6	5.0	3.6
Paranoia	0.6	1.4	21.1

Many of the senile and arteriosclerotic people sent to State hospitals are merely confused and unable to take care of themselves. Nothing can be done for most of them other than to make them comfortable and give them simple

medical and nursing care. Such care is custodial rather than curative. The problem is primarily one of the care of the aged rather than one of treatment of the mentally ill.

A survey was made by the Commission in two hospitals to determine what percentage of the senile and cerebral arteriosclerosis groups in those hospitals were no longer in need of State hospital care and should no longer be in a mental hospital. The hospitals selected were Harlem Valley and Manhattan. The survey of cases was made by the staff of the Commission with the collaboration of Dr. John H. Travis and Dr. Harry A. LaBurt, Superintendents, respectively, of Manhattan State Hospital and Harlem Valley State Hospital, together with members of their medical staffs.

The selection of cases was confined to the groups diagnosed as senile and cerebral arteriosclerotic. The aged of other diagnostic classifications were excluded. Both bed and ambulatory cases were included. Any questionable case was given the benefit of the doubt and considered as requiring further mental hospital treatment.

The following is a tabulation of the results of the study:

*Study of Senile and Arteriosclerotic Groups at Two State Hospitals—
October 27–28 and November 9–16, 1943*

1. Harlem Valley State Hospital	Found not in need of Mental Hospital Care		Found in need of Mental Hospital Care		Total
	Male	Female	Male	Female	
Senile.....	14	39	14	34	101
Cerebral arteriosclerotic.....	49	72	50	53	224
Total.....	63	111	64	87	325

Total found not needing mental hospital care — 174 or 53.5%.

2. Manhattan State Hospital	Found not in need of Mental Hospital Care		Found in need of Mental Hospital Care		Total
	Male	Female	Male	Female	
Senile.....	44	91	20	104	259
Cerebral arteriosclerotic.....	147	228	76	204	655
Total.....	191	319	96	308	914

Total found not needing mental hospital care — 510 or 55.7%.

The presence of these people in the State hospitals is against the desire of these hospitals to keep them, and is because of the fact that there is no other place prepared to receive them.

Under Section 87 of the Mental Hygiene Law, a Superintendent may discharge a patient who has not recovered but whose discharge in his opinion will not be detrimental to the public welfare or injurious to the patient. This section, however, provides that before discharging such a patient "the Superintendent shall satisfy himself by sufficient proof that friends or relatives of the patient are willing and financially able to receive and properly care for such patient after his discharge." The section also provides that a poor and indigent patient discharged by the Superintendent because he is not insane "shall be received and cared for by the Commissioner of Public Welfare or other authority having similar powers in the county from which he was committed." The difficulty in discharging senile and arteriosclerotic patients is that the Commissioners of Public Welfare refuse to take them on the ground that they have a record of commitment to a State institution and their families either refuse or are unable to receive and care for them.

County homes and old folks' homes, as a rule, refuse to accept persons who have a history of mental disturbance even though this mental disturbance is only an incident to old age. As a result, thousands of persons who have reached old age and are mentally suffering from the effects of advanced years find themselves in what they themselves regard as "insane asylums" and the families find themselves regarded as having "insanity" in the family.

The following table shows the number of patients admitted and the number under care of the combined groups diagnosed as senile and as cerebral arteriosclerotic in each of the State mental hospitals for the fiscal year ending June 30, 1942.

Senile and Arteriosclerotic—State Mental Hospitals Percentage of Admissions and of Hospital Population

Hospital	Admissions			In Hospital		
	Total	Number S. & A.	Percentage S. & A.	Total	Number S. & A.	Percentage S. & A.
Binghamton.....	402	133	33	2,750	269	9.7
Brooklyn.....	2,537	1,092	43	3,401	1,051	30.0
Buffalo.....	530	223	42	2,457	317	12.9
Central Islip.....	1,053	287	27	7,196	738	10.2
Creedmoor.....	907	356	39	4,611	567	12.3
Gowanda.....	415	109	26	2,367	202	8.6
Harlem Valley.....	368	128	34	4,508	342	7.5
Hudson River.....	439	187	42	4,549	531	11.6
Kings Park.....	841	148	17	6,392	389	6.1
Manhattan.....	1,352	816	61	3,119	722	23.1
Marcy.....	505	184	36	2,489	234	9.4
Middletown.....	232	79	34	3,328	228	6.8
Pilgrim.....	1,227	322	26	8,972	954	10.6
Rochester.....	464	177	38	3,144	306	9.7
Rockland.....	1,265	278	22	6,902	749	10.8
St. Lawrence.....	296	88	29	1,991	122	6.1
Utica.....	376	135	36	1,775	220	12.3
Willard.....	298	116	38	3,022	326	10.7

The foregoing table shows that during the fiscal year ending June 30, 1942, 8,267 patients with the diagnosis of senility and cerebral arteriosclerosis were under care in the State mental hospitals. If it were true of all the hospitals as it is in Harlem Valley and Manhattan State that at least one-half of this number were not now in need of care such as is provided in a mental hospital and if these patients were discharged, over 4,000 beds would be available to relieve conditions of overcrowding. This is the equivalent of a hospital the size of Harlem Valley State Hospital.

So long as no adequate provision is made by the local communities for the aged, just so long will the State mental hospital be considered both by their relatives and the local communities as a convenient "dumping ground" for them. The result will follow that the State hospitals will become in effect old folks' homes rather than hospitals in the true sense of the word. Until the State refuses to allow the mental hospitals to be used as old folks' homes, just so long will the State hospitals fail fully to achieve the status of primarily curative hospitals.

This problem of taking care of the indigent chronically ill, including those suffering from the natural consequences of old age, is a broad social problem. It involves much more than the mental hospitals. It is closely related to the problem of the care of chronic illness, a field of social responsibility almost as much neglected today as mental illness was a hundred years ago. There is a need today for the establishment of a long range program shared by the State, the counties, and the cities to provide care for this group of citizens. Such a program would do much to solve the problem of overcrowding in the mental hospitals and at much less expense to the State than the building of new mental hospitals. The development of such a program would

go far beyond the authority and resources of this Commission. It is a matter which should be studied in itself with reference to the care of the chronically ill and incapacitated of all ages. The State of New York should lead the way in meeting this problem.

Until some adequate arrangements are made for taking care of the senile and arteriosclerotic, the problem of overcrowding in the State hospitals will remain acute. As a recommendation for immediate action, it is urged that the Mental Hygiene Law be amended to provide that the Department of Mental Hygiene shall be notified of all applications for commitment to a State institution with the right to appear and present reasons of the Department in opposition to the application for commitment. In this way, to some extent, the Department will be enabled on the commitment proceedings to refuse to accept some of those patients who properly should be cared for elsewhere.

(b) Transferring to Appropriate Agencies Cases for Which the State of New York Should not Bear the Responsibility, Such as Residents of Other States, Aliens and Veterans

The removal of non-residents of New York State has always posed difficult problems. For the year ending June 30, 1942 there were removed from the New York institutions eight hundred and ninety-three patients who, according to the records of the Department, were not legally residents of the State. It is almost impossible at times to determine legal residence and often when it is ascertained, other states refuse to accept the return of a patient.

The removal of deportable aliens is one that will have to wait until the end of the war. Of the 13,738 first admissions in the fiscal year ending June 30, 1942, 4,796 or 34 per cent were foreign born patients. Of this number 1,805 were aliens. In other words, 13 per cent of the patients admitted were not even citizens. However, of the foreign born including aliens, only one hundred and sixty-seven had been residents of the United States for less than ten years. As soon as war conditions permit, arrangements should be made for the removal of deportable aliens afflicted with mental illness.

With respect to veterans the State should not have to carry the burden of their care, especially since the Federal Government maintains its own mental hospitals. This problem will become increasingly acute after the present war. As is shown in the chapter on Reimbursement for Patient Care, there has admittedly been little attention given even to the problem of securing reimbursement from the Federal Government for cases of veterans committed to the New York hospitals. This has been the result of the inertia and lack of organization of the Commissioner's office. Prompt rearrangement of procedure with reference to determination of the Federal Government's liability on cases of commitment of veterans is imperatively needed.

(c) Discharge of such Patients as Reasonably Can Be Expected to Become Adjusted to Life Outside an Institution

- (1) *Intensified Treatment.* During the last twenty years admissions to State hospitals for dementia praecox have constituted, with little variation, one-fourth of all admissions. Dementia praecox is the most frequently occurring mental conditions requiring hospital care. For the fiscal year ending June 30, 1942, dementia praecox accounted for 24.2 per cent of the admissions and 58 per cent of the in-patient population of the State mental hospitals. Unlike the patients with senile psychoses and cerebral arteriosclerosis, those with dementia praecox are young people and their average stay in hospitals is 19.3 years. They grow old in the hospitals and constitute over half of the number of patients under care, and are five times more numerous than the next largest group, the senile and arteriosclerotic. Patients with dementia praecox require care in a mental hospital and their mental condition is one that does not respond readily to curative measures although shock treatment has been followed by good results in an increas-

ing percentage of cases. Since the group of dementia praecox cases represents more than the combined total of all other types of mental disorder, the importance of utilizing shock therapy to the greatest possible extent is evident. Hope for the dementia praecox patient lies, besides shock therapy, in the discovery of the cause of his condition and in finding new and more effective methods of treatment.

Manic-depressive psychosis is responsible for only 5 per cent of first admissions to the State mental hospitals (fiscal year ending June 30, 1942) whereas twenty years ago it accounted for 14.2 per cent. Shock therapy for this type of mental disorder has given encouraging results.

General paresis has shown a marked decline as a cause for treatment in the State mental hospitals—for the fiscal year ending June 30, 1923, 11.8 per cent of first admissions were for general paresis whereas for the year ending June 30, 1942 the percentage dropped to 5.6. The decline in the incidence of general paresis is attributable to improved methods of control and treatment of syphilis, the cause of the disease.

(2) *Parole*. Next to the prevention of mental disorders, the restoration to mental health, thereby enabling patients to resume their places in society, holds out the best prospect for minimizing the need for expansion of State hospital facilities.

The percentage of patients on parole of the total number of patients under care has increased slowly in the last ten years, from 7.5 at the close of the fiscal year 1933 to 10.4 in 1942 for the State hospitals and from 7.5 to 12.3 in the same period for the State schools. In explanation of the more than average rise in paroles in the hospitals for 1942 as compared with the preceding year (10.4 against 9.3), the Report of the Department for the fiscal year ending June 30, 1942 states that "the relatively large increase in 1942 was due, however, to special efforts to increase the number of patients on parole." Coinciding with the study of the Temporary Commission on State Hospital Problems of the subject of Parole, the inference is justified that the "special efforts" were inspired by activity outside the Department and were not the result of spontaneous interest within it.

There has been no well defined policy or procedure with respect to parole in the State hospitals. There is no periodic review of all cases, recommendation for parole being left to the judgment of various ward physicians in the hospitals. It is the opinion of this Commission that "special efforts" should be made continuously in the institutions to find patients suitable for parole and that the Assistant Commissioner in charge of the Division of Medical Service should be responsible for supervising and stimulating the function of parole throughout all the State mental institutions. The present number of physicians is insufficient to examine into the parole status of each patient. That such a supervision of parole is necessary is indicated by the fact that there is a great variation in policy among the institutions, the percentage of paroles running from 5.2 to 24.2. Only four hospitals were above 12 per cent, Brooklyn, Rockland, Buffalo, and Gowanda. If the average of all hospitals were 12 per cent, it would mean an annual saving to the State of over half a million dollars.

In the different hospitals there is also a wide variation in the ratio of patients discharged as recovered, from 9.1 per 100 admissions at Harlem Valley to 34.3 per 100 admissions at St. Lawrence. This variation in rates of recovery is only partly explained by differences in the types of patients received by the hospitals.

Another factor bearing on the subject of parole and discharge is the readmission rate. For the fiscal year ending June 30, 1942, there was a total of 17,611 admissions of which 3,873 or 22 per cent were readmissions. A high readmission rate is to be expected unless patients are able to adjust themselves in society after parole or discharge from the institutions. One reason for failure to make adjustments is that patients are frequently returned to surroundings which may have contributed largely to their mental breakdown in the first place and, without help, they relapse into their former mental conditions.

Any system of parole, therefore, to attain maximum success requires not only that patients be sufficiently recovered but also that they be placed in

environments conducive to their continued ability to adjust themselves to life as members of society. Such an ability to readjust is greatly augmented by adequate medical and social follow-up and supervision. The extent of this follow-up and supervision is dependent to a great extent upon an adequate staff of psychiatric social workers. The discussion of this problem and the recommendations made with reference thereto in the chapter on Professional Care of Patients must also be considered in connection with any consideration of the adequacy of parole procedures.

(3) *Family Care.* "Boarding out" of mental patients in family homes is nothing new. It was practiced by Massachusetts almost sixty years ago but only to a limited extent. It was authorized by the New York Legislature in 1935 and an allotment of \$20,000 to each State hospital was made for the purpose. The law, however, limited the rate to be paid for family care to a sum not exceeding \$4 per week. Subsequently, in 1940, the Legislature increased the allowable rate to \$6 per week and in 1942 further amended the law by removing the limit on the rate to be paid. In that year the Department authorized the payment up to \$7 per week plus 25 cents per week for spending money per patient. In April 1943, the allowable rate was again increased by the Department to \$8. According to the records of the Department, for the six months from April 1, 1943 to September 30, 1943, the average weekly payment for family care was \$6.99, the range being from \$5.13 to \$8.19.

The direct cost of care in the mental hospitals for the fiscal year ending June 30, 1942 was \$401.46 per patient or \$7.72 per week. These figures do not include indirect costs, interest on investment, depreciation, capital outlay, central office expense, or payment to the retirement fund. While the cost of \$6.99 for family care does not include medical and social service supervision, it is apparent that family care is less expensive than institutional care and even if it were not, the more patients that can be cared for by family care the less need there is for capital expenditures for additional institutions. It is estimated that new hospital construction requires an expenditure by the State of approximately \$2,500 for every patient.

The success of family care is measured by the ability of patients to stay out of the institution and their ability to do so is greatly increased by continued psychiatric care and social service supervision. Such care and supervision to date have been inadequate chiefly because of the lack of psychiatric social workers resulting in impossible case-loads.

At the end of the fiscal year ending June 30, 1937, the first in which family care was utilized, there were three hundred and seventy-seven state hospital patients receiving such care. In 1940, because of a retrenchment program ordered by Governor Lehman, many State hospital patients in family care were recalled to the hospitals in the interests of "economy," only two hundred and nine being in family care at the end of the year. At the end of the 1942 fiscal year, however, the number had increased to 1,256 and at October 1, 1943 there was a total in family care of 1,722.

(4) *Colony Care.* Another possibility for relieving the pressure on the mental hospitals which seem worthy of a practical trial, especially in areas where suitable homes for family care are not available, is a plan for colony care similar to that now operated so successfully for mental defectives by three of the State schools.

As conditioning for such colony life and for parole, supervised but not regimented life in certain buildings for selected groups of patients would appear to be a feasible transitional procedure. At several of the hospitals, as a result of the law providing for cash salary additions in lieu of maintenance, there are vacant employees' quarters which could well be put to use in furnishing this type of housing for the better patients in a transition from institutional life to life in the community.

Maximum good results both with parole and family care can be expected only when there is an organized program toward that end with close supervision from the Commissioner's office and ready acceptance on the part of all the mental institutions. Such a program would require an adequate follow-up by social workers, under direction of the psychiatrists, of all patients paroled or placed in family care. Such a program has not existed in the past except to a very limited extent.

(d) Preventing Serious Mental Illness by Early Detection, Diagnosis, and Treatment

Preventing the need for care in State mental hospitals is perhaps the most hopeful means of keeping within the bounds of present hospital capacity. The program of control of tuberculosis furnishes an example of what can be accomplished in making hospital facilities less and less necessary. Tuberculosis sanatoria crowded to capacity with long waiting lists twenty years ago, now can often take patients as fast as admission is requested. Merely providing hospital treatment for cases of tuberculosis could not have accomplished such results. Such results have been possible only because of a program of prevention and control.

As with tuberculosis, cancer, or almost any disease condition, the earlier that mental disease or tendency toward mental illness is discovered, the more hopeful is the prospect of cure. The earliest contact with potential mental patients on any large scale program of prevention is with the children in school. Child guidance clinics should be a part of every well directed system of school medical inspection with adequate follow-up visits to homes and instruction of parents. In Massachusetts the mental hygiene law requires the State hospitals to assume responsibility for school clinics.

The first signs of mental breakdown are usually seen but too often not recognized by the patient's regular medical attendant. Few physicians have had much more than casual instruction in psychiatry as medical students and relatively little experience in practice. When medical practitioners are equipped to recognize mental deviations in the early stages, their patients will frequently need less institutional care. Almost every general hospital, public and private, should, therefore, have a psychopathic unit. Such units available for the use of physicians in caring for early cases would be "filters" for the State hospitals and they would tend, measurably, to reduce the need for State hospital admissions. Private voluntary hospitals and municipal general hospitals should be encouraged by the State to establish psychiatric units and psychiatric clinics.

Discharge of Patients Who Have Escaped

General Order No. 14 of the Rules and Regulations of the Department provides that if a patient escapes and is not returned to the institution within one year after his escape he must be discharged. While the effect of this regulation may be to improve the statistical reports somewhat, it certainly fails to express the realities of the situation. The rule apparently presumes that a person sane enough to escape from the institution and remain at large for one year has recovered his sanity. Thereafter, he can be taken back into the institution only if a new order of commitment is secured. It is submitted that this order is one that should be rescinded promptly.

Fingerprinting of Patients

At the present time patients in mental hospitals are not fingerprinted. There is, therefore, no sure means of knowing whether a patient who is admitted to such an institution may have a criminal record or be wanted upon criminal charges. Likewise, when a patient is discharged from such an institution and later becomes involved in some criminal offense, there is no sure means whereby the criminal authorities may learn that he formerly was confined in a mental institution. A bill was passed at the 1943 session of the Legislature, providing for fingerprinting of patients in these institutions, which had to be vetoed because of the fact that no appropriation was provided for the fingerprinting. The law should be amended to provide for the fingerprinting of patients in these institutions and necessary appropriations should be made for this purpose.

Procedural Changes in Admission

The Judge issuing an order of commitment now specifies the hospital to which the patient is to be sent and thereafter he can be transferred from that

hospital only on order of the Commissioner. Generally speaking the Judge is not the best qualified person to decide where patients should be sent for their own good and in the public interest. For example, certain hospitals may be better equipped to take care of certain types of cases than other hospitals or certain hospitals may be more overcrowded than others. It is recommended that the law be amended to provide that the order of the Judge shall refer the patient to the Department of Mental Hygiene and the designation of the hospital in which the patient shall be admitted shall be determined by the Department and not by the Judge. Furthermore, the law requires the Commissioner to establish districts within the State and patients may initially be admitted only to hospitals within particular districts. This provision of law is no longer needed and it would be advisable to give the Commissioner complete freedom in the matter of assignment and distribution of patients in mental hospitals.

In New York State there are five methods of commitment:

- (a) On voluntary application;
- (b) On certificate of health officer;
- (c) On certificate of one physician;
- (d) On court commitment;
- (e) On incomplete court commitment to meet an emergency.

Since over three-fourths of all admissions are on court commitment, this form overshadows the other four.

The present procedure for admission is a hold-over from the days when mental illness was treated almost in the nature of a criminal offense. To arraign a mentally ill person before a Judge and then "commit" him to an institution smacks of criminal proceedings rather than medical treatment. The procedure is not conducive to the mental improvement of the patient. While for the protection of the individual rights of persons a court order is probably necessary, steps should be taken to remove the legalistic forms which surround the proceedings.

A commitment on a certificate of a health officer or on a certificate of one physician necessitates the patient being released within thirty days after he, or any other person on his behalf, requests such release (Mental Hygiene Law, Secs. 72, 73). No person may be detained in a psychopathic hospital or in a psychopathic ward of a general hospital for a period longer than thirty days (Mental Hygiene Law, Sec. 81 (2)). These periods of observation appear to be too short, and the Law should be amended to allow in these cases a sixty-day period of observation, with the requirement that within the sixty days, irrespective of any application by the patient or persons on his behalf, the patient either is discharged or formal procedures are instituted for the commitment of the patient to a State mental hospital.

Furthermore, the present procedure for legal commitment to a State mental hospital presupposes that the Judge has finally determined that the patient is "insane." To impose this responsibility upon a Judge where a patient has not been in a hospital for a sufficient period of observation is to place a burden upon the Judge which is fair neither to him nor to the patient. It is believed that it would be desirable to provide that no person be finally committed to a State mental hospital unless he has been under observation in a psychopathic hospital, a psychopathic ward, or under treatment by a registered psychiatrist, so that there may be a basis of expert advice based upon a period of treatment as to whether such patient should finally be committed to a State institution. It should be pointed out that an order of commitment to a State hospital, even if followed by a discharge within a relatively short time, becomes part of the patient's life record so that at all times in the future he has a history of having once been judicially determined to be insane. To correct this situation it is recommended that the Law be amended to provide that a Judge may, in his discretion, certify a patient "for observation" to a State mental institution for a period not to exceed sixty days. Within that time the hospital should make a report on the case to the Judge and, in the event that the hospital believes on the basis of its observation that a commitment is necessary, a final hearing on the commitment could be held within or at the end of the period of observation.

To carry these suggestions into effect the Commission recommends the following:

(a) The word "commitment" should be eliminated from the law and procedure and in place thereof provision should be made for the Judge to "certify" the patient to the Department of Mental Hygiene or other appropriate agency for care and treatment.

(b) The word "parole" should be eliminated as having a criminal connotation and in place thereof there should be used the words "convalescent status."

(c) Proceedings should, to the extent possible, be held not in court houses but in hospitals. When they are held in hospitals, it is a mistake to have the room in the institution set up as a courtroom, as is now done at Bellevue Hospital. The proceedings should be informal and conducted in an atmosphere of a medical conference rather than that of a court.

(d) Throughout the text of the Mental Hygiene Law the word "insane" should be replaced by the words "mentally ill," and "insanity" by "mental illness." For the latter words, "mental disorder" may be used as a synonym.

(e) The Mental Hygiene Law should be amended to provide that a person admitted on certificate of a health officer or on certificate of one physician may be detained in a State hospital for a period up to sixty days for observation. The same provision should appear in the Mental Hygiene Law with reference to commitments to psychopathic hospitals or psychopathic wards in general hospitals.

(f) Provision should be made in the Mental Hygiene Law allowing a judge to certify a patient to a State mental hospital for observation for a period not to exceed sixty days, with the requirement that within that time the hospital should either discharge the patient or make application for a final order of certification.

(g) The Mental Hygiene Law should be amended to provide that the order of the judge shall certify a patient to the Department of Mental Hygiene, and not to a particular institution, and that the designation of the hospital to which the patient shall be admitted is to be determined by the Department.

CHAPTER VIII

ORGANIZATION OF THE DEPARTMENT OF MENTAL HYGIENE AND THE INSTITUTIONS OPERATED BY IT

1. THE DEPARTMENT

From 1927 until May 1943, there had been two Commissioners, both former State hospital Superintendents. Since a certain degree of resistance on the part of the Superintendents to effective central control has been traditional, it was perhaps natural for a Commissioner coming from the ranks of the Superintendents to fail to exercise fully his powers of supervision over the institutions in the Department. The primary cause of the failure of the Department to keep pace with progress in the care of the mentally ill in New York in the last few years was this weakness of leadership at the top. This weakness was not because of lack of authority, for the Mental Hygiene Law confers wide administrative and supervisory powers on the Commissioner. It appears to have been because of the failure of the former Commissioner to exercise his legal powers, and assume his legal responsibilities with the necessary vigor.

The whole purpose of having a unified Department of Mental Hygiene, as contrasted with a group of separately operating institutions, was to get the supervision and guidance of a central office. The best result has not been accomplished in the past, with the consequence that those institutions with able Superintendents were well run, while other institutions with inadequate Superintendents were poorly run. There was no standardized policy of operation.

The conclusion is inescapable from the facts heretofore shown in this report, that driving power if it existed at all, has been dormant in the Department. A chief reason for the resulting inertia has been the failure of the Depart-

ment to realize that twenty-six large institutions could not be left largely to themselves, in the expectation that they would solve their own problems and, uncoordinated, achieve satisfactory progress.

In the administration of the Commissioner's office there can be no substitute for an able, broad-gauged executive. The appointment of such an individual to this position must be at all times a prerequisite to the efficient operation of the Department.

There is no way in which the law can prescribe the appointment of an able executive. The choice of such a man is something which must be accomplished by the Governor who is then in office. However, it must be recognized that Governors in the past have had their hands tied to a certain extent in the appointment of a Commissioner by the requirement which was then in the law, that the Commissioner must be a person who had "at least five years' actual experience in the care and treatment of persons afflicted with mental disease in an institution for their care and treatment."¹

With this limitation in the law it became, as a practical matter, almost impossible for the Governor to appoint to the office of Commissioner anybody who had not grown up in the New York State hospital system, and in actual practice both Commissioners preceding Dr. MacCurdy had been Superintendents of New York State hospitals. The Legislature in 1943 removed the restrictions on the appointive power of the Governor, thereby enabling the Governor to appoint to the position of Commissioner a person chosen primarily for his executive ability in hospital administration, rather than a person whose claim was based solely upon years of experience in the State hospital system. The Commission has been impressed by the energetic and imaginative manner in which the new Commissioner, Dr. Frederick MacCurdy, in the few months since his appointment, has tackled the administrative problems of the Department and has started a reorganization to correct some of the inefficiencies and inertia of the past.

While in the administration of a Department there is no substitute for an able executive, it is also true that an able executive must be surrounded by a staff which will enable him to perform the duties of his position. Under Section 11 of the Mental Hygiene Law, the Department has "the jurisdiction, supervision, and control" of all institutions in the Department to see that the purposes of such institutions are carried into effect. The Commissioner, with twenty-six institutions under his supervision, cannot carry out these duties alone. No matter how able a Commissioner might be, it is apparent that he should have attached to his office a staff of experts in the various functions of the institutions, who could inspect them in their varied aspects, and give to the Commissioner that guidance and advice which are prerequisites to the efficient operation of the Commissioner's office.

At no time in the past have arrangements been made for such a staff. This has been a fundamental defect in the organization of the Department. For example, there has been no Director of Nursing on the staff of the Commissioner to supervise and check the adequacy and efficiency of nursing care given in the institutions. There has been no Dietitian or Nutritionist on the staff of the Commissioner to supervise the adequacy of the diet in the different institutions, and this despite the fact that the Department during a year serves over \$8,000,000 worth of food. Although the institution farms have been under cultivation some 12,000 acres, producing yearly at wholesale prices products valued at well over \$1,000,000, there has been no Director of Farms on the staff of the Commissioner to supervise the operations of the farms by the institutions. Although the budget appropriation for personal services for a single year for the Department and its institutions is over \$27,000,000, there is no provision for an expert on Personnel in the Department.

There has been in the Department a somewhat detached Bureau of Inspection consisting of four physicians; but the only inspections of the institutions in the past have been by short and infrequent visits of the Commissioner or

¹ The law also provided that the Commissioner must be a physician who had at least ten years' experience in the actual practice of his profession.

Assistant Commissioner, and formerly by quarterly visits from one of the physicians designated as Medical Inspectors. Since the war not even the quarterly visits have been made. The Medical Inspectors were chosen from those on the Civil Service Lists who were awaiting appointment, either as First Assistant Physicians at an institution or as Superintendent of an institution. They were looking forward to promotion in the Department and dependent largely for that promotion upon the support and cooperation of the very persons whose institutions they were inspecting. Under such a system it is apparent that the Medical Inspectors would be loath to criticize the operations of institutions, when they were dependent for their future career in the Department upon the good-will in part of those who were operating the institutions. Under such circumstances, it is not surprising that one of the Medical Inspectors stated on examination that during his entire period as Medical Inspector he had never found anything in any institution to criticize.

However, purely apart from this system of selecting medical Inspectors, it is also apparent that the functions of the Department are so diverse that it is impossible to concentrate the inspection function in only a medical man. For example, a proper inspection would necessitate a knowledge of nursing, dietetics, sanitary engineering, plant maintenance, accounting procedures, and operations of farms and of the schools maintained for mental defectives. To secure the proper type of inspection would require that the Commissioner have attached to his staff not a Medical Inspector, but persons competent to advise upon these various functions which are found in the institutions.

In the organization of the Department as a whole, there is also no clear-cut division of responsibility and authority. It is an axiom of sound administrative practice that executive authority, while centralized in one responsible head, must be delegated to others competent to exercise it, but must be so delegated that a subordinate responsible for one function does not assume responsibility for the functions assigned to others. This principle, however, has not been followed in the organizational set-up of the Department.

The Commission, therefore, recommends a reorganization of the office of the Commissioner, with a rearrangement of present functions and personnel and with authority to fill existing gaps. A chart of the proposed administrative organization of the Department appears on page 444 of this report. In this chart the rectangles indicate the functions which center in the Commissioner's office; the circles indicate the principal personnel involved in administering those functions. Subsidiary personnel, such as assistants, secretarial workers, etc. are omitted, since their numbers and assignments will be dependent upon the volume of work to be done.

In the proposed organization of the Department, the institutions will continue to be directly responsible to the Commissioner. The Commissioner will, however, have on his staff persons competent to carry out the executive and supervisory duties imposed upon him and to advise him and the institutions with reference thereto. It is proposed that the Commissioner have in the Department two bureaus: (a) the Bureau of Professional Care and (b) the Bureau of Business Administration.

In the *Bureau of Professional Care* should center all of the supervision of professional service. The chief of this Bureau should be the Deputy Commissioner. Under the Deputy Commissioner, in the Bureau of Professional Care should be the following divisions:

(1) *Division of Medical Service.* This should be administered by an Assistant Commissioner. In this Division would fall the function of supervision and advice on all matters directly related to the medical care of patients, including clinical medicine, therapies, preventive measures, medical education, and research.

(2) *Division of Statistics.* This should be headed by a Director of Statistics, who should be an expert in vital statistics with special knowledge of those relating to mental disorders, and familiar with disease nomenclature and modern methods of classification, filing, and cataloguing of clinical records.

(3) *Division of Inspection.* This Division should be headed by an Assistant Commissioner or Chief Inspector. It should have the direct

responsibility for the inspection of all licensed mental institutions in the State, and those institutions in the Department of Correction which the law provides should be inspected by the Department of Mental Hygiene. It should also have the duty of investigating and reporting upon complaints which might be sent to the Department. This Division should also attend to the duties of maintaining a careful inspection and observation of the methods for examining immigrants for mental disorders at the Port of New York, to the deportation or removal of alien and non-resident mentally ill, epileptics, and mental defectives. This Division should also have the duty of supervising the function of sanitary inspection for all the institutions, which function should be carried out by a qualified Sanitary Engineer in this Division.

(4) *Division of Nursing and Nursing Education.* This Division should be headed by a Director of Nursing, who should be a well qualified nurse administrator and educator. She should advise the Commissioner on matters relating to nursing in the institutions, and also act as an adviser to the Commissioner on problems of nursing education.

(5) *Division of Nutrition.* This Division should be administered by a Director of Nutrition, who should be a specially qualified Dietitian or Nutritionist, experienced in institutional food preparation and service, and who should advise the Commissioner on the adequacy of the food allowances, preparation, and service in the institutions. She should also be able to direct the education and research in the field of nutrition in the institutions.

(6) *Division of Social Service.* This Division should be under the direction of a Director of Social Service. It should have the duty of advising the Commissioner with reference to the social service work in the institutions of the Department, and the establishment of policies relating to clinics, family care, and parole.

(7) *Division of Schools.* This Division should be under the direction of a Director of Schools. It should have the duty of advising the Commissioner with reference to the educational programs, both academic and vocational, maintained by the Department in the State schools for mental defectives and in Craig Colony. The head of this Division should be a person who is qualified by training and experience in the special field of educational work for mental defectives.

In addition to the Bureau of Professional Care, there should be the *Bureau of Business Administration*. This Bureau should be established under a trained business executive, who should have the status of Assistant Commissioner and be responsible directly to the Commissioner. This Bureau should include within it the following Divisions:

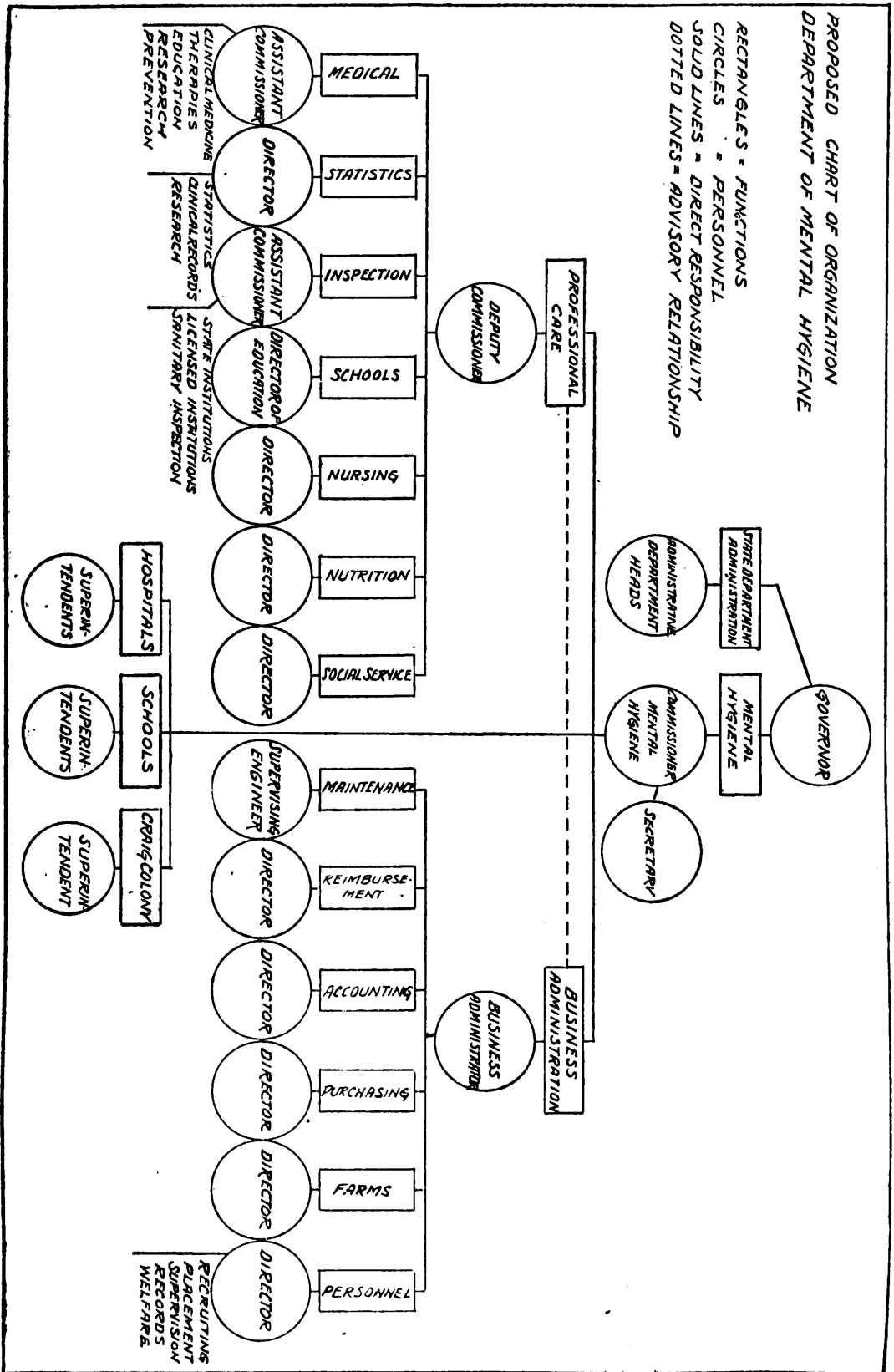
(1) *Division of Maintenance.* This Division should be in charge of a Director of Maintenance, who should be a competent supervising engineer. He should have the duty of inspecting the grounds, structures, and mechanical equipment of all institutions and advising the Commissioner with reference thereto.

(2) *Division of Purchases.* This Division should be headed by a Director of Purchases, who should have the duty of coordinating the purchase procedures of the institutions, and acting as a liaison officer between the Department of Mental Hygiene and the Division of Standards and Purchase of the Executive Department.

(3) *Division of Reimbursement.* This Division should be in charge of a Director of Reimbursement. He should have charge of collections of funds owing to the State from patients, legally liable relatives, or other persons legally liable. He should have direct supervision of the Special Agents in the Department charged with this duty.

(4) *Division of Accounting.* This Division should be under the direction of a Director of Accounting who should have the duty of coordinating the accounting procedures in the institutions throughout the State, and

have direct supervision over the employees in the Commissioner's office charged with the preparation of necessary accounting and administrative statistical data for the Department, and act as liaison officer between the Department of Mental Hygiene and the Bureau of the Budget in the Department of Audit and Control.



(5) *Division of Personnel.* This Division should be in charge of a Director of Personnel who should have extensive experience in personnel procurement and management. It should be his duty to act as an adviser to the Commissioner on matters of personnel procurement and employee relationships, and to act as liaison officer between the Department of Mental Hygiene and the Civil Service Commission. He should have no direct supervision over any institutional employees.

(6) *Division of Farms.* This Division should be under the direction of a Director of Farms, whose duty should be to inspect the farms operated by the institutions, and to advise the Commissioner with reference to problems relating to such farms, and also to act as a liaison officer between the Department of Mental Hygiene and the Department of Agriculture.

While the heads of the foregoing Divisions would have the duty of inspecting the institutions, so far as their several functions would be concerned, they would have no direct administrative authority over the personnel in the institutions. Their functions would be those of inspection and guidance, and advising on the determination of broad policies to be adopted by the Commissioner. The results of their inspection would be made available to the Commissioner who, however, would be the sole person who would have the authority of direct administration over the institutions.

2. INSTITUTIONS

The State mental institutions were established long before the State Department of Mental Hygiene existed. Each of the early institutions was entirely independent of the others, and was operated by a Board of Managers or Board of Governors. The institutions were relatively small. When Utica State Hospital was established one hundred years ago, it had a capacity of less than 300 patients. Over the years the size of the mental institutions has greatly increased, and the capacity is now rated in thousands instead of in hundreds. Pilgrim State Hospital, for example, has a rated capacity of 7,831, with nearly 10,000 patients in its care.

As has heretofore been pointed out in the chapter on Professional Care of Patients, the result of this tremendous growth in the institutions has been to emphasize the administrative functions of the Superintendent and the staff, to the detriment of the medical and clinical work. The consequence has been to place the emphasis upon the custodial rather than the curative features of the institutions.

Furthermore, these large institutions now are practically cities in themselves. An institution with from 5,000 to 10,000 patients, and numbering its employees in the thousands, and having annual budgets in some cases over \$3,000,000, represents a business organization which is quite different from a small hospital. Nevertheless, the organization of the hospitals still carries over the concept of a relatively small hospital. For example, business operations are centered in a man known as the Steward. The Steward in nearly every case has been a person who started in the Department in some subordinate capacity such as bookkeeper, timekeeper, or clerk. The Steward in most institutions has been given the supervision and determination of the diet and the preparation of foods, although in none of the institutions which have been surveyed has the Steward had any special training in this line.

The result has been a large part of the administrative duties which should be placed upon a Business Manager of the institution, has fallen on the shoulders of the Superintendent; and the Superintendent has been more and more a business manager, rather than a medical head of the institution. The Superintendent, in turn, has had to pass on some of his administrative duties to his assistants, with the result that the Clinical Director has had to take over in many of the institutions, administrative and executive duties which do not properly belong in his sphere.

Furthermore, a great line of demarcation existed in the past, both in salary and perquisites, between the Superintendent and everybody else on the staff.

The basic pay of a Superintendent today ranges from \$8,500 to \$10,500. The basic rate for First Assistant Physician, Clinical Director, and Steward is from \$5,200 to \$6,450.

The result has been that the highest position in the institution is reserved for an administrative officer, i.e., the Superintendent. The Superintendent should be a physician, but since his principal duties relate to the administration of a large institution, he should be preferably a man with a satisfactory record in the field of hospital administration. At the present time the law provides that the Superintendent must not only be a physician, but must also have had "at least five years' actual experience in an institution for the care and treatment of the insane." (Mental Hygiene Law, Sec. 33). The result of this limitation upon appointments, combined with the fact that the law provides that the Superintendent shall be in the competitive class of the civil service chosen by promotional examinations, has been to restrict the appointments of Superintendents to psychiatrists who have grown up in the State Hospital System. This system does not assure the ablest Superintendents. In selecting a Superintendent, the emphasis should be upon his executive and administrative ability, rather than upon his psychiatric knowledge or length of service in a State institution.

The Superintendent in each institution should have under him three well defined departments. These should be: the Department of Clinical Medicine, the Department of Professional Care, and the Department of Business Administration.

The Clinical Director should head the Department of Clinical Medicine. Under his direction and supervision should be Associate and Assistant Clinical Directors and the ward physicians.

If we are to retain physicians primarily interested in the cure of the mentally ill, we must make the position of Clinical Director in an institution a position approximately comparable to that of the Superintendent, both in pay, emoluments, and distinction. This will mean that a physician will not find it necessary, after having devoted a large part of his life to psychiatric and medical work, to transfer to administrative work in order to reach the highest rewards in the institution.

Heading the Department of Professional Care should be a physician who should not necessarily be a psychiatrist. This should enable physicians of executive and administrative experience and ability to work up in the institution in the administrative phase of the institution's activities and, ultimately, to Superintendent.

Heading the Department of Business Administration in the institution should be the Business Manager. He should be a person of broad business education and background, competent to administer the business activities of an institution with a budget ranging up to \$3,000,000 per year.

By such departmentalization of the institution there would be removed from the desk of the Superintendent the great mass of detail which, at the present time, makes him spend a large proportion of his time performing duties which should be delegated. It would also mean that, by differentiating between medical administration and clinical work, proper opportunity would be given for a competent and ambitious psychiatrist to advance in the clinical work of the institutions, and thereby put the emphasis on the curative rather than the custodial features of the institution.

While no fixed chart of organization can be laid down for the varying institutions in the Department, the above general description of a functional operation is one which, in the opinion of the Commission, would greatly improve the administration of the institutions and put the emphasis where it properly should be placed. A proposed Chart of Hospital Organization carrying out these features, which may have to be modified in certain institutions, will be found on page 107 of this report.

A chart of organization of itself is merely a blueprint of activities. The proper carrying out of the activities of the hospitals in the past has been impeded, not alone by lack of organization, but also by lack of competent personnel to carry out their functions. No organization will be effective unless competent people are chosen for the important positions. This matter is further discussed in the following chapter.

3. BOARDS OF VISITORS

Under Section 30 of the Mental Hygiene Law, each institution is to have a Board of Visitors, consisting of seven unpaid members, appointed by the Governor with the advice and consent of the Senate. The duties of the Board of Visitors are set forth in Section 32 of the law. The principal duties are:

- (a) To take care of the general interests of the institution and see that its design is carried into effect;
- (b) To maintain an effective inspection of the institution with a visit at least once a month and the furnishing of a written report each month to the Governor and the Department as to the condition of the institution and its inmates; and
- (c) To investigate, hear, and ascertain the truth of all charges made made against the Superintendent of the institution.

The Board of Visitors may be able, intelligent, and constructive, or it may be lethargic, indifferent, and a "rubber stamp" for the Superintendent, depending upon the nature of the persons appointed to it. It is exceedingly necessary that the only appointments to such boards be of persons who will take a keen and independent interest in the institution. Boards composed of such members have been invaluable, not only as providing a lay inspection service but also because they furnish a public relations contact between the institutions and the community.

The Mental Hygiene Law is inconsistent, however, in that it imposes upon the Board of Visitors the duty of taking "care of the general interests of the institution" and seeing that "its design is carried into effect," while at the same time it gives the Board of Visitors no executive authority to enable it to meet this responsibility. This has led to much confusion in thinking on the part of the boards. Some believe that they are Boards of Managers and should run the institution; others think they have no powers and, therefore, no responsibilities.

The Boards of Visitors best perform their function when they act in a visitorial and public relations capacity. It is their duty to inspect the institution thoroughly at periodic intervals and to report the results of their inspections to the Governor and the Commissioner. The management of the institutions should be the direct responsibility of the Superintendents and the Department. No division of this responsibility is desirable. To make the duties of the Boards of Visitors clear and to prevent the difficulties which now result from the ambiguities of the statute, it is recommended that Subdivision 1 of Section 32 of the Mental Hygiene Law be eliminated so that the Boards will not have imposed upon them duties which they have no authority to perform.

CHAPTER IX

THE PERSONNEL OF THE DEPARTMENT

The efficiency of operation of this Department is in direct relationship to the quality of the personnel employed by it. A hospital or school is an institution peculiarly dependent for its effectiveness upon the persons who work in it and who conduct its operations. The standard of professional care can rise no higher than the men and women who direct and conduct it in its various aspects.

The Commission has considered the problem of personnel from the standpoint of adequacy in numbers and adequacy in quality.

1. ADEQUACY IN NUMBERS OF THE PERSONNEL

(a) Budget Allowances

On December 1, 1943 the Department had appropriations for a personnel of 21,814 individuals. The appropriation for personal service in the Department for the twelve months' fiscal period beginning April 1, 1943 was \$27,351,715.

The provision for physicians and ward personnel in the past years seems to have been adequate. The quota in 1943 for physicians in the hospitals was approximately one physician for each one hundred and seventy-five patients. As has been pointed out in the chapter on Professional Care of Patients, the need is not so much for an increased number of physicians as for a better organization of the clinical work, including a visiting medical service, and a removal of the inertia with respect to clinical psychiatric work which seems to exist in many of the institutions.

In the section on Nursing Care in that chapter, it is also pointed out that provision of one nurse or attendant for each 6.75 patients is an adequate allowance provided that at least 24 per cent of the ward personnel consists of registered nurses. The 1943 allowance for ward personnel in the hospitals approximated that ratio. However, out of a total ward personnel of 11,144, only 13.9 per cent were registered nurses. The need is, therefore, not a greater allowance for ward personnel, but a greater proportion of registered nurses in that ward personnel.

When we turn to the problem of dietitians, occupational therapists, and psychiatric social workers, we find, however, that suitable allowances have not been made in the past. In 1943 there were provided for these positions in all institutions dietitians 27, occupational therapists, aides, and instructors 317, psychiatric social workers 151.

To provide a suitable number of dietitians would require at least one dietitian for each 1,000 patients in the State hospitals and the State schools, or a total of approximately ninety dietitians.

As is pointed out in the chapter on Professional Care of Patients, there is need for twice as many occupational therapists, aides, and instructors as are now provided and need for an increase of at least one hundred twenty psychiatric social workers in the hospitals and in the schools.

(b) Shortages Incident to the War

The mere fact that the Legislature has appropriated sufficient funds does not secure an adequate personnel in these days. The war has made a very serious drain upon the employees in this Department. As has heretofore been pointed out, the over-all shortages of employees in the various categories on October 1, 1943 were as follows: physicians 31 per cent, ward employees 32 per cent, and other employees 17 per cent.

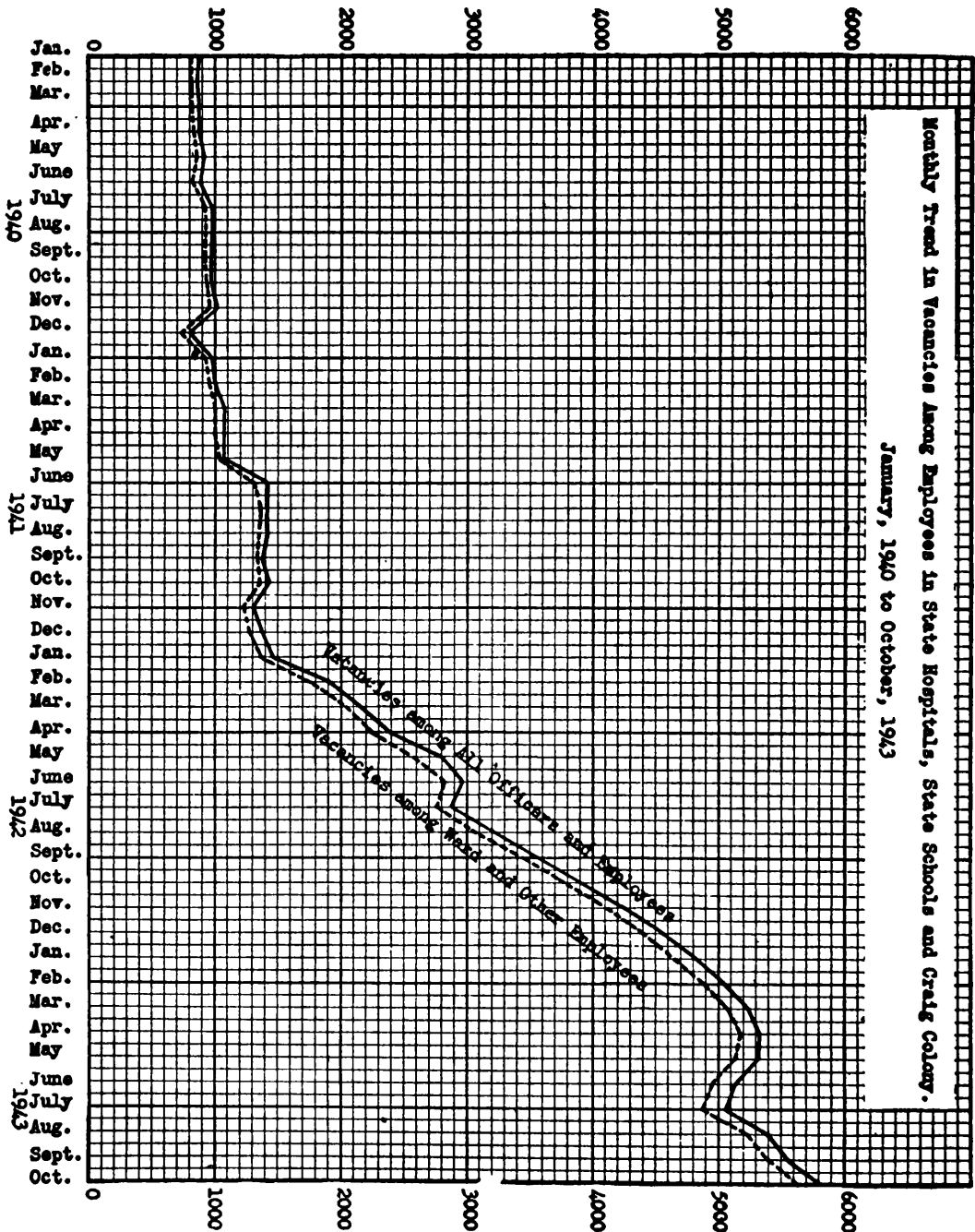
The above figures, alarming as they are, do not tell the whole story. Willard State Hospital has lost 59 per cent of its medical staff and St. Lawrence has lost 56 per cent. Wassaic State School has lost 50 per cent of its ward personnel and Gowanda State Hospital 49 per cent of its ward personnel. Pilgrim State Hospital has lost 46 per cent of its ward employees and 32 per cent of other employees. Craig Colony for epileptics has a shortage of 43 per cent in its ward employees.

Commissioner MacCurdy has taken steps to stop further losses as far as he can but the best he can hope for is that the institutions may hold their own until after the employment shortage eases up. Rulings have been secured designating the work in these hospitals as an essential occupation so far as the draft status is concerned. With the assistance of the United States Employment Service, the Department instituted last year a recruiting drive to secure ward employees from Virginia, West Virginia, Tennessee, and North Carolina. Many of the other states refused clearance to permit solicitation of employees in those states. As a result of the employment drive up to October 15, 1943, 638 applicants were interviewed, 411 were hired, and 333 of these reported for duty. Out of the 333, 134 had resigned prior to October 15, 1943. In September a plan was proposed which, with the help of the United States Employment Service, was designed to secure people available in this State. This started on October 1, 1943 and during that month resulted in the employment of thirty-five persons.

There have been two reversals in the trend of increasing vacancies in these institutions since November 1941 as shown on the chart on page 110. The first change came when an increase in salary of \$100 was given in June 1942. The second occurred during the recruiting efforts in the Southern

States during May to July 1943. Nevertheless, the general trend has been upward and is still upward. Were it not for the fact that many of the present employees work overtime and that overtime pay is allowed to them for this service under an amendment to the law adopted in the 1943 legislative session, the situation of most of the institutions would be precarious indeed.

The shortages in personnel at the several institutions as of October 1, 1943 are set forth in the following charts:



STATE INSTITUTIONS	MEDICAL OFFICERS		WARD EMPLOYEES		OTHER EMPLOYEES	
	In Service	Vacancies	In Service	Vacancies	In Service	Vacancies
State Hospitals:						
Binghamton.....	17	1	386	28	256	17
Brooklyn.....	31	.....	647	.....	235	42
Buffalo.....	10	6	187	119	215	23
Central Islip.....	26	19	607	469	380	110
Creedmoor.....	19	8	445	209	297	51
Gowanda.....	10	5	203	198	198	36
Harlem Valley.....	15	10	449	211	239	62
Hudson River.....	19	9	491	178	367	49
Kings Park.....	24	17	603	326	375	137
Manhattan.....	20	2	401	147	318	50
Marcy.....	11	4	266	100	213	56
Middletown.....	10	11	417	102	228	26
Pilgrim.....	34	20	694	590	378	184
Psychiatric Institute and Hos- pital.....	18	2	63	24	151	13
Rochester.....	13	5	352	141	168	55
Rockland.....	31	9	579	361	404	72
St. Lawrence.....	7	9	285	36	235	12
Syracuse Psychopathic Hospi- tal.....	3	1	33	15	19	8
Utica.....	9	4	203	71	200	33
Willard.....	7	10	263	170	247	61
Total.....	334	152	7,574	3,495	5,123	1,097
State Schools for Mental Defec- tives:						
Letchworth Village.....	10	6	400	110	222	33
Newark.....	8	1	239	92	166	18
Rome.....	7	7	366	142	194	51
Syracuse.....	5	1	155	6	131	6
Wassaic.....	11	3	290	292	187	51
Total.....	41	18	1,450	642	900	159
Craig Colony for Epileptics.....	9	4	180	136	186	42
Grand Total.....	384	174	9,204	4,273	6,209	1,298
Total authorized positions..	558		13,477		7,507	
Percentage vacancies.....	31 %		32 %		17 %	

2. ADEQUACY IN QUALITY OF THE PERSONNEL

The problem of this Department, as of any other organization, is to attract the ablest and best qualified persons for the positions to be filled. The conditions which have existed in this Department for years and which have been criticized in this report have been, in prewar days, due only to a minor degree to a lack of personnel. They were due in part also to improper organization and supervision which has been discussed in the preceding chapter. They were the result principally of the failure to secure personnel adequately capable of meeting the responsibilities entrusted to them.

There are three types of positions where this inadequacy is marked: (a) the supervisory professional positions, (b) the supervisory business positions, and (c) the ward personnel. The following are, in the opinion of the Commission, the reasons for this inadequacy and the Commission's recommendations with reference thereto:

(a) *The Supervisory Professional Positions*¹

In this classification are such persons as the Superintendent, Associate Superintendent, Clinical Director, Director of Education, Assistant Super-

¹ Titles taken from Organization Chart on page 107.

intendent, Director of Laboratories, Director of Nursing, Supervising Dietitian, and Director of Psychiatric Social Service.

At the present time these positions, as well as all other positions in the Department, can be filled only by promotional examinations from among those in a lower grade in the Department. The result is that no new blood can, as a practical matter, enter the Department except in the lowest grade. As was pointed out in the chapter on Professional Care of Patients, the present system makes it impossible to secure experienced men from outside of the Department. An able, alert man who has left the Department to gain a variety of experience, cannot thereafter reenter the Department except at the lowest position. Thus to a great extent such men are winnowed out of the system forever, and the Department has, as a practical matter, been unable to secure solely from the ranks of those who have remained in the Department, men capable and experienced enough in later years to supervise the operations of the vast institutions of which this Department is composed.

The benefits of the civil service system, as it affects security, freedom from political interference, and retirement rights, are obvious and should be continued. In choosing men of professional standing for positions of authority in the institutions, it is, however, highly undesirable to limit the civil service examinations to those already in the Department. To require that promotions always be made from those in the Department not alone limits the choice but leads to a form of departmental inbreeding which stifles progress and deadens initiative.

The patients in the institutions are entitled to have the best medical personnel, to the extent that these people are available, in positions of authority. If they are available in lower ranks in the institutions, they should be chosen from these lower ranks, but there is no way of determining whether the ablest men are available unless the examinations for the positions are placed in the open competitive class.

Under Section 16 of the Civil Service Law provision is made for the Civil Service Commission to grant an open competitive examination whenever the appointing officer requests it, stating the reason why it is "impracticable" to fill the vacancy by promotion. It might be difficult to say that it is "impracticable" to fill positions among the professional staffs of these hospitals by promotions from the lower grade in the same service. It certainly is true, however, that it is impossible to determine whether the ablest men are being secured and impossible to secure any new blood from the outside for these positions without an open competitive examination. It is, therefore, the recommendation of this Commission, and considered by it to be a prerequisite to any substantial improvement in conditions in these institutions, that steps be taken to provide that all the above mentioned positions in the supervisory professional group shall be filled by open competitive civil service examinations. All positions other than those mentioned should, in the opinion of the Commission, remain in the purely competitive class of the civil service and promotions therein should be made from the lower ranks in the same service.

Unless this change is made in the law and provision made to secure new blood in the institutions through open competitive examinations, no hope can be held out for substantial progress in the Department. It is well recognized that for some time highest appointing officers have felt that while there were civil service lists in existence for certain of the supervisory positions, there was no person upon those lists adequately qualified for the appointment. When the war is over, numerous physicians will return from the war service with experience in the administration of large military hospitals and large psychiatric pavilions. They will have had both executive training and medical training. Some of them may have previously been in the Department of Mental Hygiene and others not. To secure the ablest men for the supervisory positions, the examinations in the future should be open to such men as these and men who have gained wide experience in other institutions, so that when the appointment is made the people may be assured that the person chosen for the position is not only the ablest of the few but the ablest of all those who chose to compete for the position.

(b) The Supervisory Business Positions

The supervisory business position in the institutions is now known as that of the Steward. The business management of one of these institutions needs a person of wide business training and experience. The Steward has the overseeing of power plants, building maintenance, kitchens, grounds, gardens, farms, laundries, machine shops, and a fire department. He must arrange for the purchase of supplies for thousands of people, the maintenance and repair of many buildings, the building of roads, the supervision of large groups of employees, and for keeping proper accounting records.

Because of the fact that appointments to this position have always been filled by promotions from lower ranks of the Department, the Steward has usually been somebody who started life as a clerk in one of the institutions. He rarely has had that training or breadth of experiences necessary to qualify him properly for so important a position as that which he will ultimately fill.

Here again for the same reasons mentioned under "Supervisory Professional Positions," it is desirable that appointment to the position of Business Manager be filled by open competitive examinations and the requirements for this position both in education and experienced increased over what they have been in the past. Only in this way will the positions be filled in the future with men of the breadth of vision required.

(c) The Ward Personnel

The attendants are the largest group of employees in the Department. Their payroll scale, including maintenance, runs from \$1,200 to \$1,600 per year. They are usually untrained and unskilled.

There is no way of determining by an examination what man or what woman would make a good attendant. The qualities of personality, rather than the qualities of education or even intelligence, are the ones which will be largely determinative of the ability of an attendant to meet the demands of the position.

In the past, personnel for the attendant positions was largely chosen from people who lived in the community surrounding the institution. The Superintendent and other officers had an opportunity to have a personal interview with the attendant before he was hired and to dispense with his services if, after a trial period, he seemed temperamentally unfit.

On January 1, 1941, the position of attendant was placed in the competitive class of the civil service. The minimum requirements for the position were "an ability to speak, read, and write the English language with facility; good physical condition." When a candidate passed an examination indicating that he was able to fulfill these simple requirements, he was then placed on a civil service list. No means were taken to check his references or to determine how well his previous work had been performed. In fact, he might even have had a criminal record which was not discovered before he was placed in a position.

The result was that attendants were chosen not after a personal interview but picked from the top of the list. An individual might be able to read and write the English language and to be in good physical condition but if he were nervous or excitable, for example, he would be incapable of being a competent attendant even though there would be no basis from a legal standpoint for removing him upon charges under the civil service regulations. The result was a steady deterioration in the quality of the attendant personnel which had become quite marked even before the present shortage of manpower.

In March 1942, the Civil Service Commission finally approved appointments of attendants under Rule VIII-10 of the Civil Service Rules permitting the appointing officer to make the selection and give the examination. Recently, the Civil Service Commission, with the approval of the Governor, has amended its rules to provide for a nine months' probationary period. This is a highly desirable change. The benefits of the civil service system are obvious but the application of any such system to positions such as attendants without a

proper preliminary trial period, tends to freeze into the Department persons totally unfitted for their duties. This problem has been discussed not alone with the Superintendents and members of the Boards of Visitors, but also with representatives of the Employees' Association and the feeling is unanimous that applicants for the position of attendant should be chosen only after a personal interview with those who know the needs of the institutions.

There has been great difficulty in securing competent attendants. This position has been a dead-end job. The title of attendant in a mental institution carries with it no prestige and is frequently considered a detriment rather than a help in applying later for a position outside the institution. In order to attract better types of men and women for this work, an opportunity must be given for some education and advancement in the job so that persons will enter it feeling that it is a step toward improving their position in life. An attendant who considers his position as comparable with that of a keeper in a State prison will never be a useful person in providing a program of effective care for the patients in his charge.

In order to secure applicants for this position who are better qualified and who will take more interest in their work, it is recommended that courses be established by the Department which will enable the attendant to qualify for a license as a practical nurse. This will give an opportunity for advancement and semi-professional standing to those who complete the course and carry on their duties satisfactorily. It is also recommended that the title of attendant be eliminated and that the ward personnel in the future consist of the following: registered nurses, licensed practical nurses, senior ward aides and ward aides.

The title of Senior Ward Aide is proposed to take care of the numerous very excellent attendants who may not be eligible to secure a license as practical nurse. Senior ward aides and the practical nurses would perform such nursing duties as have heretofore been largely performed by attendants. Progress to the position of practical nurse should be open both to ward aides and senior ward aides.

Attention should also be given to the salary scale for the registered nurses. At the present time, a registered nurse in one of these hospitals has a salary scale of from \$1,400 to \$1,900 which is barely above that of the attendant and less than that of a staff attendant for whom no professional qualifications are required.

3. MORALE OF EMPLOYEES

On October 1, 1943, the Feld-Hamilton Law (Civil Service Law, Art. 3) became applicable to the Department of Mental Hygiene. This was an effort to make the salaries for positions in this Department comparable with the salaries in other departments. The application of this law to the Department necessitated the reclassification of all employees by the Civil Service Classification Commission and an increase in salary to offset a charge for maintenance. The result has been that few of the employees have had an actual increase in cash salaries. No one received less cash salary than was received before.

The operation of the law has, however, had an unsettling effect. Certain positions have lost titles indicating particular skills of which the employees are proud. Certain institutions, for example, have found carpenters transformed by reclassification into maintenance men, a deep affront to the craftsmen's pride of the carpenter. In other instances, titles have not been set in relation to technical training. The Food Service Manager, for instance, is required to have a high school education while the Senior Dietitian, who is rated lower in the classification list, must be a college graduate. With the passage of time and adjustments which may be expected from appeals now pending, it is hoped that some of the unsettling effect of the application of this law to this Department will be eased.

The provisions of this law which now permit certain officers and employees to live outside the institutions and to receive cash in lieu of maintenance is a step decidedly in the right direction. While a certain number of employees must, of course, remain in residence in the institution to be available for

emergencies, the more officers and employees who can be allowed to live outside the institution in a normal family life, the more stable and happy will be the personnel of the institution.

There is a constant complaint among the employees of the Department as to the quality and lack of variety in the food furnished them. Since the employees must now pay for their maintenance, it is the belief of the Commission that it would be desirable to try the experiment in some institutions of establishing employee-cooperative cafeterias to be managed by the Employees' Association and to provide food for them at cost. This would enable a variety of food to be furnished and would do much to increase the morale of the employees. Such cooperatives have been found to be particularly successful in some of the government office buildings and war plants.

CHAPTER X

SUMMARY OF PRINCIPAL RECOMMENDATIONS AND ACTION TAKEN OR PROPOSED IN CONNECTION THEREWITH

The recommendations of the Commission designed to improve conditions in the Department of Mental Hygiene, with the reasons for such recommendations, are set forth in the report. They have been made with one purpose in mind, namely to help the patient directly through better care and indirectly by greater efficiency in the operation of the Department.

The primary defect in this Department until recently has been lack of adequate executive direction from the top designed to make the institutions operate with adequate efficiency and to put the emphasis on the curative rather than custodial care of the patients. The new point of view brought to the Department by Dr. MacCurdy and the initiative and energy displayed by him in meeting the manifold problems of the institutions indicates that this primary problem of having a competent executive in charge of the Department has been met.

However, there are a number of other defects shown in this report which have needed, and some of which still need, remedial action.

The Commission has not been satisfied merely to wait until a report could be printed embodying its recommendations. Throughout the past few months it has worked with Commissioner MacCurdy, the representatives of the Executive Department and members of the Legislature with a view to the taking of steps designed to correct, as far as is possible at the present time, certain of the outstanding defects which it has found in this Department. There have, therefore, already been put into effect certain changes in this Department and certain legislation has been introduced with a view toward correcting other conditions set forth in the report. Certain of the other recommendations made by the Commission cannot be put into effect without further study by the Department or until after the war emergency has passed.

The following is a summary of the principal recommendations of this Commission as set forth in this report, together with a statement of the action taken or proposed to carry such recommendations into effect:

1. RECOMMENDATIONS AS TO WHICH REMEDIAL ACTION HAS RECENTLY BEEN TAKEN

(a) The Commission has pointed out that in order that the Commissioner of Mental Hygiene may properly administer the Department it is necessary that he be provided with a staff of division heads to inspect and advise him with reference to the different functions of the institutions directed by him. The new budget has made provision to furnish him with substantially all the division heads recommended by this Commission. This should immeasurably increase the efficiency of the Commissioner's office.

(b) A revision of the classification of the ward personnel substantially as recommended by this Commission is being put into effect. Plans are now being made to open schools in the Department for training practical nurses so that the position of attendant will no longer be a dead-end job but will provide

opportunity for advancement and a type of professional training. These changes should result in securing more and better ward employees, especially when the present manpower shortage eases up.

(c) Provision has been made in the new budget for an increased number of dietitians for the institutions and for a substantial increase in the appropriation for food for patients and employees.

(d) A central clinic for medical and social service supervision of patients in the New York City area has recently been set up. An extension of this program so that the parole clinics will operate by geographical areas, rather than by hospitals, in the balance of the State is desirable so as to avoid duplication of effort and unnecessary travel.

(e) The Commission has recommended that medical and surgical internes and residents be provided in each institution. The new budget makes such appointments possible.

(f) The Commission has recommended as a principal step to reduce the load on the State Hospitals a study looking forward to the establishment by the State, counties and municipalities of an integrated program for the care of the indigent aged including those with mental deterioration due to age. This is one of the matters which will be considered and studied by the Legislative Commission recently appointed on the recommendation of Governor Dewey to work out a coordinated program for the welfare and social service activities of the State.

2. RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION AS TO WHICH BILLS HAVE BEEN INTRODUCED

(a) Changes in Admission and Discharge Procedure.

- (1) A change of the word "commitment" to "certification."
- (2) A change of the word "parole" to "convalescent status."
- (3) A change of the word "insane" to "mentally ill" wherever that word appears in the statute or the procedural forms.
- (4) Increase of observation period to sixty days.
- (5) Provision for a court to certify a patient for a period of preliminary observation.
- (6) Certification of the patient to the Department rather than to a particular institution.
- (7) Provision that the Department is to be notified of all applications for commitment to State hospitals with the right to appear and present reasons in opposition to the commitment.
- (8) Provision for the finger-printing of all patients.

(b) Clarification of the Duties and Responsibilities of Boards of Visitors

- (1) Elimination of subdivision 1 of Section 32 of the Mental Hygiene Law so the Boards will not have imposed upon them duties which they have no authority to perform.

(c) Reimbursement for Patient Care

- (1) Authorization to the Commissioner to fix a standard rate for a patient's care.
- (2) Allowance for appeal by a legally liable relative from the rate fixed by the Commissioner with provision that his determination, subject to right of such appeal, shall be a final determination of the relative's obligation to pay the rate so fixed.
- (3) Provision for a penalty for wilfully false or inadequate information as to resources or income of legally liable relatives.

Legislation to carry into effect the foregoing recommendations of this Commission as well as to make certain other technical changes, approved by this Commission, in the Mental Hygiene Law has been introduced in the Legislature.

3. FURTHER RECOMMENDATIONS OF THIS COMMISSION FOR FUTURE ACTION

(a) Changes in the Departmental Organization and Procedure

(1) Reorganization of the hospitals to increase the emphasis on clinical medicine by providing in each hospital a Department of Clinical Medicine, a Department of Professional care, and a Department of Business Administration.

(2) Elevation of the Clinical Director in each institution to a position approximately commensurate in salary and perquisites with that of the Superintendent.

(3) Appointment to positions as heads of departments or services in the institutions by open competitive civil service examination not restricted to promotional examinations from those already in the Department.

(4) Examination for Superintendents and Associate or Assistant Superintendents to be open to those physicians with experience in hospital administration and not restricted solely to those whose experience is in hospitals for the mentally ill.

(5) Establishment at each institution of staffs of visiting physicians to conduct regular services in their specialties of medical practice.

(6) Segregation of the teachable mental defectives in separate State schools and transfer of the unteachable mental defectives from these schools to the other schools.

(7) Provision for an increased staff of psychiatric social workers and an increased staff of occupational therapists.

(8) Provision, as soon as they are available, for a larger proportion of registered nurses in the over-all allowance of ward personnel.

(9) Establishment on a trial basis of employees' cooperative cafeterias in certain of the institutions.

(10) Periodic review of all cases to ascertain eligibility for parole.

(11) Central supervision and direction of an increased program for family care.

(12) Utilization of the colony plan for certain types of State hospital patients.

(13) Establishment in local voluntary and municipal hospitals of psychiatric units and clinics, with State aid if necessary.

(b) Education and Research

(1) Opening of the facilities of the State hospitals for education in psychiatry to medical students and practicing physicians.

(2) Utilization of the Psychiatric Institute to provide teaching facilities for the staffs of the institutions and for the supervision and coordination of research in the institutions; making opportunities available to members of the staffs of the institutions to become members of the staff of the Institute for limited periods of time for postgraduate education and research.

(3) Discontinuance of Syracuse Psychopathic Hospital or, in the alternative, utilization of its facilities for the specialized treatment of, and research into, certain types of mental illness for which facilities are not available in the State hospitals.

(4) Establishment of a Departmental school of nursing with authority to supervise and direct all nursing education in the different institutions; pre-clinical nurse training to be conducted at certain regional schools and the balance of the work, except for a period of affiliation, to be done at the various State hospitals with a teaching program directed and supervised from a central source.

(5) Establishment of a Departmental school for the training of practical nurses with branches in certain of the State hospitals but all directed and supervised from a central source.

(c) Physical Plants

(1) Establishment, as part of a postwar planning program, of a hospital or hospitals sufficient to accommodate approximately 4,000 tuberculous mentally ill.

(2) Appropriation of a maintenance fund to the Department to spend currently where such expenditures are most needed to maintain buildings and equipment in proper condition rather than the appropriation of such amounts to the separate institutions.

(3) Adoption of the recommendations of the Department of Health with reference to dairy herds and handling of milk.

(4) Reconstruction or rebuilding of certain buildings in the older institutions as part of a postwar planning program; construction in certain institutions of additional reception units and units for bed patients; erection or reconstruction of buildings at Craig Colony to enable proper care to be taken of the deteriorated patients. Certain temporary reconstruction has already been started at Craig Colony.

(5) Survey of fire hazards in all institutions by the National Board of Fire Underwriters.

(6) Provision for exercise areas for ambulatory patients in as many institutions as possible.

(7) Relocation of all distant colonies to sites more nearly adjacent to the parent schools. One such colony has already been transferred by Commissioner MacCurdy.

(d) Reimbursement for Patient Care

(1) Provision for billing of all amounts for patient care from a central office rather than from each institution.

(2) Employment of investigators to check on the information given by relatives as to their financial resources and income.

(3) Utilization of the facilities of the Family Court in New York City to enforce orders for the payment of amounts due for patient care.

(4) Review of all veterans' cases to determine which are "service-connected."

(e) Accounting

(1) Acceptance of cash for patients' luxury funds only at the business office of each institution and the issuance of formal receipts therefor.

(2) Installation of uniform accounting systems for all community stores with periodic audits thereof.

(3) Responsibility of the business office to be established for all occupational therapy receipts.

(4) Issuance of a ruling prohibiting the use of colony funds for purposes other than actual expenditures made on behalf of patients and for reimbursement for maintenance of the patients.

(5) Maintenance of perpetual inventory records of the institutions both as to the quantity and value of supplies received and disbursed.

(6) Restoration of the work of preparing pay-rolls to the individual institutions.

(7) Abolition of the requirement of a quarterly estimate and substitution therefor of an encumbrance ledger.

ADVISORY COMMITTEES

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Professor, Clinical Neurology, College of Physicians and Surgeons, Columbia University; Senior Attending Neurologist, Neurological Institute, New York, N. Y.

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Professor of Medicine, Medical School, University of Buffalo; Attending Physician, Buffalo General Hospital, Buffalo, N. Y.

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Professor of Surgery, New York Post-Graduate Medical School, Columbia University, New York, N. Y.; Former President, American Medical Association.

RICHARD C. JAENIKE, M.D.

Assistant Professor of Medicine, School of Medicine and Dentistry, University of Rochester; Acting Director, Division of Psychiatry, Strong Memorial Hospital, Rochester, N. Y.

WILLIAM C. MEAGHER, M.D.

Attending Gynecologist and Obstetrician, Peck Memorial Hospital, Brooklyn, N. Y.

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Commissioner of Health for the City of New York; Professor of Epidemiology, College of Physicians and Surgeons, Columbia University, New York, N. Y.

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EFFIE J. TAYLOR, R.N.

Dean, Yale University School of Nursing, New Haven, Conn.

SISTER THOMAS FRANCIS, R.N.

Principal, School of Nursing, St. John's Long Island City Hospital, Long Island City, N. Y.

FLORENCE K. WILSON, R.N.

Director, School of Nursing and Nursing Service, Syracuse Memorial Hospital; Professor of Nursing Education, Syracuse University, Syracuse, N. Y. President, New York State League of Nursing Education.

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HELEN NOYES

Director of Social Service, Buffalo General Hospital; Instructor in Social Service, University of Buffalo, Buffalo, N. Y.

THEODATE H. SOULE

Director of Social Service, The New York Hospital, New York, N. Y.

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ANNE BOURQUIN, Ph.D.

Professor of Nutrition, Syracuse University, Syracuse, N. Y.

MARY DE GARMO BRYAN, Ph.d.

Professor of Institution Management and Supervisor of Food Service, Columbia University, New York, N. Y.

MARY ANN HEWSON

Dietitian, Reconstruction Home, West Havertraw, N. Y.

NELDA ROSS

Director, Nutrition Department, The Presbyterian Hospital, New York, N. Y.

EFFIE MAY WINGER

Chief Dietitian, The Rochester General Hospital, Rochester, N. Y.

In the Matter of Allegations in Reichert (Mr. X) Case, County of Onondaga

Letter From Charles D. Breitel, Counsel to the Governor, to Supreme Court Justice Frank J. Cregg Outlining Steps Taken and Declining to Recommend Superseding of District Attorney

STATE OF NEW YORK—EXECUTIVE CHAMBER ALBANY, July 21, 1944

HONORABLE FRANK J. CREGG, *Supreme Court Chambers, Syracuse, New York*:

DEAR JUDGE CREGG.—Since our meeting last month I have carefully reviewed the Reichert matter to which you refer as the Mr. X matter. My conclusion is that their is insufficient basis to warrant action by the Governor. Such action would displace locally elected officials and override the action of the grand jury over which you presided.

Reduced to its elements, the case is as follows: An employee of a large corporation in Syracuse embezzled over \$7,000 from his employer. Upon discovery after audit, the employee confessed and attributed the larceny to losses he had incurred among gambling places in Onondaga county. The employer was protected from financial loss by a fidelity bond. The surety company sought the assistance of the district attorney's office which called in the police authorities. The police engaged in some activity. Certain gamblers thereafter put up the money to reimburse the surety company. The surety company then requested that the district attorney not proceed with any prosecution of the employee, to which request the district attorney acceded.

Shortly thereafter, the surety company paid the attorney for the employer the sum of \$500 as compensation for services rendered. That attorney is a political figure in Onondaga county and is friendly with the district attorney. Up to that time the matter had never been presented to the grand jury. No one was arrested for the commission of any crime.

Long before you referred this matter to the Governor, it had been brought to my attention because of complaint to the Governor. I procured the district attorney's files. I conferred with the then district attorney, and his chief assistant, who is now district attorney. The conclusion I reached was that there was insufficient basis to warrant action by the Governor. There was no evidence that such an abuse of discretion or of corrupt motive had existed in the conduct of the public officials involved as to warrant intervention in the county. This was in August 1943.

Thereafter, in January 1944, the matter was revived locally, and you charged the county grand jury to examine into the matter. Your charge, a copy of which you supplied me, covered all factors of which the Jury should have been advised in advance of hearing testimony.

The district attorney, the former chief assistant of his predecessor who had originally been responsible for the matter, presented the witnesses to the grand jury. This included the gamblers in question. It included some of the persons who had been active in criticizing the handling of the matter by the public authorities. Immunity was given to the gamblers.

The grand jury failed to indict.

Undoubtedly, speculation may be indulged as to the manner of presentation, the motives in conferring immunity, and other elements in the case. But if the conclusion that I reached in August of last year was correct, it follows conclusively now, after the matter has been presented to the grand jury. Moreover, as you know, a case may not be re-presented to a grand jury except upon the order of the court, based upon new and additional evidence. It has not been suggested any such new and additional evidence exists.

I have discussed the matter at such length because I know of your deep interest and genuine concern. You have also suggested that this case is symptomatic of a wide-spread condition. That causes me great concern; but I know that the Governor is not disposed to take the extraordinary action

of superseding a district attorney except on the basis of evidence amounting to more than suspicion. Any other course leads to arbitrary and therefore bad government.

Needless to say, I have discussed my conclusions with the Governor, and they have his approval.

Sincerely yours,

(Signed) CHARLES D. BREITEL

X

PARDONS, COMMUTATIONS AND REPRIEVES

X

PARDONS, COMMUTATIONS AND REPRIEVES

PARDONS AFTER COMPLETION OF SENTENCE TO PREVENT DEPORTATION

In the following cases, pardons were issued for the purpose of preventing deportation which would otherwise have been mandatory under the Federal statutes.

1

June 10, 1944. John Fliss. Convicted in Erie County in December, 1924, of petit larceny, and sentenced to pay a fine of twenty-five dollars and to serve sixty days in the Erie County Penitentiary; execution of sentence to be suspended upon payment of fine. Released January 25, 1925.

2

June 10, 1944. Oscar Dick. Convicted in Erie County in October, 1917, of petit larceny, and placed on probation for one year. Discharged from probation October 30, 1918.

3

June 10, 1944. Vincenzo (James) Cala. Convicted in Erie County in June, 1937, of petit larceny, and sentenced to a term of one year in the Erie County Penitentiary. Execution of sentence suspended and he was placed on probation. Discharged from probation August 10, 1939.

4

June 10, 1944. Armando (Herman) Ciminelli. Convicted in Erie County in March, 1932, of robbery, second degree, and sentenced to the Elmira Reformatory. Execution of sentence suspended and he was placed on probation. Discharged from probation March 2, 1934.

5

June 10, 1944. Calvin Knox. Convicted in Erie County in February, 1917, of petit larceny. Placed on probation for six months and ordered to make restitution in the amount of twenty-nine dollars and sixty-four cents. Discharged from probation August 13, 1917.

6

June 10, 1944. Joseph E. Martin. Convicted in St. Lawrence County in February, 1935, of burglary, third degree, and petit larceny. Sentence suspended and he was placed on probation for three years. Discharged from probation February 11, 1938.

7

June 10, 1944. Nick Mishlenick (Mishlenik). Convicted in New York County in January, 1919, of grand larceny, second degree, and sentenced to the Elmira Reformatory. Released February 20, 1920.

8

June 10, 1944. George L. Sherman. Convicted in Niagara County in December, 1934, of petit larceny. Sentenced to pay a fine of fifteen dollars, which fine was paid.

9

June 10, 1944. Carmela Giglia. Convicted in Erie County in June, 1932, of petit larceny, and sentenced to pay a fine of ten dollars.

10

June 10, 1944. John R. Owen. Convicted in Erie County in (1) September, 1933, (2) November, 1936, of (1) petit larceny, (2) petit larceny, and (1) placed on probation for one year and ordered to make restitution in the amount of two hundred and fifty-one dollars and fifty cents, (2) placed on probation and ordered to make restitution. Discharged from probation December 3, 1936.

11

June 10, 1944. Michael A. Koziol, (1) alias Michael Kozlowski, (2) alias Michael Kozial. Convicted in Erie County in (1) March, 1912, (2) March, 1914, of (1) petit larceny, (2) assault, third degree, and sentenced to a term of (1) four months in the Erie County Penitentiary, (2) four months in the Erie County Penitentiary. Released (1) July 13, 1912, (2) August 1, 1914.

12

June 10, 1944. William J. Powers. Convicted in New York County in June, 1920, of attempted grand larceny, second degree. Sentence suspended and he was placed on probation.

13

June 10, 1944. Jack Rogerson, alias James Harold. Convicted in Erie County in March, 1919, of criminally receiving stolen property, first degree, and sentenced to a term of two years six months minimum; four years six months maximum. Released February 18, 1921.

14

June 28, 1944. Frank G. Mather. Convicted in Erie County in July, 1925, of petit larceny, and sentenced to a term of thirty days in the Erie County Penitentiary. Released August 8, 1925.

15

June 28, 1944. George Tallon. Convicted in Franklin County in November, 1933, of burglary, third degree. Sentence suspended and he was placed on probation for one year.

16

July 21, 1944. Andrew Colman (Andrew Coleman). Convicted in Monroe County in November, 1926, of grand larceny, second degree, and sentenced to the Elmira Reformatory. Execution of sentence was suspended and he was placed on probation for a period of five years and instructed to make restitution in the amount of one hundred dollars. Discharged from probation November 18, 1929.

17

July 21, 1944. Dominic Cipriani. Convicted in Erie County in September, 1923, of petit larceny, and placed on probation. Discharged from probation December 23, 1923.

18

July 21, 1944. Henry Hoch (Harry Hoch). Convicted in Erie County in May, 1905, of violation of Section 282 of the Penal Code, and sentenced to a term of five years seven months. Released April 26, 1909.

19

July 21, 1944. William J. Seeley. Convicted in Erie County in June, 1933, of petit larceny, and sentenced to a term of six months in the Erie County Penitentiary. Execution of sentence suspended and he was placed on probation for a period of six months. Discharged from probation December 19, 1933.

20

August 10, 1944. Baldassare Scurti (Barnel Scurti). Convicted in Oswego County in February, 1917, of petit larceny and sentenced to pay a fine of one hundred dollars. The fine was paid.

21

August 10, 1944. Sydney R. James (James Sidney). Convicted in Erie County in December, 1923, of petit larceny, and sentenced to pay a fine of fifty dollars.

22

August 10, 1944. Albert V. Peters (Albert Gumbes). Convicted in New York County in April, 1926, of assault, second degree, and sentenced to the New York County Penitentiary. Released April 15, 1927.

23

August 22, 1944. James Geddes. Convicted in Oneida County in May, 1923, of grand larceny, second degree. Sentence suspended and he was placed on probation for two years.

24

August 22, 1944. Matteo Polimeno (Matteo Polemeni). Convicted in Cortland County in March, 1918, of assault, first degree, and sentenced to a term of five years minimum; nine years six months maximum. Released December 22, 1921.

25

August 22, 1944. Lillian K. Bauer (Lillian Katz, alias Lillian Braun). Convicted in Queens County in January, 1932, of grand larceny, second degree, and sentenced to the New York County Penitentiary. Released November 21, 1932.

26

August 22, 1944. Ida Alters. Convicted in Erie County in June, 1932, of violation of Section 1148 of the Public Welfare Law, and sentenced to a term of ten days in the Erie County Penitentiary.

27

August 24, 1944. Walter J. Dembski (Walter Dymski). Convicted in Erie County in October, 1927, of robbery, second degree, and sentenced to a term of five years minimum; fifteen years maximum. Released October 30, 1931.

28

August 24, 1944. Meyer H. Stoller (Meyer Stoller). Convicted in St. Lawrence County in June, 1925, of robbery, first degree, and robbery, second degree, and sentenced to the Elmira Reformatory. Released October 1, 1926.

29

August 24, 1944. Anthony Hladek. Convicted in Genesee County in March, 1916, of petit larceny, and sentenced to a term of sixty days in the Genesee County Jail. Released May 14, 1916.

30

August 24, 1944. William Hughes. Convicted in Erie County in April, 1918, of burglary, third degree, and sentenced to a term of one year. Execution of sentence suspended and he was placed on probation. Discharged from probation April 30, 1919.

31

August 26, 1944. John Gomes. Convicted in Kings County in October, 1924, of manslaughter, first degree, and sentenced to a term of seven and one-half years minimum; fifteen years maximum. Released September 23, 1930.

32

August 26, 1944. Charles D. Crawley. Convicted in Niagara County in July, 1922, of petit larceny, and sentenced to a term of sixty days in the Niagara County Jail. Released September 2, 1922.

33

*September 20, 1944. Alfred J. Sparrow. Convicted in Albany County in June, 1936, of petit larceny, and sentenced to a term of ninety days in the Albany County Jail.

34

*September 20, 1944. Leopold Mazurette (Leopold Mazurett). Convicted in Nassau County in November, 1923, of grand larceny, first degree, and sentenced to the Elmira Reformatory. Released in May, 1925.

35

*September 20, 1944. Anthony Piatkiewicz (Anthony Pietkiewicz). Convicted in Erie County in September, 1917, of manslaughter, second degree, and sentenced to a term of two years ten months minimum; four years maximum. Released November 18, 1919.

36

*September 20, 1944. Stephen J. Galos. Convicted in Erie County in February, 1925, of petit larceny, and sentenced to pay a fine of twenty-five dollars. He was placed on probation and ordered to make restitution. Discharged from probation November 2, 1925.

37

*September 20, 1944. Jozef Sadowski (Joseph Sadowski). Convicted in Erie County in May, 1921, of petit larceny and sentenced to term of ninety days in the Erie County Penitentiary. Released August 8, 1921.

38

October 3, 1944. Louis J. Barboni (Louis Barboni). Convicted in Onondaga County in February, 1928, of petit larceny, and sentenced to pay a fine of twenty-five dollars and serve three months in the Onondaga County Penitentiary. Execution of sentence was suspended and he was placed on probation. Discharged from probation February 14, 1931.

39

October 3, 1944. John Urban. Convicted in Oneida County in July, 1928, of grand larceny, first degree, and sentenced to a term of two years minimum; three years maximum. Released April 8, 1930.

40

October 3, 1944. Carl Vellere (Carl Vallere). Convicted in Erie County in (1) July, 1926, (2) July, 1930, of (1) petit larceny, (2) petit larceny, and (1) sentenced to pay a fine of one hundred dollars, (2) placed on probation for one year.

41

October 5, 1944. Anthony A. Lovrich. Convicted in Kings County in February, 1922, of burglary, third degree, and sentenced to the Elmira Reformatory. Released March 17, 1923.

42

October 13, 1944. Joseph Del Popolo. Convicted in Niagara County in February, 1932, of robbery, second degree, and sentenced to the Elmira Reformatory. Released April 14, 1933.

43

October 13, 1944. Charles A. Hutt. Convicted in Onondaga County in November, 1918, of grand larceny, second degree. Sentence suspended and he was placed on probation for five years and ordered to pay a fine of one hundred and twenty-five dollars and to make restitution.

44

December 7, 1944. Albert V. Aquino (Albert Aguino). Convicted in Niagara County in May, 1941, of petit larceny and placed on probation. Discharged from probation September 18, 1942.

45

December 7, 1944. Paolina Minotti, alias Rosina Bruni. Convicted in New York County in November, 1935, of petit larceny, and sentenced to pay a fine of fifty dollars or serve ten days in the City Prison. The fine was paid.

46

December 7, 1944. Thomas Stewart. Convicted in Monroe County in March, 1931, of petit larceny, and sentenced to a term of twenty-five days in the Monroe County Penitentiary or pay a fine of twenty-five dollars. The fine was paid March 11, 1931, and he was released from the Monroe County Penitentiary on that date.

47

December 7, 1944. Stephen Korodi. Convicted in Erie County in December, 1917, of manslaughter, first degree, and sentenced to a term of one day in the Erie County Penitentiary. Released December 22, 1917.

48

December 8, 1944. Rolf R. Goetz (Rolf Goetz). Convicted in New York County in March, 1937, of grand larceny, second degree. Sentence suspended and he was placed on probation for one year. Discharged from probation March 24, 1938.

PARDONS AFTER COMPLETION OF SENTENCE TO REMOVE DISABILITY

The following cases were pardons of persons who were, by law, prevented from entering certain professions or occupations as the result of earlier convictions.

1

June 10, 1944. George Bally. Convicted in Oneida County in July, 1925, of criminally receiving stolen property, and sentenced to pay a fine of two hundred dollars or serve two hundred days in the Oneida County Jail. The fine was paid.

2

August 22, 1944. John McGrane. Convicted in Ulster County in January, 1922, of grand larceny, first degree, and sentenced to the Elmira Reformatory. Released February, 1923.

3

December 7, 1944. Harry A. Schroeffel. Convicted in New York County in April, 1916, of manslaughter, second degree, and sentenced to a term of five years minimum; seven years maximum. Released January 5, 1920.

4

December 7, 1944. Joseph J. Manning. Convicted in Kings County in January, 1917, of petit larceny, and sentenced to the New York City Reformatory. Released May 28, 1917.

5

December 18, 1944. Francis A. O'Brien. Convicted in (1) Queens County, (2) Nassau County, in (1) February, 1933, (2) February, 1935, of (1) robbery, second degree, (2) robbery, second degree, and sentenced to a term of (1) two years six months minimum; five years maximum, (2) two years six months minimum; five years maximum, execution of sentence suspended. Released December 12, 1934.

RESTORATIONS TO THE PRIVILEGES OF CITIZENSHIP

In the following cases restoration to the privileges of citizenship was granted to permit persons to vote who otherwise were disenfranchised by reason of prior felony convictions.

1

June 13, 1944. James W. Hines (James W. Hine). Convicted in Kings County in July, 1908, of grand larceny, second degree, and sentenced to a term of three years minimum; four years maximum. Released January 13, 1911.

2

June 13, 1944. Edward F. Parks (Edward Parke). Convicted in Kings County in June, 1918, of assault, second degree, and sentenced to a term of three years eight months. Released December 14, 1920.

3

June 13, 1944. Henry Stroehlein (Henry Strohlein). Convicted in Chautauqua County in March, 1923, of assault, second degree, and sentenced to a term of two years. Released August 5, 1924.

4

June 13, 1944. Sigmund Gilbert. Convicted in New York County in December, 1915, of assault, second degree, and sentenced to a term of five years and to pay a fine of one thousand dollars. Fine remitted August 25, 1918. Released April 25, 1919.

5

June 13, 1944. Marcus Tauster. Convicted in New York County in December, 1924, of perjury, and sentenced to a term of two years minimum; four years maximum. Released April 17, 1926.

6

June 13, 1944. Benjamin Gropper. Convicted in New York County in April, 1920, of assault, second degree, and sentenced to a term of two years six months minimum; five years maximum. Released March 14, 1922.

7

June 16, 1944. Rudolph Hilgeman. Convicted in Bronx County in January, 1925, of burglary, third degree, and sentenced to a term of three years. Released January 8, 1927.

8

June 16, 1944. Robert J. Manning (Robert Manning), alias Robert Warner. Convicted in Kings County in March, 1916, of grand larceny, first degree, and sentenced to a term of ten years. Released March 18, 1922.

9

July 21, 1944. Edward J. Cloonan. Convicted in New York County in May, 1925, of criminally carrying a pistol after conviction of a crime, and sentenced to a term of three years six months minimum; seven years maximum. Released December 10, 1927.

10

July 21, 1944. Joseph Dignam (Joseph Degnam). Convicted in New York County in April, 1914, of assault, second degree, and sentenced to a term of two years six months minimum; five years maximum, and to pay a fine of one thousand dollars. On June 23, 1916, the fine was remitted. Released September 18, 1916.

11

August 10, 1944. Lincoln M. McGill. Convicted in Orange County in February, 1923, of forgery, second degree, and sentenced to a term of two years six months minimum; five years maximum. Released December 22, 1924.

12

August, 22, 1944. Sumner Olmstead. Convicted in Ulster County in June, 1935, of arson, second degree, and sentenced to a term of one year six months minimum; three years maximum. Released July 8, 1936.

13

August 22, 1944. John Sample. Convicted in Broome County in September, 1934, of manslaughter, second degree, and sentenced to a term of two years six months minimum; five years maximum. Released May 13, 1936.

14

August 22, 1944. Richard Balfe. Convicted in Kings County in December, 1928, of robbery, second degree, and sentenced to a term of five years minimum; ten years maximum. Released July 28, 1932.

15

August 24, 1944. Morgan Dayton. Convicted in Ulster County in November, 1929, of assault, second degree, and sentenced to a term of two years six months minimum; five years maximum. Released January 27, 1932.

16

August 26, 1944. Murphy Crisafuli. Convicted in Oswego County in July, 1930, of rape, second degree, and sentenced to a term of one year minimum; five years maximum. Released July 25, 1931.

17

August 26, 1944. Rosolino Fanara. Convicted in Wayne County in January, 1922, of unlawful possession of firearms, and sentenced to a term of one year eleven months minimum; two years seven months maximum. Escaped from prison September 25, 1922. Voluntarily surrendered July 30, 1936. Released September 4, 1937.

18

August 26, 1944. Edward Hoppell. Convicted in Lewis County in April, 1925, of rape, second degree, and sentenced to a term of two and one-half years minimum; five years maximum. Released March 9, 1927.

19

August 26, 1944. Dorothy P. McDonald (Dorothy Perkins). Convicted in New York County in June, 1925, of manslaughter, first degree, and sentenced to a term of five years minimum; fifteen years maximum. Released January 5, 1929.

20

*September 20, 1944. Frank J. Burns, alias Frank Bremer, alias Frank Hardy. Convicted in Kings County in November, 1914, of criminally receiving stolen property, and sentenced to a term of two years three months minimum; four years six months maximum. Released December 21, 1916.

21

*September 20, 1944. John P. Maloney (John Maloney). Convicted in New York County in June, 1918, of feloniously carrying a pistol after conviction of a crime, and sentenced to a term of two years two months minimum; four years four months maximum. Released December 29, 1919.

22

*September 20, 1944. Frank Dipelesi. Convicted in Queens County in February, 1936, of assault, second degree, and sentenced to one year six months minimum; three years maximum. Released February 27, 1937.

23

*September 20, 1944. Jesse James Marr. Convicted in Otsego County in April, 1923, of rape, second degree, and sentenced to a term of three years minimum; five years maximum. Released August 23, 1926.

24

*September 20, 1944. Eva Edmunds. Convicted in Delaware County in April, 1935, of assault, second degree, and sentenced to a term of one year minimum; two years maximum, and an additional term of five years for being armed. Released December 22, 1937.

25

*September 20, 1944. Benedict J. Pappenheimer. Convicted in Broome County in April, 1933, of forgery, third degree, and sentenced to a term of two years six months minimum; five years maximum. Released December 26, 1934.

*September 20, 1944. Anthony J. Polaski. Convicted in Queens County in September, 1928, of forgery, first degree, and sentenced to a term of five years minimum; ten years maximum. Released July 1, 1932.

26

27

*September 20, 1944. David W. E. Inverarity (David Inverarity). Convicted in New York County in January, 1935, of manslaughter, second degree, and sentenced to a term of two years six months minimum; five years maximum. Released August 25, 1936.

28

October 3, 1944. Frank J. Bendura (Frank Bendura). Convicted in Oneida County in February, 1926, of grand larceny, second degree, and sentenced to a term of two years six months minimum; five years maximum. Released December 1, 1927.

29

October 3, 1944. Albert A. Rohmer. Convicted in Queens County in December, 1912, of grand larceny, first degree, and sentenced to a term of two years minimum; three years six months maximum. Released December 17, 1914.

30

October 13, 1944. Philip E. Parzynski (Philip Parzynski). Convicted in Erie County in February, 1934, of assault, second degree, and sentenced to a term of two years six months minimum; five years maximum. Released October 18, 1935.

31

October 13, 1944. Abraham J. Edelhertz (Abraham Edelhertz). Convicted in Queens County in October, 1931, of robbery, third degree, and sentenced to a term of two years six months minimum; five years maximum. Released August 1, 1933.

32

October 13, 1944. Thaddeus D. Slisz. Convicted in Genesee County in June, 1935, of burglary, third degree; grand larceny, first degree, and sentenced to a term of two years three months minimum; four years two months maximum. Released November 28, 1936.

33

December 7, 1944. Abraham Goldman. Convicted in New York County in August, 1932, of robbery, third degree, and sentenced to a term of four years minimum; eight years maximum. Released April 18, 1935.

34

December 7, 1944. Peter Ortloff, alias William Porter, alias Peter Porter. Convicted in Kings County in April, 1914, of grand larceny, second degree, and sentenced to a term of seven years six months. Released June 10, 1920.

35

December 7, 1944. Edward Richter. Convicted in Suffolk County in December, 1912, of grand larceny, first degree, and sentenced to a term of ten years. Released March 28, 1919.

36

December 7, 1944. Frank Meyers (Frank Sniegowski). Convicted in Nassau County in November, 1918, of manslaughter, first degree, and sentenced to a term of eight years five months minimum; nineteen years ten months maximum. Released March 20, 1925.

37

December 7, 1944. Eugene J. Dunn. Convicted in Queens County in March, 1921, of robbery, first degree; grand larceny, second degree; assault, first degree, and sentenced to a term of ten years minimum; sixteen years one month maximum. Released December 22, 1928.

38

December 7, 1944. Edward J. Burnett (Edward Burnett). Convicted in Chautauqua County in July, 1910, of murder, first degree, and sentenced to execution. This sentence was commuted to life imprisonment March 29, 1912. Further commutation of sentence granted January 31, 1924. Released February 25, 1924.

39

December 7, 1944. Jacob Dropkin. Convicted in Kings County in January, 1934, of attempted robbery, second degree, and sentenced to a term of three years nine months minimum; seven years six months maximum. Released June 11, 1936.

40

December 7, 1944. George T. Botsford. Convicted in Cattaraugus County in September, 1932, of grand larceny, first degree, and sentenced to a term of four years minimum; seven years six months maximum. Released December 19, 1934.

41

December 18, 1944. Elmer F. Buse. Convicted in New York County in June, 1929, of attempted forgery, third degree, and sentenced to a term of two years six months. Released July 1, 1931.

42

December 18, 1944. Joseph Zeig. Convicted in Bronx County in June, 1926, of attempted burglary, third degree, and sentenced to a term of six months in the Workhouse. Released in December, 1926.

43

December 18, 1944. Francis A. O'Brien. Convicted in (1) Queens County, (2) Nassau County, in (1) February, 1933, (2) February, 1935, of (1) robbery, second degree, (2) robbery, second degree, and sentenced to be imprisoned for the terms of (1) two years six months minimum; five years maximum, (2) two years six months minimum; five years maximum, execution of sentence suspended. Released December 12, 1934.

COMMUTATIONS

In the following cases, the sentences of the respective inmates were commuted, thereby enabling them to appear before the Parole Board for release at an earlier date than permitted by the original sentence. In these cases the inmate, though released from prison, has remained under the supervision and jurisdiction of the Parole Board from the time of release until the expiration of the maximum sentence; and may be returned to prison by the action of the Parole Board, in case he should violate his parole. The memoranda of the Governor accompanying these commutations are set forth below.

1

December 22, 1944. Leo Hecker was convicted in Bronx County of attempted robbery, first degree; grand larceny, first degree; and assault, first degree, and sentenced on August 20, 1926, to State Prison for a term of twenty-five years;

and convicted in Queens County of robbery, first degree, grand larceny, first degree, and assault, first degree, and sentenced to State Prison for a term of twenty years minimum; life imprisonment maximum.

Hecker, when 22 years old, and after having acquired a criminal record, participated in a number of robberies in Greater New York. He has now served more than eighteen years since his last conviction. Commutation of sentence is strongly recommended, both by the Parole Board and by the Commissioner of Correction, on the ground of outstanding rehabilitation and the unusual severity of the sentences imposed. All Hecker's confederates have been released long ago from prison.

Accordingly, I am commuting the sentence of Leo Hecker.

2

December 22, 1944. William Warmick was convicted in Erie County of murder, first degree, and sentenced on June 26, 1919 to State Prison for electrocution. Commuted to life imprisonment May 5, 1920.

Warmick was convicted in Erie County in 1919 for murder, first degree, for killing a man, he mistakenly believed was threatening his life. In an unprecedented letter Chief Justice Hiscock of the Court of Appeals wrote Governor Smith that "there was no legal reason which justified the court in reversing the conviction and yet it was practically the unanimous belief of the members of the court that greater justice would have been served by conviction of murder in the second degree."

If Warmick had been sentenced to murder, second degree, as the Court of Appeals believed would have been just, he would have been eligible for parole in 1929 and the Parole Board has stated that it would have granted parole at that time.

Warmick is now 72 years old. He has served more than 25 years. His institutional record is excellent and indeed outstanding.

Both the Parole Board and the Warden strongly recommend clemency. I am accordingly commuting the sentence of William Warmick.

3

December 22, 1944. Norman Gilbo was convicted in Jefferson County of rape, second degree, and sentenced on April 10, 1939 to State Prison for a term of ten to twenty years.

The applicant was convicted in 1939 of having had intercourse with a girl under the age of consent, who lived next door to him. Gilbo was then 23 years old. The jury recommended leniency but Gilbo had a prior conviction for breaking into his public school when he was 16 and the sentence of ten to twenty years was mandatory. The authorities agree that the sentence was severe and the sentencing judge now states that in all probability if he had any discretion he would not have imposed so severe a sentence.

Gilbo has been confined more than five and one-half years, he has had an excellent record in the prison, and will be eligible for parole in December, 1945. Both his parents and six younger brothers and sisters, now on relief, are badly in need of the assistance he could render them. He has been promised steady employment. The Parole Board recommends commutation of sentence at this time. I am accordingly commuting the sentence of Norman Gilbo.

4

December 22, 1944. Oscar Frazier was convicted in Dutchess County of murder, first degree, and sentenced August 1, 1919. Commuted to life imprisonment May 3, 1920.

Frazier, when 24 years old, shot and killed another man who Frazier claimed had assaulted his fourteen year old sister sexually. The sentencing Judge believed Frazier's story and recommended commutation of sentence to life imprisonment.

Frazier now has served more than twenty-five years in prison. The former

District Attorney, who is now Justice Aldrich, of the Supreme Court, recommends commutation of sentence. The Warden and the Parole Board also recommend clemency.

Frazier is a farm worker and a job can undoubtedly be secured for him upon his release.

I am, accordingly, commuting the sentence of Oscar Frazier.

5

December 22, 1944. Frank Henderson was convicted in Onondaga County of robbery, first degree, and sentenced on February 6, 1933, to State Prison for a term of twenty to thirty-five years.

Henderson was 18 years old when charged with the crime of robbing a men's furnishing shop in Syracuse. This was his first offense and when he plead guilty he received a sentence of fifteen to twenty-five years, and an additional term of 5 to 10 years for using a dangerous weapon.

Henderson is now 30 years old. He has served nearly twelve years of his sentence which all agree was exceedingly severe. His institutional record is good. The sentencing judge is deceased. The District Attorney approved of clemency, and the Warden and Parole Board both recommend clemency. In view of the extreme youth of Henderson at the time of the crime, the severe sentence which he received and length of time he has already served, I am accordingly commuting the sentence of Frank Henderson.

6

December 22, 1944. Everett Rosemier was convicted in Chemung County of burglary, third degree, and petit larceny and sentenced September 10, 1940, to State Prison for a term of ten to twenty years.

Rosemier, together with a confederate, broke into a garage in Elmira, New York, and stole a quantity of cigars, cigarettes and cash to the value of \$8.00. Rosemier later plead guilty and cooperated with the authorities in the presentation of the cases against his confederate, admitting a series of burglaries in the neighborhood. Among his previous convictions, one for a prior felony, made the sentence of ten to twenty years mandatory.

Rosemier has now been confined for more than four years. His institutional record is excellent and he has availed himself of his opportunities for further education in prison. The District Attorney and the sentencing Judge strongly recommend clemency. The Parole Board and the Warden also recommend clemency, pointing out that he is a very good risk for parole.

I am accordingly commuting the sentence of Everett Rosemier.

7-8

December 22, 1944. James P. Smith and Frederick L. Spillman. Both of these men have long criminal records. They are considered as subjects for clemency at this time only because of their assistance to prosecuting officials in this State.

Smith was sentenced on February 8, 1939, to State Prison for a term of thirty to sixty years after having been convicted of robbery in the first degree, petit larceny, assault, second degree. He has a record of previous convictions running back to 1911, involving crimes of burglary, possession of drugs, carrying concealed weapons, assault and battery and larceny.

Spillman was sentenced to State Prison for a term of twenty years to life on June 12, 1936, after having been convicted of criminally receiving stolen property. His previous criminal record also runs back to 1911 and includes the crimes of grand larceny and burglary.

Because of the valuable assistance these men have rendered to prosecuting officials, I am commuting their minimum sentence by two years. Thus Smith will be able to come before the Parole Board in June 1956 and Spillman in December 1947. In doing so, it is my intention only to make it possible for them to meet the Parole Board at an earlier time than would be permissible

under their present sentences. My present action should be no indication as to their fitness to be released on parole at that time. It is still up to these men to satisfy the Parole Board that they are entitled to release.

In making these commutations I am following the recommendations of the Parole Board.

COMMUTATION OF SENTENCE FROM DEATH TO LIFE IMPRISONMENT

In the following case, the commutation of sentence was from death to life imprisonment. The memorandum of the Governor accompanying this commutation is set forth below.

May 17, 1944. Leroy Riley Luscomb was convicted in Delaware County on September 28, 1943, of the murder in the first degree of his wife, Ella May, on April 21, 1943. He was sentenced to the punishment of death on October 8, 1943. The Court of Appeals affirmed the conviction on April 20, 1944. The execution is set for the week beginning June 5, 1944.

Luscomb, who is 33 years of age, had been married to his wife for thirteen years at the time of the killing. After a bitter quarrel, she left him and returned to the home of her parents with her youngest child. Several days elapsed. During that time, Luscomb wrote, contritely, to his wife, asking her to return. When she did not return, he took a small-calibre rifle and went with the two children that remained with him to where she was for the purpose of compelling her return. He was under the influence of alcohol. After a quarrel with his father-in-law in which he told him to mind his own affairs, they made up and shook hands. Upon turning to his wife, he told her that she would have to return with him or he would kill her. It was claimed that there was then a scuffle, in which the father-in-law also took part; the rifle was discharged, shooting the wife through the neck, which resulted in her immediate death. There was a conflict of testimony as to what and who caused the rifle to discharge. Luscomb remained with the body while the father-in-law went for a doctor.

The jury convicted on a count in the indictment, charging the defendant with the killing, committed in the course of the commission of a felony. The Court of Appeals affirmed the conviction by a 4 to 3 decision. The three dissenting judges expressed the opinion that there was no evidence of an independent felony being committed by the defendant at the time of the killing and that the verdict was, therefore, erroneous as a matter of law.

The Special District Attorney who tried the case and the present District Attorney strongly recommend that the sentence be commuted to life imprisonment. Judge Deyo, who presided in the case, states that he feels very strongly that the case warrants executive clemency.

Since everyone connected with the case who was personally familiar with the facts and evidence and who saw the defendant and heard the witnesses urges executive clemency, and since even the Court of Appeals is sharply split on question of law, the sentence of death is commuted to life imprisonment.

REPRIEVES

Reprieves were granted in the following cases:

1

February 4, 1944; Louis Buchalter, alias "Lepke", Louis Capone and Emanuel Weiss, alias "Mendy" Weiss. Convicted in Kings County of murder, first degree. Sentenced December 2, 1941, to be executed week beginning January 4, 1942. Conviction affirmed and execution set by the Court of Appeals for the week beginning December 7, 1942.

Four previous respites had been granted to each of the above named; the last of these set the date of execution for the week beginning February 7, 1944. The previous respites in Buchalter's case were granted because he

was in Federal custody and the other two defendants received respites as I would not act on their applications for clemency until Buchalter had been surrendered to the New York State authorities. Buchalter was finally surrendered by the Federal authorities to the Warden of Sing Sing Prison on January 21, 1944.

On February 4, 1944, a further respite until the week beginning February 28, 1944, was granted to each of the above named pending the disposition of a show cause order signed by the Chief Judge of the Court of Appeals as to whether reargument should be granted. The order was returnable February 14, 1944, but the Clerk of the Court of Appeals indicated that such motion might not be decided until February 22, 1944. The motion for reargument was denied February 24, 1944, and the defendants were executed March 4, 1944.

2

April 11, 1944. Louis Parisi. Convicted in New York County of murder, first degree. Sentenced July 1, 1943, to be executed the week beginning August 9, 1943. Conviction affirmed and execution set by the Court of Appeals for the week beginning April 10, 1944. Respite was granted until the week beginning May 1, 1944, pending the determination of a motion before the Court of General Sessions for a new trial. The motion was denied.

On May 3, 1944, a further respite was granted until the week beginning May 22, 1944, because the defendant's attorney sought to appeal to the Court of Appeals from the denial of a motion for a new trial and also moved for reargument. The motion for reargument was denied, and the appeal from the denial of a new trial was dismissed. On May 25, 1944, a further respite was granted until the week beginning May 29, 1944, because defendant's counsel on that day made application to United States District Court in the Southern District of New York for a stay of execution. The United States District Court denied relief upon this application and the defendant was executed June 3, 1944.

3-4-5

April 11, 1944, June 5, 1944, Sept. 15, 1944*. Abraham Podinker. Convicted in New York County of murder in the first degree. Sentenced December 1, 1942, to be executed the week beginning January 25, 1943. Conviction affirmed by the Court of Appeals and execution set for the week beginning July 26, 1943.

Three previous respites had been granted in this case pending the determination of reargument proceedings in the Court of Appeals. The Court of Appeals affirmed conviction as to Podinker but reversed the judgment of conviction of Podinker's co-defendant Peller and ordered a new trial. On December 31, 1943, at the request of the District Attorney, a further respite until the week beginning April 10, 1944, was granted pending the determination of the trial of Podinker's co-defendant.

Successive respites were granted during 1944 to Podinker at the request of the District Attorney, on April 11, 1944, on June 5, 1944, and on September 15, 1944*, pending the outcome of the trial of his co-defendant Peller, which has not yet been concluded.

6-7

April 13, 1944. Gordon Cooke and Winston Arthur Sealy. Convicted in Kings County of murder, first degree. Sentenced April 7, 1943, to be executed week beginning May 16, 1943. Conviction affirmed and execution set by the Court of Appeals for the week beginning April 10, 1944. Respited until the week beginning May 1, 1944. The respites were granted in this case upon the request of the District Attorney of Kings County who advised the Governor that a motion for a new trial had been made based on newly discovered evidence. The motion for a new trial was denied by the County Court of Kings on May 1, 1944.

On May 3, 1944, further respites were granted to each of these defendants until the week beginning May 22, 1944. These respites were granted to permit

the determination of a motion for reargument in the Court of Appeals in the case of Gordon Cooke. Winston Arthur Sealy, being a co-defendant of Cooke, was granted a further respite to await the outcome of the motion in Cooke's behalf.

On May 24, 1944, further respites were granted to these defendants until the week beginning June 19, 1944. These respites were granted because the Court of Appeals advised the Governor that the motions for rearguments pending in the case of both Gordon Cooke and Winston Arthur Sealy might not be determined until the middle of June 1944. The motions were denied by the Court of Appeals on June 8, 1944. The defendants were executed June 22, 1944.

8-9

May 29, 1944. Morris Malinski* and Sidney Rudish*. Convicted in Kings County of murder in the first degree. Sentenced on July 19, 1943 to be executed the week beginning August 29, 1943. Conviction affirmed and the execution set by the Court of Appeals for the week beginning May 29, 1944.

A respite was granted to each of these defendants by Lieutenant Governor and Acting Governor Hanley, until the week beginning June 19, 1944, at the request of the District Attorney of Kings County, to permit the determination of motion for reargument before the Court of Appeals. The reargument was denied June 14, 1944. On June 19, 1944, a stay of execution was granted by the Supreme Court of the United States pending the determination of writs of certiorari in these cases. On October 9, 1944, writs of certiorari were granted by the Supreme Court of the United States and the stay of execution continued until final disposition of the case.

10-11

September 1, 1944. Helen Fowler and George F. Knight. Convicted in Niagara County of murder in the first degree. Sentenced on February 19, 1944, to be executed during the week beginning April 3, 1944. Conviction affirmed and execution set by the Court of Appeals for the week beginning September 4, 1944. On September 1, 1944, respites were granted until the week beginning October 2, 1944, upon the request of the Judge before whom a motion for a new trial was made by Helen Fowler, and upon the request of the District Attorney of Niagara County. George F. Knight, being the co-defendant of Helen Fowler, was also granted a respite to await the outcome of the motion on her behalf. The motion for a new trial as to Helen Fowler was denied.

On October 3, 1944, further respites were granted to each of the above named defendants until the week beginning November 13, 1944, because Counsel for Helen Fowler indicated that he was making application to the Court of Appeals for reargument. The Chief Judge of the Court of Appeals suggested granting a respite to Helen Fowler. The District Attorney of Niagara County stated that if a respite were granted to Helen Fowler a similar respite should be granted to her co-defendant.

The motion for reargument was denied by the Court of Appeals. The defendants were executed November 16, 1944.

*Asterisks denote action taken on cases by Lieutenant Governor and Acting Governor Joe R. Hanley.

XI
MISCELLANEOUS

XI

MISCELLANEOUS

Statement by the Governor—Death of Ned McIntosh

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *January 13, 1944*

The newspaper profession lost one of its ablest and best loved members in the passing of Ned McIntosh. I have lost an old and valued friend. The people of the State have lost a citizen who had the great quality of being able to look upon public affairs with a critical but friendly attitude, who unfailingly reported the news fairly and honestly, and whose loyalty to the profession was equalled only by the warmth of his friendliness and the integrity, of which his by-line was a symbol.

Statement Announcing Theme of Governor's Speech at New York State Publishers Association Conference

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *January 17, 1944*

Governor Dewey will speak at the annual dinner of the New York State Publishers Association Convention, to be held at the DeWitt Clinton Hotel on Tuesday evening, January 18. The Governor's address is entitled "The Position of Our Cities." His speech will be broadcast over a State-wide network by the Columbia Broadcasting Company.

Preliminary Report of the Committee on Municipal Finance

January 20, 1944

Hon. Thomas E. Dewey,
Capitol, Albany, N. Y.
Sir:

The committee appointed by you on January 15, 1943 to inquire into the revenue problems of municipalities of this State and to offer recommendations for the reduction of the real estate tax burden upon home owners and rent payers of the State herewith submits its preliminary report.

Local government in this State is provided by 62 counties, 62 cities, 932 towns, 548 villages, 6,106 school districts and approximately 3,000 special districts.

These agencies of local government differ not only in form and in type of services provided, but also in area, population, assessed valuation and economic wealth. Despite these variations, they all derive the major portion of their governmental revenues from the same source—the real property tax.

The total assessed valuation of real property subject to taxation for the support of local government rose from 14½ billion dollars in 1920 to a peak of 29 billion dollars in 1931, and then declined to 25½ billion dollars in 1940, and has declined further since.

During the last two decades, our municipalities have been constantly called upon to perform new and expanded services, particularly in the fields of social welfare and public education. In the same period, local indebtedness tremendously increased. Municipal debts rose rapidly between 1920 and 1930 for local improvements and between 1930 and 1940 for welfare and relief.

Real estate taxes for the support of local government upsurged from \$313,000,000 in 1920 to \$812,000,000 in 1940, despite large increases in State aid and the local share of State taxes and, in the case of certain cities, substantial new income in recent years from locally imposed special taxes.

In 1942, expenditures for local government in the State of New York approximated \$1,160,000,000, exclusive of expenditures for capital improvements and the reduction of debt. Sixty-three per cent of this amount represents the cost of operating the city of New York and the five counties therein contained and 15 per cent, the expense of operating all other cities in the State. The counties, towns, villages, school and other districts spent the remaining 22 per cent.

Although the borrowing powers of all municipalities are limited by constitutional provisions, only the cities, villages and larger counties are restricted in the exercise of their taxing powers. Such restrictions do not preclude any county or town from meeting sufficiently the cost of its local government. Two or three villages have closely approached their debt limit but none their tax limit.

Quite a number of cities have substantially exhausted their borrowing powers and an even greater number are finding difficulty in financing the current cost of city government under the constitutional limitation based upon constantly declining assessed valuations.

It will be observed that the cost of city government represents 78 per cent of the total cost of all local governments. The expenditures of cities are based on increasing costs. Until the cities can more economically readjust their over-all budgets some other sources of revenue are temporarily necessary to prevent further excessive taxation of real estate and the homes of our people.

The members of the committee do not favor removal of any of the existing restrictions on taxing and borrowing powers of municipalities.

The Constitution now affords some measure of protection against further taxation of real estate owners and rent payers for ordinary government costs. It has no effect on existing indebtedness. Real relief will result when debt is wiped out. We are convinced that a permanent program can be developed and relief can be given to real estate and home owners. A program based on present-day, war-dislocated conditions will hardly serve to meet the normal peace-time needs of government. The development of such a program will require time.

But some of our cities are confronted with present emergencies which must be met immediately.

To temporarily relieve the acute needs of these municipalities and to aid real estate and home owners, we recommend the adoption for the next State fiscal year of the following temporary program:

I

The mortgage recording tax is at present a locally administered and locally collected tax. Four years ago the State took over all revenues derived from the licensing of real estate brokers and billiard rooms and the bank tax, which were formerly shared with the localities. The revenue derived by the State from the mortgage tax is small.

The allocation of this tax to local government will compensate only partially for the loss of revenues from the license fees and bank tax assumed by the State. We therefore recommend that all revenues derived from the present mortgage recording tax be retained for the benefit of the localities and be distributed in the same manner as the present local share is distributed, during the coming fiscal year. This tax has varied in yield from \$1,000,000 to \$10,000,000 per year. It was approximately \$2,000,000 last year.

II

We endorse and approve the Governor's recommendation for the purchase by the State of rights-of-way for new State highways and recommend that the State assume the expense of construction of any new arterial highways within the cities of the State. The State highway program is designed for the benefit of all of the people of the State, and it is reasonable that the expense of providing a State highway system shall be a matter wholly of State concern and State expenditure.

III

Both the State and its cities now impose taxes upon the gross receipts of public utilities. If additional revenue is obtained by increasing the real estate tax, it will add to the present burden of the rent payers and home owners of the State. Therefore, we recommend that the State-collected revenue from this tax for the period of one year, be distributed to the cities in the proportion of the population of each city to the total population of all cities of the State. We recommend, however, that all revenues from this source be restricted to redemption of debt outstanding on or prior to January 1, 1944 and applied to the payment of that portion of such indebtedness coming due in the fiscal year of the municipality next succeeding April 1, 1944. By allocating this new revenue to the payment of debt, relief is guaranteed directly to real estate and home owners to the extent of the additional revenue which is estimated at \$17,500,000.

IV

Until a permanent solution is devised, we recommend the continuance for a further period of one year of all existing municipal taxing powers on sources other than real estate. To permit the lapse of the present temporary taxing powers of local government would inevitably add to the already heavy burden of home owners and rent payers.

Respectfully submitted,

FRANK C. MOORE,
Chairman

Other members of the Committee are:

Thomas E. Broderick, Vice-Chairman, Supervisor, Town of Irondequoit,
Glen R. Bedenkapp, State Tax Commissioner,
Rollin Browne, President of State Tax Commission,
William P. Capes, Executive Secretary, New York State Conference of Mayors,
Marcus Christ, Nassau County Attorney,
Joseph D. McGoldrick, Comptroller, City of New York,
D. Mallory Stephens, Chairman, Assembly Ways and Means Committee,
Edward F. N. Uthe, Executive Secretary, New York State Association of Towns,
George Wanamaker, Deputy Comptroller, City of Buffalo,
Arthur H. Wicks, Chairman, Senate Finance Committee,
Counsel—Robert W. Lochner, Rochester, N. Y.

Statement by the Governor—Boy Scout Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, February 8, 1944

The Boy Scouts of America, during the period of February 8 through February 14, are conducting a nationwide celebration commemorating the 34th Anniversary of their founding.

From the outset the Boy Scouts have been a vital force in our State and Nation. They have always dedicated themselves to maintaining the traditions of our free Republic. Each Boy Scout has pledged himself to serve God and Country.

Many Americans now holding important public and private positions have received their early training in the Boy Scouts of America. As youths they became imbued with the principles of our American civilization. To them, and to the present Boy Scouts of America, this country is indeed indebted.

Throughout the world our young men and women are fighting to preserve American liberties and ideals which our enemies are seeking to destroy. Part of our duty on the homefront is to strengthen and encourage movements like the Boy Scouts of America. Our youth must be taught to have a deep devotion to the principles of our free Republic.

As Governor of the State of New York I call attention of the people of the State of New York to "BOY SCOUT WEEK" and urge them to participate in ceremonies held in observance of the 34th Anniversary of the founding of the Boy Scouts of America.

**Statement by the Governor upon Execution of Interstate Compact
for Supervision of Parolees and Probationers at
Hotel Roosevelt, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *February 12, 1944*

I am delighted to perform this act by which the State of New York officially becomes a member of the Interstate Parole and Probation Compact.

This effective cooperation between the states in the handling of prisoners and others on probation and parole will confer widespread benefits in the rehabilitation of those who are most in need of the help of the State.

The Interstate Compact is another striking example of the effectiveness of vigorous State action in cooperation with other states in the exercising of one of their primary functions.

**Statement by the Governor in Connection with Opening of Red
Cross Drive in Onondaga County**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *February 23, 1944*

The American Red Cross asks the people of this country for two hundred million dollars in the 1944 campaign which is about to start.

Of that total, the Red Cross asks the men and women of New York State for \$33,685,000. On behalf of the people of the State

of New York, I welcome for them, the privilege of participating in this mighty and life-giving war work. I am confident the money will be oversubscribed.

The Red Cross is out of the hearts of the American people. It belongs to them. The functions which it fulfils are a part of the war that the American people fight themselves, on their own. They do it by means of Red Cross. It is a part of the war that we do not expect government to run.

The thrilling stories we have heard bring home to us more powerfully than ever the truth that American Red Cross renders services beyond price. Through its agencies we send healing, relief and comfort to our brothers and sons in the fighting forces, we send help and good cheer to American prisoners of war, meanwhile we on the home front are equipped to meet all emergencies of flood, fire and other disasters. So there is only one possible answer we can make to this appeal.

Your quota in Syracuse and Onondaga county is \$672,000. I know you are going to meet it in the generous, patriotic spirit Syracuse has always shown.

Statement by the Governor—Death of Senator Charles McNary

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *February 25, 1944*

The death of Senator McNary will bring sadness to the hearts of millions of Americans. He was one of my warm friends for many years and his passing leaves me with a sense of great personal loss. The Republican Party has lost a great leader. The Nation has lost one of the finest statesmen of our time and one who was beloved by everyone who knew him.

Statement and Letter from Paul M. Herzog to Governor Dewey Resigning as Chairman of Labor Relations Board and the Governor's Reply

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *February 28, 1944*

Governor Dewey today accepted with regret the resignation of Paul M. Herzog as Chairman of the New York State Labor Relations Board. Mr. Herzog, whose resignation becomes effective March 6, is resigning to accept a commission in the United States Naval Reserve and has been ordered to report for duty next week in the Labor Relations Section of the office of the Assistant Secretary of the Navy, in Washington, D. C.

Mr. Herzog's letter of resignation to Governor Dewey reads as follows:

NEW YORK STATE LABOR RELATIONS BOARD
250 WEST 57TH STREET
NEW YORK 19

February 26, 1944

HON. THOMAS E. DEWEY, *Executive Chamber, Albany, New York:*

DEAR GOVERNOR DEWEY.—As you know, I am resigning as Chairman and as a member of the New York State Labor Relations Board, in order to accept a commission in the United States Naval Reserve. I have been ordered to report for immediate duty in the Labor Relations Section of the office of the Assistant Secretary of the Navy.

The resignation should therefore be effective on March 6, 1944. Because unbroken continuity of administration is essential if the standards established by Father Boland are to be maintained, I have decided to resign rather than avail myself of the military leave of absence provided by law. With Commissioner Cassidy already on such leave, the board's future will be better assured if you are free to offer my successor appointment for a definite term.

It is not easy to leave this board after almost seven years in State service, or to close the book on happy association with Father Kelley, with other peerless fellow—Commissioners and with a loyal, diligent staff. They have brought collective bargaining to a high level of acceptance in New York State. To the extent that I may have shared in their achievement, my work here is done. The time has come to turn to a task more closely related to the war effort.

There is nothing but kindness to remember from my friends in the Legislature, from Governor Lehman and from you.

Very sincerely yours,

(Signed) PAUL M. HERZOG,
Chairman

Governor Dewey's letter to Mr. Herzog read as follows:

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, February 28, 1944

HONORABLE PAUL M. HERZOG, *Chairman, New York State Labor Relations Board, 250 West 57th Street, New York, New York:*

DEAR MR. HERZOG.—It is with a great deal of regret that I accept your resignation as Chairman and as a member of the New York State Labor Relations Board to accept a commission in the United States Naval Reserve, assigned to duty in the labor relations section of the office of the Assistant Secretary of the Navy.

As an original member of the New York State Labor Relations Board and as its Chairman since November, 1942, you have faithfully and diligently served the State of New York. Under your leadership the State Labor Relations Board has impartially, without fear or favor, built a great record in solving the problems of employers and employees.

The Board has served as a model of good administration in the settlement and adjudication of industrial disputes. In our State there is now no longer any question as to the right of labor to collective bargaining through representatives of their own choosing.

May I convey to you my personal thanks and in the traditional language of your new service say "well done" on behalf of the people of the State of New York.

Sincerely yours,

(Signed) THOMAS E. DEWEY

Telephone from Governor Dewey to President Roosevelt Outlining Efforts to Assure Right of New York State Citizens in Military Service to Vote

[TELEGRAM]

ALBANY, March 18, 1944

HIS EXCELLENCY FRANKLIN D. ROOSEVELT, *President of the United States, The White House, Washington, D. C.:*

Following receipt of your telegram of March 15 concerning the Federal soldiers' voting bill now pending before you, I have tonight mailed to you a copy of the State war ballot bill which has just passed the Legislature of New York State and to which I have just affixed my signature.

This State bill complies in every respect with the provisions of Title II of the Federal bill relating to State ballots. The only important difference is that the postcard application provided for in our State bill is even more simple.

If you sign the bill before you and the Army and Navy will transport postcards and ballots which comply with its terms, the State bill will give to every man and woman from the State of New York in the armed forces a full, valid vote which cannot be successfully attacked in any court.

Concerning the two questions contained in your telegram, you will observe from the State bill that every effort has been made to confer on our War Ballot Commission powers so broad and flexible as to make feasible the use of any ballot which complies with the State Constitution.

To the limit of our Constitution I shall take every act and extend every assistance to employ any and all Federal facilities and ballots to insure the right of every member of the armed forces from New York to vote at the coming general election.

THOMAS E. DEWEY

Statement of Governor Dewey in Response to Presentation by Benjamin Winter, President of Federation of Polish Jews, of Ceremonial Copy of "The Black Book of Polish Jewry" at Hotel Roosevelt, New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, March 28, 1944

"The Black Book of Polish Jewry" will fill a great purpose if it further arouses the American people to the unspeakable barbarism being practiced in Poland and the other occupied countries of Europe. The book is particularly timely, coming out as it does, just as Hitler's barbarians extend their hateful doctrines into the satellite nations.

We as a people are spending the blood of our soldiers, our toil and our substance, in the fight against the beasts in human form who seek to exterminate a race. But what is going on daily in the gas chambers of Poland and what impends because of the Nazi occupation of Hungary and Roumania, requires even more. First, we must strengthen ourselves against Anti-Semitism within. Second, we must extend to the victims abroad every kind of help, both physical and spiritual. We are determined that they will once again be free men, living their lives under God.

Statement—Welcome to Latin American Boy Scout Officials

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

Governor Dewey this afternoon officially welcomed to the State of New York a delegation of four Latin American Boy Scout officials who are in this country on a good will tour. The officials, who were greeted by the Governor in the Executive Chamber, were accompanied by C. Glynn Fraser, Director of Inter-American Services, Boy Scouts of America, as well as several local Boy Scout officials.

The Latin American officials are as follows:

Padre Juan Antonio Gracia Artola, Chaplain General of Scouting in El Salvador

Sr. Julio Alcaine, Scouting Chief in El Salvador

Sr. Mario Alfonso de La Parra, Scouting Commissioner of Mexico City

Sr. Pablo Emilio Madero, Sub-Commissioner of Scouting in Mexico City

The local Scout officials included Edmund W. Corrie, Albany District Chairman, Fort Orange Council, Boy Scouts of America; Wallace D. MacBride, Scout Executive, Fort Orange Council, and the Reverend Harold B. Hinds, Director, Catholic Youth Organization.

Statement by Governor Dewey upon Launching of New Department of Commerce

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 1, 1944*

The Division of Commerce of the Executive Department today becomes a full-fledged Department of State government, the first new department since 1927.

The new Department of Commerce will carry forward the activities and functions of the Division of Commerce to promote the economic life of the State and to stimulate opportunities for business and employment for the people of the State. The Department will have great opportunity for usefulness in contributing to the prosperity of the State.

It is a happy coincidence that the new Department comes into existence at a time when the postwar business development program undertaken by the Division of Commerce is well launched. This program affects the future of all communities in the State and is geared to two objectives:

- (1) High level production and business enterprise in all phases of our economic life, and
- (2) High level employment for the members of the armed forces when they return, and for all others interested in gainful occupations.

As part of this program, the newly created department is about to start the first industrial development campaign ever undertaken by the State. New York has always been the leading manufacturing State. It is a model of the American enterprise system. Its people are energetic and resourceful. Nature has endowed it with important economic advantages. Business in New York, both large and small, is dynamic and progressive. Labor and management work together in mutual confidence and with profit to both.

The forthcoming industrial promotion campaign is directed primarily to the manufacturers of New York State. We hope that it will stimulate them to increased activity, greater production, higher levels of employment and larger prosperity. It is also intended for businessmen across the Nation who will be welcome in expanding their industrial enterprise to include New York. In stressing the virtues of our own State, we do not wish to encroach upon others'. The future of New York is interrelated with the future of every other state. The potentialities of New York are a measure of the wide vistas which lie ahead for the system of private enterprise in our Nation.

Statement by Governor Dewey in Connection with Approval of Bills Affecting Social Welfare

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *March 31, 1944*

I have today signed fourteen bills which affect the field of social welfare in this State. They indicate the progressive humane approach of the State Administration toward the great problem of providing assistance to the less fortunate members of the community. In many cases the cost to the State will be increased. By

how much, no one can definitely ascertain. In some cases, although the benefit to be received by recipients will be greater, better administration will result in savings to the State.

But these are not matters of dollars and cents. They reflect the continuing and growing recognition by our State of its dependence upon the welfare of its own members. It is not so much that these less fortunate members are dependent upon the State; for unlike the statism which dominates totalitarian philosophies, we recognize that the State is but an instrument and a creature of its own people. That instrument is justified so long as it serves the people well.

I am particularly gratified in the midst of the many measures which I am called upon to approve during this period following the adjournment of the Legislature, to approve these most worthwhile bills.

NOTE.—For Approval Memoranda, see page 225 et seq.

Statement Announcing Governor Dewey's Forthcoming Radio Report to the People

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 12, 1944*

Governor Dewey will deliver his second annual report to the people of the State of New York on the accomplishments of the 1944 session of the Legislature and the work of his administration during the past year in a radio broadcast Friday evening, April 14, from 11:05 P.M. to 11:30 P.M. The broadcast will be carried over a State-wide Columbia Broadcasting Company network.

Subject Index of Laws Approved by Governor Dewey—Regular Session of the Legislature, 1944

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Chapter Number of Bills Signed by the Governor, Showing Introductory and Last Printed Numbers.

Chap. No.	Int. No.	Pr. No.	Introducer	Title
A.				
				Adoption (See "Domestic Relations Law").
589. S.	792. S.	886. Mr. Baum	.....	Adoption cases, birth certificates.
612. A.	1502. A.	2350. Mr. Breed	.....	Advertising, bonds, local finances, sales.
154. S.	781. S.	864. Mr. Desmond	.....	Advertising, publicity fund, cities.
478. S.	1717. S.	2049. Rules Com.	.....	Aeronautics, teaching, institute, estab.
132. A.	322. A.	325. Mr. Barrett	.....	Airports, acquisition, Suffolk co.
134. A.	323. A.	326. Mr. Barrett	.....	Airports, lands for, Suffolk co.
532. S.	1466. S.	1693. Mr. Coudert	.....	Airports, municipal, financing.
561. A.	34. A.	34. Mr. Reoux	.....	Airports, municipal, interest, easement.
560. A.	892. S.	2016. Mr. Reoux	.....	Airports, municipal, structures around.
361. S.	1474. S.	2092. Mr. Hastings	.....	Albany port district comrs., number, pay.
				Aliens, enemy (See "War").

Chap.	No.	Int. No.	Pr. No.	Introducer	Title
272.	S.	59.	S.	59.	Mr. Warner Aliens, rights to property.
556.	S.	1498.	S.	1725.	Mr. Coudert American Irish Historical Societies, merge. Arbitration (See "Civ. Prac. Act"). Armories (See "Military," "Military Law").
534.	S.	742.	S.	812.	Mr. W. J. Mahoney. Attorney-gen., powers of dist. atty.
351.	A.	1227.	A.	1332.	Mr. Marble Attorneys, appearance, justice ct.
729.	S.	1612.	S.	1850.	Mr. Burney Attorneys, health dists. employ.
462.	S.	1664.	S.	2050.	Rules Com. Attorneys, workmen's comp. cases.
33.	S.	182.	S.	182.	Mr. Williamson ... Attorneys, witness to will, evidence. Attorneys (See also "Notaries" under "N"). Autopsies (See "Health Law").
432.	A.	1398.	A.	2432.	Mr. Olliffe Aviation, flight training courses.

ABANDONED PROPERTY LAW

757.	S.	591.	S.	635.	Mr. Warner Federal court funds, escheat, §§1204, 1206.
498.	A.	1709.	A.	1912.	Mr. Stephens Insurance, water works corpns., §§103, 400, 602, 1402, 1403.
497.	S.	1216.	S.	2107.	Mr. Hampton Life insur. moneys, unclaimed, §§700-703.
429.	S.	1379.	S.	1570.	Mr. Wicks Motor vehicles, §§103, 1402, 1404, 1406; §1306 new.
694.	A.	1267.	A.	1392.	Mr. Reoux Property, escheated, action to recover, §208.
760.	S.	1480.	S.	2000.	Mr. Warner Property, escheated, ejectment, amend gen.
526.	A.	1710.	A.	1913.	Mr. Stephens Wages, unclaimed, pay to state, §1308 new.

AGRICULTURE

478.	S.	1717.	S.	2049.	Rules Com. Agriculture training, institute, estab.
381.	A.	2053.	A.	2429.	Rules Com. Fair, state, industrial exhibit authority.
441.	A.	279.	A.	2526.	Mr. Hollowell Farm, home orgns., 4-H clubs, state aid.
714.	A.	1224.	A.	1329.	Mr. L. A. Lawrence. Farm land, drainage, water control.
353.	A.	2058.	A.	2454.	Rules Com. Farm products, state instns., transfer.
74.	S.	511.	S.	538.	Mr. Bewley Farm work by school children.
17.	A.	231.	A.	588.	Mr. Converse Farm work, junior operator's license.
439.	A.	1931.	A.	2459.	Mr. Washburn Farm work permits, minors.
440.	S.	1407.	A.	2463.	Mr. Young Farm work permits, minors. Markets (See "Public Authorities Law").
136.	A.	670.	A.	692.	Mr. Stuart Milk supply, embargo, enemy action.

AGRICULTURE AND MARKETS LAW

11.	A.	191.	A.	191.	Mr. Younglove Bees, list, report of owners, §175-a rep.
48.	S.	381.	S.	399.	Mr. Wicks Butterine, oleomargine, state instns., §§65, 66.
571.	A.	1292.	A.	2124.	Mr. Millmoe Dogs, kennel license application, §110.
314.	A.	1065.	A.	1608.	Mr. Hulst Dogs, Westchester, Nassau cos., §119.
638.	A.	1807.	A.	2371.	Mr. Stephens Fees, justice court, §§45, 113, 116, 124.
680.	A.	1533.	A.	1709.	Mr. Reoux Milk dealers, correct references, §258-c.
143.	A.	1082.	A.	1161.	Mr. Allen Milk dealers, license fees, §258-a.
457.	A.	1084.	A.	2476.	Mr. Allen Milk, victory mix, authorized sale, §50-c new.
147.	S.	824.	S.	918.	Mrs. Graves Weights, measures, hay, straw, §§194-a, b.
238.	S.	1084.	S.	1225.	Mrs. Graves Weights, measures, restrict sales, §188.

Chap.

No.	Int. No.	Pr. No.	Introducer	Title		
ALBANY						
73.	S.	151.	S.	151.	Mr. Hastings	Diocese of Albany, trustees. Port comr's. (See "A").
484.	S.	1700.	S.	2008.	Rules Com.	State teachers' college, building site.
ALCOHOLIC BEVERAGE CONTROL LAW						
205.	A.	1159.	A.	1255.	Mr. Lupton	Beer sales, owner of premises, §105.
538.	A.	1150.	A.	2504.	Mr. Lupton	Filing fees, §§51-53, 53-a, 54, 58, 61, 62, 76.
621.	S.	1107.	S.	1248.	Mr. Bontecou	Interlocking interests; retailer, §§105, 106.
216.	A.	1255.	A.	1380.	Mr. Farbstein	License, cancelled, reinstate, §127-c new.
281.	S.	878.	S.	982.	Mr. Bontecou	Permits, single transaction, §99-b.
335.	A.	1158.	A.	1254.	Mr. Lupton	Permits, surety bonds, §112.
221.	A.	1387.	A.	2137.	Mr. Lupton	Purchasing agent, delivery out of state, §99-b.
171.	S.	1109.	S.	1250.	Mr. Bontecou	Rectifier, define, include water, §3.
539.	A.	1153.	A.	2133.	Mr. Lupton	Rectifiers, bottling, sales, §§61, 62, 77.
203.	A.	1157.	A.	1253.	Mr. Lupton	Violations, 2 convictions, §118.

Chap.	No.	Int. No.	Pr. No.	Introducer	Title
170.	S.	884.	S.	988. Mr. Bontecou	Warehouse receipts, define, alcohol, bev., \$3.
796.	A.	126.	A.	1215. Mr. Hollowell	Wine, sacramental, sales, §§77, 78.
188.	A.	1161.	A.	1257. Mr. Lupton	World's Fair, obsolete, §§55, 96, 101.

ALCOHOLIC BEVERAGES

365.	A.	1287.	A.	1412. Mr. Butler	Liquors, sales in arsenal, armory.
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APPROPRIATIONS

432.	A.	1398.	A.	2432. Mr. Olliffe	Aviation training, public schools, \$20,000.
385.	S.	1722.	S.	2111. Rules Com.	Beaches, Long Beach, erosion, arrest, \$100,000.
633.	S.	1592.	S.	2044. Mr. Hastings	Canal property, acquire, damages, \$25,000.
410.	S.	1688.	S.	1988. Rules Com.	Canal terminal facilities, N. Y. C., \$1,150,000.
593.	A.	1190.	A.	2100. Mr. Stephens	Check cashing business, license, \$30,000.
407.	A.	2013.	A.	2325. Mr. Marble	Counties, uniform laws commission, \$25,000.
97.	A.	680.	A.	702. Budget Bill	Debt service, legal requirement, \$47,861,153.11.
441.	A.	279.	A.	2526. Mr. Hollowell	Farm, home bureaus, state aid, \$25,000.
382.	A.	2012.	A.	2324. Mr. Marble	Fiscal relations com., state, local, \$15,000.
252.	S.	336.	S.	349. Mr. Warner	Flood control com., continue, \$30,000.
494.	A.	474.	A.	1365. Mr. Hollowell	Flood control, federal projects, \$988,000.
95.	A.	678.	A.	700. Budget Bill	Government, employees, maintenance, \$152,510,415.
279.	A.	1180.	A.	1281. Mr. Mailler	Health program commission, continue, \$40,000.
683.	S.	62.	S.	62. Mr. Hampton	Historic markers, painting, pub. works, \$3,000.
278.	A.	409.	A.	1788. Mr. Mitchell	Housing, state debt, N. Y. City \$35,000,000 bonds.
475.	A.	1715.	A.	1919. Mr. Ives	Industrial board members, increase, \$140,000.
162.	A.	1374.	A.	1517. Mr. Ives	Industrial, labor relations school, \$10,000.
431.	A.	1604.	A.	2315. Mr. Stephens	Judiciary employees, salary increase, \$25,000.
96.	A.	679.	A.	1433. Budget Bill	Judiciary, legislature, support of, \$8,323,551.04.
638.	A.	1807.	A.	2371. Mr. Stephens	Justice court fund, establish, \$30,000.
793.	A.	784.	A.	819. Miss Todd	Labor, wage rates, sex discrimination, \$40,000.
387.	A.	1181.	A.	1282. Mr. Mailler	Medical care program commission, \$40,000.
477.	A.	1775.	A.	2000. Mr. Breed	Municipal finance commission, \$35,000.
692.	S.	1723.	S.	2113. Rules Com.	Race, etc., discrim., commission study, \$25,000.
728.	A.	1345.	A.	1481. Mr. Wickes	Salmon, landlocked, establish, study, \$7,500.
99.	A.	682.	A.	704. Budget Bill	State aid to localities, \$155,966,900.
98.	A.	681.	A.	703. Budget Bill	State depts., repairs, construction, \$638,730.
618.	S.	1561.	S.	1788. Mr. Wicks	State dept. reports, codes, publish, \$25,000.
201.	S.	674.	S.	736. Mr. Wicks	State economy commission, continue, \$50,000.
315.	A.	2068.	A.	2520. Rules Com.	Supplemental appro., support of govt.
100.	A.	683.	A.	705. Budget Bill	Support of govt., deficiency, \$2,102,223.
416.	A.	1454.	S.	2114. Mr. Gugino	Veterans, assistance, study, \$100,000.
183.	S.	1650.	S.	2015. Rules Com.	War ballots, absentee voters, \$150,000.
418.	A.	1891.	A.	2159. Mr. G. B. Parsons	War service scholarships, establish, \$420,000.

B.

672.	S.	825.	S.	1148. Mr. Condon	Bees (See "Agriculture, Markets Law"). Births (See "Health Law"). Blind (See "Social Welf. Law"). Bonds, U. S. (See "U"). Bridge, Bear Mountain, property, taxing.
650.	A.	2046.	A.	2405. Rules Com.	Bridge, state route 4, to Vermont.
453.	S.	1544.	S.	1771. Mr. Anderson	Bridges (See also "Highway Law"). Broome co. sheriff, salaried office.
452.	S.	1598.	S.	1832. Mr. Anderson	Broome co. treasurer, salary. Burial, needy persons (See "Soc. Welf. Law"). Butterine (See "Agric., Markets Law").

Chap. No.	Int. No.	Pr. No.	Introducer	Title
BANKING LAW				
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787. S.	1549. S.	1776.	Mr. Burney	County clerk fees, conditional sales, §174.
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638. A.	1807. A.	2371.	Mr. Stephens	Fees, justice court, payment, §§12, 240.
249. A.	1149. A.	1726.	Mr. Hatfield	Fish, game propagation, certain cos., §12.
55. A.	349. A.	354.	Mr. Wickes	Highway machinery, use, defense, §12.
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577. A.	1714. A.	1917.	Mr. Washburn	Supervisors, Columbia co., pay, §23.
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576. A.	1629. A.	1826.	Mr. Ostertag	Supervisors, Wyoming co., pay, §23.
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223. A.	1008. A.	1082.	Mr. Mitchell	Appeals, printed record, §458.
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166. A.	881. A.	935.	Mr. Stuart	Autopsies, regulation, control, §778-a new.
777. A.	1437. A.	1586.	Mr. Morgan	Bail, magistrate, §§737-739; §699-a new.
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58. A.	634. A.	652.	Mr. Pillion	Disorderly persons, jurisdiction, §§910, 911.
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568. A.	1866. A.	2108.	Mr. Butler	Probation dept., Erie co., §929; §938-c new.
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127.	A. 882.	A. 936.	Mr. Suitor	DeVeaux College, investments.
113.	A. 780.	A. 815.	Mr. Schulman	D. S. Morgan & Co., revive.
580.	S. 1697.	S. 2005.	Rules Com.	DeWitt, town, trunk sewer line, bonds. Dogs (See "Agric., Markets Law").
181.	S. 188.	S. 193.	Mr. Bontecou	Dutchess co. clerk, compensation.
269.	S. 832.	S. 929.	Mr. Bontecou	Dutchess co., tax, collection fees.

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255.	S. 720.	A. 1614.	Mr. Duryea	Adoption orders, filing, Nassau co., §114.
287.	S. 56.	S. 56.	Mr. Warner	Guardian, damages for waste, §83.
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77.	A. 541.	A. 554.	Mr. Schulman	Marriages, parents in mil. service, §15-b.
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341.	S. 1300.	S. 2013.	Mr. Erwin	Eagle Hose Co., No. 1, revive.
321.	S. 727.	S. 797.	Mr. Janes	East Rochester Exempt Firemen's Assn.
148.	A. 845.	A. 1233.	Mr. Tift	Elmira Heights village, street drainage.
29.	A. 305.	A. 308.	Mr. Morgan	Erie Co., adoption orders.
383.	S. 1475.	S. 1896.	Mr. W. J. Mahoney	Erie co., budget system, cash basis.
675.	A. 1858.	A. 2083.	Mr. Ehrlich	Erie co., comptroller powers insur. policies.
568.	A. 1866.	A. 2108.	Mr. Butler	Erie co., probation dept., create.
725.	A. 2062.	A. 2458.	Rules Com.	Erie co., senate dist. boundaries.
242.	S. 793.	S. 887.	Mr. Burney	Erie co., supervisors, clerk's hours, duties.
789.	A. 296.	A. 2287.	Mr. Butler	Erie co. tax collection, notices, fees.
784.	A. 837.	A. 2277.	Mr. Ehrlich	Erie co. tax refunds, Buffalo, bonds.
454.	A. 825.	A. 2121.	Mr. Pillion	Erie co., town budgets, abstracts.
131.	S. 399.	S. 417.	Mr. W. J. Mahoney	Erie co. treasurer, deputies.
791.	A. 1436.	A. 2357.	Mr. Morgan	Erie co., water supply, municipal contracts.
744.	A. 1991.	A. 2259.	Mr. Reoux	Essex co., highway contracts. Explosives (See "Labor Law," "N. Y. Code").

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478.	S. 1717.	S. 2049.	Rules Com.	Arts, crafts, institute for, establish.
432.	A. 1398.	A. 2432.	Mr. Olliffe	Aviation, junior, flight training, appro.
162.	A. 1374.	A. 1517.	Mr. Ives	Industrial, labor relations school.
367.	S. 872.	S. 976.	Mr. Coudert	Library, circulating branch, N. Y. City. Medical practice (See "Wkmen's Comp. Law").
87.	S. 371.	S. 386.	Mr. Burney	Professions, renew license, mil. serv.
389.	A. 1148.	A. 1240.	Mr. Thompson	School buses, public service rules.
76.	A. 270.	A. 273.	Mr. Stephens	School districts, financial report to comptroller. School finances (See also "Local Finance Law").
107.	A. 118.	A. 118.	Mr. Younglove	Teachers, absence, military service.
484.	S. 1700.	S. 2008.	Rules Com.	Teachers' college, Albany, building site.
485.	S. 1718.	S. 2072.	Rules Com.	Teachers' college, Buffalo, building site.
524.	A. 1338.	A. 1474.	Mr. Stephens	Teachers' colleges, dormitory authority. Vocational training (See "War").
630.	A. 1248.	A. 1373.	Mr. Barrett	Work permits, caddies at golf courses.
439.	A. 1931.	A. 2459.	Mr. Washburn	Work permits, farm work, validity.

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653.	S. 562.	S. 1126.	Mr. Desmond	Camps for children, establish, §1025-a new.
6.	A. 15.	A. 15.	Mr. Converse	Central districts, establishing, §180.
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637.	A. 1618.	A. 1814.	Mr. Rapp	Central school dists., §§180-184.
324.	A. 365.	A. 1318.	Mr. Milmoë	Educational instns., inactive, records, §62.
590.	A. 1445.	A. 1594.	Mr. Stephens	Education bd. members, election, §215.
496.	S. 1499.	S. 1726.	Mr. Coudert	Education bd., supt., N. Y. C., powers, §§869, 870, 872.
778.	S. 1297.	S. 1488.	Mr. Young	Handicapped children, rehabilitate, amend gen.
603.	S. 716.	A. 2340.	Mr. Wicks	Historic places, jurisdiction, Art. 59 new.
89.	A. 187.	A. 187.	Mr. Knauf	Librarian, supreme ct., Binghamton, §1173.
487.	A. 1531.	A. 1707.	Mr. Reoux	Merchant marine academy, §§492, 843; §1143-c, as d.
28.	A. 346.	A. 351.	Mr. Ostertag	Merchant marine, U. S. cadets, §840-a.
359.	A. 367.	A. 372.	Mr. Milmoë	Nursery, kindergarten, private, §625.
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69.	A. 619.	A. 637.	Mr. Mailler	Physicians, internes, practice, §1262.
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295.	S. 1076.	S. 1204.	Mr. Greenberg	Scholarships, children disabled vets., §78-a.
480.	A. 165.	A. 2515.	Mr. Milmoë	Scholarships, number, §70.
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337.	A. 1211.	A. 1313.	Mr. Brook	School funds, disbursing, N. Y. City, §880.
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369.	S. 1716.	S. 2048.	Rules Com.	School moneys, apportion, basis, §497.
297.	A. 1532.	A. 1708.	Mr. Reoux	Teachers' colleges, combine amend-ments, §817.
655.	A. 1125.	A. 1204.	Mr. Olliffe	Teachers, dismissals, N. Y. C., emer-gency, §881.
654.	A. 1124.	A. 1203.	Mr. Olliffe	Teachers, eligible lists, N. Y. City, §872.
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342.	S. 1078.	S. 2039.	Mr. Young	Teachers, salaries, Indian reserv., §944.
440.	S. 1407.	A. 2463.	Mr. Young	Work permits, farm service, §637.
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240.	A. 1207.	A. 1308.	Mr. Reoux	Ballots, quality of paper, §104-a new.
747.	S. 1721.	S. 2095.	Rules Com.	Canvass board, returns, §§272-274, 276; §§222-a, 263-a, rep.
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408.	A. 1794.	A. 2019.	Mr. Schulman	Nominations, state office, by state com., §131.
424.	S. 1324.	S. 1515.	Mr. Burney	Political committees, members, vacan-cies, §17.
2.	S. 79.	S. 79.	Mr. Wallace	Primary, spring of 1944, §191-a new.
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530.	S. 1606.	S. 1844.	Mr. Bainbridge	Schools (See "Education Law"). State convention delegates, assembly dists.
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4.	A. 10.	A. 10.	Mr. Ives	Commerce dept., §13; §19, Art. 12 rep.
5.	A. 11.	A. 11.	Mr. Ives	Commerce Div., §13; §19-a as 19; Art. 12-a as 12.
618.	S. 1561.	S. 1788.	Mr. Wicks	State dept. reports, §11 rep; §§35-40 new.
334.	A. 1489.	A. 1650.	Mr. Stephens	State newspaper, change name, §82.

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59.	A. 263.	A. 266.	Mr. Mann	F. F. Capen Hose Company, revive.
195.	S. 93.	S. 93.	Mr. Oliver	Fiduciaries, county administrators.
535.	A. 1395.	A. 2303.	Mr. Hollowell	Fiduciary, bond, personal income tax.
599.	S. 1047.	S. 1175.	Mr. Young	Fiduciary, child care, funds, report.
287.	S. 56.	S. 56.	Mr. Warner	Fiduciary, guardian, damages for waste.
697.	S. 757.	S. 1909.	Mr. Hampton	Fiduciary, infant, incompetent, invest-ments.

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742.	A. 1513.	A. 1683.	Mr. Breed	Fiduciary, powers, summary proceedings. Fiduciary, incompetents (See "Civ. Prac. act"). Fiduciaries (See also "Surrog. Ct. Act," "Pers. Prop. Law").
320.	S. 763.	S. 846.	Mr. Young	Fingerprints, filing correction dept.
285.	S. 836.	S. 933.	Mr. Wicks	Firearms (See "Penal Law").
677.	A. 457.	A. 1856.	Mr. Owens	Fire district, Cairo, real property. Fire district, Cortlandt, town. Fire districts (See "Towns," "Town Law").
42.	S. 478.	S. 502.	Mr. Halpern	Firemen, volunteer, civil service removals. Firemen (See also "Munic. Law-Gen").
225.	S. 651.	S. 704.	Mr. Pierce	Fish, game (See "Conservation," "Conserv. Law").
32.	A. 356.	A. 361.	Mr. Graf	Flood control (See "Conservation").
340.	S. 1137.	S. 1286.	Mr. Duryea	Franklinville, town auditorium, lease. Fredonia Fire Company, revive. Freeport housing authority, existence.

FINANCE LAW

524.	A. 1338.	A. 1474.	Mr. Stephens	Dormitory authority, teachers' colleges, §98.
118.	A. 687.	A. 709.	Budget Bill	Emergency fund, establish, §94 new.
638.	A. 1807.	A. 2371.	Mr. Stephens	Justice court fund, establish, §121; §99-a new.
28.	A. 346.	A. 351.	Mr. Ostertag	Merchant marine, U. S. cadets, §§90-a, 121.
1.	S. 10.	S. 10.	Mr. Wicks	Post-war reconstruction fund, §93 rep.; §93 new.
350.	A. 1468.	A. 1629.	Mr. Stephens	State contracts, identical bids, §174.
628.	A. 1927.	A. 2195.	Mr. Stephens	State funds, deposit in industrial banks, §105.
8.	A. 1168.	A. 1264.	Mr. Ives	State funds, invest in U. S. bonds, §93.
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353.	A. 2058.	A. 2454.	Rules Com.	State instns., surplus farm products, §177.
264.	A. 1490.	A. 1651.	Mr. Stephens	Unclaimed funds, post-war fund, §95 new.

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285.	S. 836.	S. 933.	Mr. Wicks	George K. Porter Engine Company.
3.	A. 8.	A. 8.	Mr. Reoux	Governor, lt. governor, filling vacancy.
258.	S. 1349.	S. 1540.	Mr. Young	Governor, recess appointments, term.
673.	A. 410.	A. 417.	Mr. Brady	Greene co., tax collection.
270.	S. 816.	S. 910.	Mr. Duryea	Greenfield cemetery trustees.
74.	S. 511.	S. 538.	Mr. Bewley	Greenhouses, employ school children. Guardian (See "Domestic Relations Law").

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(See "City Law—General")GENERAL CONSTRUCTION LAW
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(See "Corporation Law—General")GENERAL MUNICIPAL LAW
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579.	A. 1147.	A. 1239.	Mr. Pillion	Hamburg, Orchard Park, joint water dist.
566.	A. 1146.	A. 2347.	Mr. Pillion	Hamburg, Orchard Park, water dist., W. P. A.
339.	A. 1510.	A. 1680.	Mr. J. D. Bennett	Hempstead housing authority.
386.	A. 1626.	A. 1823.	Mr. L. A. Lawrence	Herkimer co. clerk, salary, increase.
552.	A. 1586.	A. 1777.	Mr. L. A. Lawrence	Herkimer, village, police justice, reports. Historic markers (See "Conservation"). Historic places (See "Education Law").

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308.	A. 269.	A. 272.	Mr. Sherman	Horse races, pari-mutuel breaks, share.
669.	S. 494.	S. 521.	Mr. Condon	Horse races, pari-mutuel tickets, cash- ing.
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				Blind assistance (See "Social Welfare Law").
				Dust diseases (See "Workmen's Comp. Law").
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7.	A. 98.	A. 98.	Mr. Reoux	Hospital Association, Southampton, validate.
				Hospital care (See also "Soc. Welf. Law").
782.	A. 1213.	A. 1315.	Mr. L. A. Lawrence	Hospital, Ilion, contract with village.
776.	A. 1568.	A. 2477.	Mr. Kellam	Hospitals, municipal financing.
463.	S. 1663.	S. 2080.	Rules Com.	Medical appliances, workmen's comp. cases.
387.	A. 1181.	A. 1282.	Mr. Mailler	Medical care program commission, creates.
778.	S. 1297.	S. 1488.	Mr. Young	Medical, hospital care, handicapped persons.
459.	S. 1667.	S. 2082.	Rules Com.	Medical practice, laboratories, X-ray.
70.	A. 564.	A. 577.	Mr. Lupton	Mosquito extermination, Suffolk co.
653.	S. 562.	S. 1126.	Mr. Desmond	Physical training, school camps for.
512.	A. 1242.	A. 1347.	Mr. Milmoie	Physicians, biennial registration.
674.	S. 1550.	S. 1777.	Mr. Downey	Physicians, hospitals, reporting wounds.
69.	A. 619.	A. 637.	Mr. Mailler	Physicians, internes, practice, hospitals.
466.	S. 1679.	S. 1959.	Rules Com.	Physicians, splitting fees, laboratories, hospitals.
464.	S. 1681.	S. 2058.	Rules Com.	Physicians, workmen's comp., medical appeals.
				Physicians (See also "Wkmen's Comp.", "Wkmen's Comp. Law").
649.	A. 1165.	A. 1261.	Mr. Stuart	Tuberculosis hospitals, state facilities.
693.	A. 1134.	A. 1221.	Mr. Stuart	Tuberculosis patients, county hospitals.
202.	A. 461.	A. 470.	Mr. Stuart	Tuberculosis patients, state aid.
731.	A. 671.	A. 693.	Mr. Walmsley	West Haverstraw reconstruction home, lands.

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166.	A. 881.	A. 935.	Mr. Stuart	Autopsies, regulation, reports, §5-a rep.
589.	S. 792.	S. 886.	Mr. Baum	Birth certif., adoption cases, §387.
229.	A. 622.	A. 926.	Mr. Stuart	Diseases, infectious, etc., local boards. §25.
298.	S. 1280.	S. 1453.	Mr. Baum	Divisions, state dept., reorganize, amend gen.
729.	S. 1612.	S. 1850.	Mr. Burney	Health dist., employ attorney, §20.
136.	A. 670.	A. 692.	Mr. Stuart	Milk supply, embargo, enemy action, §6-d.
769.	A. 1592.	A. 2314.	Mr. Ostertag	Laboratory service, §§342-f, 366-a new.
374.	S. 1489.	S. 1716.	Mr. Baum	Narcotic drug, isonipeaine, defined, §421.
232.	A. 1632.	A. 1829.	Mr. Stuart	Radium emanation, state instn., use, §348.
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137.	S. 427.	S. 882.	Mr. Baum	Sanitary conditions, state instns., §14.
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317.	S. 1305.	S. 1496.	Mr. Hastings	Contractor, dispute with, adjusting, §38.
318.	S. 1518.	S. 1745.	Mr. Hastings	Contracts for extra work, §38.
547.	A. 1754.	A. 1958.	Mr. Marble	County engineers, supts. meetings, §10.
146.	S. 665.	S. 727.	Mr. Hastings	Highway funds, supervisor's bond, §283.
493.	S. 1304.	S. 2121.	Mr. Hastings	Highways, grade crossings, §§10, 12, 15, 51.
786.	S. 249.	S. 258.	Mr. Hastings	Rights-of-way, county roads, amend gen.
544.	S. 13.	A. 1994.	Mr. Warner	Rights-of-way, state acquire, §30; §31-37 rep.
648.	A. 396.	A. 2437.	Mr. Marble	Snow removal, state aid, expenses, §55.
490.	A. 1757.	A. 1961.	Mr. Magnuson	State highways, Chautauqua co., §341.

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515.	S. 1069.	S. 1197.	Mr. Hastings	State hways, discontinue portion, §§62, 63.
483.	S. 1521.	S. 1748.	Mr. Hastings	State highways, intersecting, structures, §10.
785.	A. 1981.	A. 2249.	Mr. Marble	State highways, New England thruway, §§346, 349-a.
641.	S. 1067.	S. 1195.	Mr. Hastings	State highways, Ontario thruway, §349-a.
491.	A. 1996.	A. 2264.	Mr. Tift	State highways, route 4, §340.
488.	A. 1896.	A. 2164.	Mr. Sherman	State highways, Saratoga co., §341.
489.	A. 1756.	A. 1960.	Mr. Albee	State highways, Sullivan co. §341.
492.	A. 1752.	A. 1956.	Mr. Albro	State highways, Tioga co., §341.
360.	A. 1980.	A. 2248.	Mr. Marble	Thruway routes, Berkshire, establish, §349-a.
730.	S. 1686.	S. 2061.	Rules Com.	Town hway, machinery, Nassau co., §142.
222.	A. 1349.	A. 1492.	Mr. Marble	Town hways, measuring by supt, §140.
771.	A. 1718.	A. 1922.	Mr. Albro	Town highways, state aid, additional, §280.
768.	S. 347.	S. 1667.	Mr. Duryea	Town machinery, purchase, Suffolk co., §271.
57.	A. 351.	A. 356.	Mr. Wickes	Town machinery, use for defense, §142-a.
430.	S. 1068.	S. 1196.	Mr. Hastings	Trees adjacent to hway, removal, §322.

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650.	A. 2046.	A. 2405.	Rules Com.	Bridge, on state route 4, Vermont. Canal lands for (See "Canals").
55.	A. 349.	A. 354.	Mr. Wickes	County machinery, use, defense.
744.	A. 1991.	A. 2259.	Mr. Reoux	Highway contracts, Essex co., legalize.
194.	A. 5.	A. 5.	Mr. A. L. Parsons	Motor fuel taxes, use for highways.
481.	S. 1709.	S. 2030.	Rules Com.	Rights-of-way, federal aid projects.
71.	S. 488.	S. 515.	Mr. Hammond	State hway. contracts, suspend, cancel.
689.	A. 1909.	A. 2177.	Mrs. Cheney	State highways, Steuben co., drainage.
56.	A. 350.	A. 355.	Mr. Wickes	Village machinery, use for defense.

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41.	A. 153.	A. 153.	Mr. Stuart	City court, fees, civil actions.
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HOUSING LAW

(See also "Public Authorities Law," "Real Property")

101.	S. 227.	S. 232.	Mr. Desmond	Defense housing, extend time for, §217. Housing (See also "Real Property").
710.	S. 1463.	S. 1690.	Mr. Coudert	Federal projects, municipal taxes, §52.
363.	S. 60.	S. 1968.	Mr. Warner	Housing projects, mechanic's liens, §222.
709.	S. 1402.	S. 1601.	Mr. Desmond	Loans from govt., time of payment, §41.
10.	S. 247.	S. 256.	Mr. Coudert	Loans, temporary, limitation, §41.
93.	S. 316.	S. 329.	Mr. Desmond	Tax exemption, uncompleted projects, §52.

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782.	A. 1213.	A. 1315.	Mr. L. A. Lawrence	Ilion, village, hospital expenses. Incompetents (See "Civil Practice Act").
542.	S. 1078.	S. 2039.	Mr. Young	Indian reservation, teachers, salaries.
374.	S. 1489.	S. 1716.	Mr. Baum	Isonipecaine, defined as narcotic drug.

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614.	A. 1501.	A. 1662.	Mr. Breed	Bond, bank as paying agent, local finance.
495.	A. 199.	A. 1372.	Mr. Albee	Bond, school dist. moneys, collectors.
335.	A. 1158.	A. 1254.	Mr. Lupton	Bond, surety, alcoholic bev. permittee.
593.	A. 1190.	A. 2100.	Mr. Stephens	Bond, surety, check cashing business.
535.	A. 1395.	A. 2303.	Mr. Hollowell	Bond, surety, decedent estate, income.
514.	A. 1285.	A. 1410.	Mr. Wright	Fire insur, standard policy, violation.
498.	A. 1709.	A. 1912.	Mr. Stephens	Foreign corpsns., unclaimed funds.
675.	A. 1858.	A. 2083.	Mr. Ehrlich	Indemnity policies, Erie co., control.
497.	S. 1216.	S. 2107.	Mr. Hampton	Life insurance moneys, unclaimed.
688.	A. 878.	A. 2305.	Mr. Brees	Life ins. proceeds, needy, funerals. Motor vehicle (See "Vehicle-Traffic Law").
184.	A. 567.	A. 1122.	Mr. Reoux	Surety, civil actions, depository.
207.	A. 1013.	A. 1087.	Mr. Mitchell	Surety, marine causes, N. Y. City court.

INSURANCE LAW

14.	A. 436.	A. 443.	Mr. Wright	Agents, brokers, designees, mil. serv., §120-a.
773.	A. 1596.	A. 1787.	Mr. Wright	Fire insur., co-operative, surplus, §383.
504.	S. 861.	A. 2138.	Mr. Hampton	Group life policies, creditors, vendors, §204.
625.	S. 950.	S. 1067.	Mr. Hampton	Insurers, alien, trustee surplus, §86.

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758. A.	244. A.	1604.	Mr. Demo	Life insur. default, notice to assignee, §151.
506. A.	1080. A.	1159.	Mr. Wright	Life insur. guaranty corpns., fund, gains, §334.
622. S.	1651. S.	1928.	Rules Com.	Life insur. misstatement of age, §164.
601. S.	859. S.	963.	Mr. Hampton	Liquidation procdgs., mtg. investments, §514.
200. A.	1284. A.	1409.	Mr. Wright	Liquidation proceedings, reference, §520.
754. S.	518. S.	1663.	Mr. Hampton	Mutual insur. cos., fidelity, etc., §316.
626. S.	948. S.	1065.	Mr. Hampton	Title insur. corpns., rates, etc., §440.
470. S.	1675. S.	2087.	Rules Com.	Workmen's comp., liability, violations, §40.
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687. S.	1255. S.	1421.	Mr. Seelye	James H. Callanan Foundation, incorp.
286. S.	784. S.	1578.	Mr. Baum	Jewish Federation, Charities, consoli- date.
45. S.	80. S.	188.	Mr. Baum	Jewish welfare board, national, powers.
431. A.	1604. A.	2315.	Mr. Stephens	Judiciary employees, state, salaries. Juries (See also "Judiciary Law").
206. S.	1207. S.	1967.	Mr. Warner	Jury comr., jury lists, certain cos.
426. S.	1367. S.	1558.	Mr. Desmond	Jurors, incompetency procdgs., fees.
159. A.	241. A.	244.	Mr. Clancy	Jury exemption, military service.

JUDICIARY LAW

34. S.	28. S.	28.	Mr. Williamson	Appellate div. clerk, fees, §265 new.
617. S.	1551. S.	2078.	Mr. Duryea	Judicial dist., 10th, establish, §§70, 140, 140-a, 144, 145, 160, 161, 279, 313.
355. S.	858. S.	1676.	Mr. Hampton	Jury exemption, editors, etc., §§546, 599.
388. S.	1683. S.	1963.	Rules Com.	Referees, official, retirement age, §125.
442. S.	776. S.	859.	Mr. Anderson	Supreme ct. clerks, 6th dist, pay, §279.

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351. A.	1227. A.	1332.	Mr. Marble	Attorney, appearance, proof, §34.
638. A.	1807. A.	2371.	Mr. Stephens	Fees. payment to town, village, §324.
313. A.	1226. A.	1331.	Mr. Marble	Witness, fee, increase, §330.

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Kindergartens (See "Education Law").

L.

Laboratories (See "Health," "Health Law").				
572. S.	147. S.	147.	Mr. Williamson	Lake Mohegan fire district.
239. S.	597. S.	641.	Mr. W. J. Mahoney	Law revision commission, members.
364. A.	2009. A.	2286.	Mr. Stephens	Legislative employees, retired, re-em- ploy.
559. A.	88. S.	1914.	Mr. Reoux	Legislature, assembly dists., establish.
733. S.	603. S.	647.	Mr. Hampton	Legislature, senate dists., boundaries.
725. A.	2062. A.	2458.	Rules Com.	Legislature, senate dists., Erie co.
338. S.	670. S.	2063.	Mr. Young	Lewis co. surrogate, deputy clerk.
144. S.	762. S.	845.	Mr. Young	Lewis co., assistant district attorney.
92. S.	402. S.	420.	Mr. Bontecou	Lewis Tompkins Hose Company, revive.

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74. S.	511. S.	538.	Mr. Bewley	Canneries, greenhouses, school children.
599. S.	1047. S.	1175.	Mr. Young	Child on probation, report earnings.
162. A.	1374. A.	1517.	Mr. Ives	Labor relations school, establish.
704. A.	859. A.	908.	Mr. Washburn	Unemployment insur. references, change.
526. A.	1710. A.	1913.	Mr. Stephens	Wages, unclaimed, payment to state.
698. A.	144. A.	1266.	Mr. Owens	Work projects, wages as home relief.

LABOR LAW

135. A.	437. A.	444.	Mr. Barrett	Employment, refusal, deny home relief, §21-c.
434. A.	1633. A.	1830.	Mr. Thompson	Explosives, motor veh. carriers, §450.
121. A.	691. A.	713.	Budget Bill	Hours, overtime, state institutions, §168-a.
475. A.	1715. A.	1919.	Mr. Ives	Industrial bd. members, §§10-a, 12, 17, 21, 27.
464. S.	1681. S.	2058.	Rules Com.	Industrial council, medical appeals unit, §10-a.
630. A.	1248. A.	1373.	Mr. Barrett	Minors, caddying at golf courses, §131.
439. A.	1931. A.	2459.	Mr. Washburn	Minors, farm work permit, §131.
623. S.	1375. S.	1566.	Mr. Wicks	Rules, orders, review, stay, §110.
702. A.	1853. A.	2078.	Mr. Washburn	Unemployment insur., acquiring assets of another, §518.
505. S.	1030. S.	1981.	Mr. Bewley	Unemployment insur., contributions, §§522, 574.

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741.	A. 1855.	A. 2080.	Mr. Washburn	Unemployment insur., contributions, §576 new.
755.	A. 1854.	A. 2079.	Mr. Washburn	Unemployment insur., contributions, §572.
701.	A. 1856.	A. 2081.	Mr. Washburn	Unemployment insur., coverage, terminate, §562.
700.	S. 1447.	S. 1646.	Mr. W. J. Mahoney	Unemployment insur., maritime services, §§511, 536.
705.	A. 858.	A. 1762.	Mr. Washburn	Unemployment insur., recodify, §550-566 as 650-666; Art. 18.
699.	S. 1391.	S. 1590.	Mr. W. J. Mahoney	Unemployment insur., vessels, interstate, §§502, 518.
417.	A. 476.	A. 1815.	Mr. Ives	Unemployment insur. veterans, §502; §§505-a, b new.
703.	A. 1877.	A. 2431.	Mr. Ives	Unemployment insur., veterans, §520; §§600, 601 new.
792.	A. 785.	A. 820.	Miss Todd	Wages, minimum for men, §563-a new.
793.	A. 784.	A. 819.	Miss Todd	Wages, prohibit sex discrim., §198; §199-a new.

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676.	A. 1838.	A. 2063.	Mr. Pillion	City court, criminal jurisdiction.
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LEGISLATIVE LAW

239.	S. 597.	S. 641.	Mr. W. J. Mahoney	Law revision com., members, §70.
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LIEN LAW

84.	S. 367.	S. 382.	Mr. Wallace	Chattel mtg., fees for filing, §234.
169.	S. 50.	S. 50.	Mr. Warner	Chattel mtgs., filing, §232.
787.	S. 1549.	S. 1776.	Mr. Burney	Chattel mtg., searches, fees, §234.
363.	S. 60.	S. 1968.	Mr. Warner	Mechanic's liens, amend generally.
536.	S. 51.	S. 1308.	Mr. Warner	Tax liens, federal, §§240-243, 245; §244 rep.

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611.	A. 1504.	A. 1665.	Mr. Breed	Assessment, anticipation notes, amend. gen.
608.	A. 1498.	A. 2348.	Mr. Breed	Bonds, improvement, amend gen.
612.	A. 1502.	A. 2350.	Mr. Breed	Bonds, sales, interest rates, §§56-63, 172.
607.	A. 1499.	A. 2349.	Mr. Breed	Budget, tax anticipation notes, §§2, 29, 40.
610.	A. 1505.	A. 2352.	Mr. Breed	Debts, taxes, §§101, 104.10, 107, 121, 133, 135, 165.
605.	A. 2040.	A. 2399.	Rules Com.	Laws repealed, effective dates, §177.
234.	A. 1527.	A. 1703.	Mr. Reoux	Municipal finances, correct reference, §§177, 178.
614.	A. 1501.	A. 1662.	Mr. Breed	Paying agent for obligations, §§54, 70-75.
613.	A. 1500.	A. 1661.	Mr. Breed	Revenue anticipation notes, §25.
609.	S. 1653.	S. 1930.	Rules Com.	School dists., bonds, taxes, amend gen.
615.	A. 1503.	A. 2351.	Mr. Breed	Tax anticipation notes, limitation, §24.
594.	A. 2042.	A. 2401.	Rules Com.	Temporary financing, effective date, §11.

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385.	S. 1722.	S. 2111.	Rules Com.	Beaches, works to prevent erosion.
517.	S. 974.	S. 1091.	Mr. Duryea	Taxes, Christ Scientist Church, cancel.

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646.	A. 935.	A. 1001.	Mr. Milmoie	Madison co., deputy sheriffs, pay.
578.	A. 267.	A. 270.	Mr. Milmoie	Madison co. supervisors, pay.
700.	S. 1447.	S. 1646.	Mr. W. J. Mahoney	Maritime services, unemployment insurance.
				Marriages (See "Domestic Relations Law").
109.	A. 398.	A. 403.	Mr. Mitchell	Marriage actions, expenses, judgments.
129.	A. 926.	A. 992.	Mr. Doige	M. B. Miller's Hose Co. No. 2, revive.
				Medicine (See "Health", "Health Law").
				Merchant marine academy (See "Educ. Law").
				Merchant marine (See "War").
				Milk (See "Agriculture," "Agric. Mkts. Law").
722.	S. 137.	S. 137.	Mr. Oliver	Monroe co., assessment rolls, year.
193.	A. 304.	A. 307.	Mr. Manning	Monroe co., prisoners, boarding.
721.	S. 136.	S. 1573.	Mr. Oliver	Monroe co., tax collection.
720.	S. 135.	S. 135.	Mr. Oliver	Monroe co., taxes in Rochester.
293.	S. 726.	S. 796.	Mr. Janes	Monroe co., taxes, installments.
723.	S. 138.	S. 138.	Mr. Oliver	Monroe co., tax payments, penalties.

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447.	S.	1312.	S.	1503. Mr. Hastings	Monroe co. towns, sand pits & quarries.
444.	A.	630.	A.	648. Mr. Bennison	Montgomery co. judge, salary.
					Mortgages (See "Real Property").
724.	A.	1509.	A.	1679. Mr. J. D. Bennett	Mosquito extermination, Nassau co.
477.	A.	1775.	A.	2000. Mr. Breed	Municipal finance commission, continue.
382.	A.	2012.	A.	2324. Mr. Marble	Municipal finances, relation to state, study.
769.	A.	1592.	A.	2314. Mr. Ostertag	Municipalities, hospitals, laboratories
780.	A.	1476.	A.	2128. Mr. Breed	Municipalities, local laws, finances.
775.	A.	1673.	A.	2332. Mr. Backus	Municipalities, projects, NIRA, bonds.
606.	A.	2043.	A.	2402. Rules Com.	Municipal laws, conform to local finance law.
					Municipal finances (See also "Local Finance Law").

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523.	A.	482.	A.	2290. Mr. Sherman	Assessment roll, confirming, city roll.
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MEMBERSHIP CORPORATION LAW
(See "Corporation Law—Membership")

MENTAL HYGIENE

663.	A.	1978.	A.	2246. Mr. Mailler	Hospital care, workmen's comp. cases.
640.	A.	2039.	A.	2398. Rules Com.	Lands, acquire, Edgewood hospital.
371.	A.	2060.	A.	2456. Rules Com.	State instns., certain, employees, salaries.
					State instns. (See also "Finance Law").

MENTAL HYGIENE LAW

660.	A.	1972.	A.	2240. Mr. Mailler	Examiner, psychologist, revoke license, §19.
657.	A.	1967.	A.	2235. Mr. Mailler	Hospitals, boards of visitors, powers, §32.
662.	A.	1974.	A.	2242. Mr. Mailler	Hospitals, director as supt., §21.
661.	A.	1973.	A.	2241. Mr. Mailler	Hospitals, veterans, detaining, §72.
624.	A.	2067.	A.	2514. Rules Com.	Inmates, care, county expenses, §77.
659.	A.	1975.	A.	2243. Mr. Mailler	Inmates, deposit of money for, §34.
664.	A.	2048.	A.	2407. Rules Com.	Inmates, records, reports, access to, §20.
658.	A.	1971.	A.	2239. Mr. Mailler	Institutions, accounts, records, §34.
666.	A.	2050.	A.	2409. Rules Com.	Institutions, definitions, terms, amend gen.
656.	S.	1600.	S.	1834. Mr. W. J. Mahoney	Lands, easements, comr. acquire, §46.
665.	A.	2051.	A.	2410. Rules Com.	Patients, admission, detention, amend gen.

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(See also "War")

365.	A.	1287.	A.	1412. Mr. Butler	Armories, arsenals, sale of liquor.
259.	S.	504.	S.	1254. Mr. Mitchell	Military reservations, settlement, relief.
295.	S.	1076.	S.	1204. Mr. Greenberg	Scholarships, children of disabled vets.
416.	A.	1454.	S.	2114. Mr. Gugino	Veterans, benefits on discharge, study.
749.	A.	2010.	A.	2460. Mr. Ives	Veterans, disability, work comp. indemnity.
164.	A.	393.	A.	398. Mr. Thompson	Veterans, Disabled American, meeting rooms.
284.	A.	587.	A.	605. Mr. Moran	Veterans, Disabled Amer., relief, Buffalo.
690.	S.	741.	S.	1216. Mr. Bontecou	Veterans, Memorial, Armistice day, towns.
419.	A.	1457.	A.	1618. Mr. Clancy	Veterans, permits as peddlers.
266.	A.	918.	A.	974. Mr. Rudd	Veterans, Purple Heart Order, rooms, cities.
739.	A.	1169.	A.	2329. Mr. Bormann	Veterans, Regular Vets Assn., assistance.
421.	A.	1171.	A.	1272. Mr. Bormann	Veterans, Regular Vets Assn., define.
42.	S.	478.	S.	502. Mr. Halpern	Veterans, removal, civil service.
328.	A.	1822.	A.	2047. Mr. Fogarty	Veterans, rooms, Catholic War Vets.
661.	A.	1973.	A.	2241. Mr. Mailler	Veterans, state hospital inmates, detain.
417.	A.	476.	A.	1815. Mr. Ives	Veterans, unemployment insur. benefits.
418.	A.	1891.	A.	2159. Mr. G. B. Parsons	Veterans, war service scholarships.
420.	A.	1140.	A.	1854. Mr. Ives	Woman's relief corps. home, visitors.

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327.	S.	1698.	S.	2006. Rules Com.	Civil serv., absence, foreign Red Cross, §246.
762.	A.	117.	A.	2337. Mr. Steingut	Civil service, absence, merchant marine, §246.
294.	S.	1201.	S.	1360. Mr. Wallace	Civil service, absence, N. Y. Guard, §43.
422.	A.	1619.	A.	1816. Mr. MacKenzie	Civil service exams., mil. serv., §§245, 246.
652.	S.	368.	S.	2097. Mr. Wallace	Civil service, pensions, mil. serv., §246.
107.	A.	118.	A.	118. Mr. Younglove	Teachers, absence, military service, §246.

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750. A.	157. A.	2313.	Mr. DeSalvio	Tenants, leases, military service, §309-a new.
326. A.	435. A.	442.	Mr. Stephens	Toll gates, bridges, free passage, §237.
209. A.	588. A.	606.	Mr. Moran	.....	Veterans, Disabled American, relief, §24-e.
213. A.	835. A.	883.	Mr. Cullen	.....	Veterans, Disabled Amer., use of armories, §192.
231. A.	836. A.	884.	Mr. Cullen	.....	Veterans, Disabled Amer., use of armories, §184.
75. S.	536. S.	563.	Mr. Wallace	Veterans, World War II, relief, §24-dd.

MOTOR VEHICLES

(See "Vehicle and Traffic Law," "Vehicles—Traffic")

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634. S.	1289. S.	1918.	Mr. Williamson	City court, jurisdiction, procedure.
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MULTIPLE DWELLING LAW

553. S.	1218. S.	1840.	Mr. Desmond	Lodging houses, fire protection, §§4, 13.
150. S.	126. S.	248.	Mr. DiCostanzo	Rent laws, emergency, continue, §302.
149. S.	127. S.	627.	Mr. DiCostanzo	Rent laws, removals, emergency, §302.
103. S.	315. S.	328.	Mr. Desmond	War regulations, waive local rules, §9.

MUNICIPAL LAW—GENERAL

132. A.	322. A.	325.	Mr. Barrett	Airports, acquisition, Suffolk co., §72-f.
532. S.	1466. S.	1693.	Mr. Coudert	Airport, funds, bonds, §8-b; §6-g new.
561. A.	34. A.	34.	Mr. Reoux	Airports, interest, easement, acquire, §351.
560. A.	892. S.	2016.	Mr. Reoux	Airports, lands around, control, §355.
228. A.	1530. A.	1706.	Mr. Reoux	Finances, erroneous references, §120-u.
565. A.	2057. A.	2453.	Rules Com.	Finances, reports, §§30, 31, 33, 35-38; §39 rep.
594. A.	2042. A.	2401.	Rules Com.	Finances, temporary, effective date, §5-c, 8-b.
737. A.	2045. A.	2404.	Rules Com.	Fire comrs., capital reserve funds, §6-g new.
179. S.	682. S.	744.	Mr. Burney	Firemen, volunteer, pay for injuries, §205.
776. A.	1568. A.	2477.	Mr. Kellam	Hospitals, financing, §§126-129; §126-a new.
684. A.	1295. A.	2421.	Mr. Mitchell	Lands, ceded to U. S., maps, deeds, §211.
152. S.	852. S.	956.	Mr. Desmond	Reserve funds, invest, U. S. bonds, §6-f.
76. A.	270. A.	273.	Mr. Stephens	School Dists., financial report, §30, 33, 35; §34 rep.; §39 new.
437. S.	1053. S.	1181.	Mr. Griffith	Welfare instns., outside of state, using, §87.

N.

Names, changing (See "Civil Rights Law").

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Narcotics (See "Health Law").

255. S.	720. A.	1614.	Mr. Duryea	Nassau co., adoption orders, filing.
343. A.	1106. A.	1185.	Mr. J. D. Bennett..	Nassau co., assessments, review.
125. S.	811. S.	905.	Mr. Duryea	Nassau co., assessment, taxes, apportion.
174. S.	813. S.	907.	Mr. Duryea	Nassau co., assessment roll, warrant.
257. A.	1413. A.	1560.	Mr. J. D. Bennett..	Nassau co., district ct, costs, judgment.
277. A.	1412. A.	1559.	Mr. J. D. Bennett..	Nassau co. district court, substitute service.
314. A.	1065. A.	1608.	Mr. Hults	Nassau co., dogs, impounding.
270. S.	816. S.	910.	Mr. Duryea	Nassau co., Greenfield cemetery trustees.
724. A.	1509. A.	1679.	Mr. J. D. Bennett..	Nassau co., mosquito extermination com.
486. S.	945. S.	1661.	Mr. Duryea	Nassau co. police court, peace officers.
306. A.	1431. A.	1580.	Mr. Hults	Nassau co., Port Washington police dist.
175. S.	814. S.	908.	Mr. Duryea	Nassau co., public officers, residence.
686. S.	1397. S.	1596.	Mr. Duryea	Nassau co., real prop., acquire, maps.
254. S.	810. S.	904.	Mr. Duryea	Nassau co., school district taxes.
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219. A.	1099. A.	1178.	Mr. J. D. Bennett..	Nassau co., subdivisions, unpaid taxes.
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719. A.	1414. A.	1561.	Mr. J. D. Bennett..	Nassau co., tax assessment roll, hearing.
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305.	A.	1428.	A.	1577. Mr. Hulta	Nassau co. tax receipts, rate.
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142.	S.	815.	S.	909. Mr. Duryea	Nassau co. tax warrants, school dists.
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775.	A.	1673.	A.	2332. Mr. Backus	N. I. R. A. projects, completing, bonds.
62.	A.	215.	A.	215. Mr. Reoux	National War Fund, Inc. (See "War").
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334.	A.	1489.	A.	1650. Mr. Stephens	Newspaper editors, reporters, jury ex-emption.
19.	A.	181.	A.	181. Mr. Bennison	Newspaper, state, change name.
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366.	S.	248.	S.	257. Mr. Coudert	Taxes, unpaid, interest rate, §173-1.0.

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582.	A.	1577.	A.	1768. Mr. Catenaccio	Magistrates, clerical staff.
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337.	A.	1211.	A.	1313. Mr. Brook	School funds, disbursing, signature.
330.	A.	992.	A.	1066. Mr. L. Bennett	Special sessions ct., dist. atty., Bronx co.
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654.	A.	1124.	A.	1203. Mr. Olliffe	Teachers, eligible lists, vacancies.
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					Old age assistance (See "Soc. Welf. Law").
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449.	A.	1142.	A.	1234. Mr. Backus	Otsego co. surrogate ct. stenographer.
743.	A.	1772.	A.	2364. Mr. Albro	Owego, village, tax collection.
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322.	A.	1481.	A.	1642. Mr. Marble	Peace officers, inspectors of vessels. Peace officers (See also "Crim. Code").
186.	A.	1068.	A.	1434. Mr. Mailler	Peddlers (See "Business Law"). Pensions, savings and loan assns.
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358.	S.	919.	S.	1027. Mr. Wicks	Police, state, retirement credit. Police, state, retirement credit.
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736. A.	509. A.	983. Mr. Magnuson	Ferry, public, Chautauqua co. acquire. Gas, electricity (See "Corp. Law Trans.").
434. A.	1633. A.	1830. Mr. Thompson	Motor carriers, explosives, interstate.
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515. S.	1069. S.	1197. Mr. Hastings	Grade crossing elim., discontinue hways.
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SURROGATE'S COURT ACT				
425. A.	1588. A.	1779. A.	Mr. Mitchell	Administrator for war prisoner, §§126, 131.
31. A.	95. A.	95. A.	Mr. Barrett	Administrator, public, Suffolk co., §125-a new. Administrator (See also "County Law").
140. S.	195. S.	200. S.	Mr. Coudert	Citations, etc., §§32, 55, 58-a, 63, 87, 120.
210. A.	978. A.	1044. A.	Mr. Dollinger	Clerk, employees, Bronx, §§22, 23, 25.
761. S.	1584. S.	1811. S.	Mr. Warner	Infant, incompetent, release claim, §§250-b, c new.
264. A.	1490. A.	1651. A.	Mr. Stephens	Legacy, unclaimed, transfer to state, §272.
312. S.	1394. S.	1593. S.	Mr. Duryea	Probate, contested, Nassau co., §29-h.
448. A.	228. A.	2118. A.	Mr. Washburn	Stenographer, Columbia co., salary, §26.
338. S.	670. S.	2063. S.	Mr. Young	Stenographer, Lewis co., as deputy clerk, §21.
449. A.	1142. A.	1234. A.	Mr. Backus	Stenographer, Otsego co., salary, §26.
189. A.	1182. A.	1283. A.	Mr. Mitchell	Trustees, executors, etc., §§103-a, b, 257.
139. A.	570. A.	583. A.	Mr. Suitor	Trustee, testamentary, commissions, §285-a.
138. A.	906. A.	962. A.	Mr. Mitchell	Trustee, testamentary, commissions, §285-a.

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545. A.	2006. A.	2274. A.	Mr. Wickes	Ticonderoga town, munic. bathing beach. Toll gates (See "Public Service"). Trees, highways (See "Highway Law"). Trustees (See "Civ. Prac. Act," "Surrog. Ct. Act"). Trusts (See "Personal Property Law"). Tuberculosis (See "Health").
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264. A.	1490. A.	1651. A.	Mr. Stephens	Abandoned property fund, transfer moneys to.
130. S.	538. S.	775. S.	Mr. Coudert	Business, professions, taxes, N. Y. City.
308. A.	269. A.	272. A.	Mr. Sherman	Horse races, pari-mutuel breaks, share. Housing projects (See "Housing Law"). Local (See also "Local Finance Law"). Monroe co. (See "M"). Nassau co. (See "N"). N. Y. City (See "New York City"). Oneida co. (See "O"). Orange co. (See "O").
455. A.	1078. A.	1371. A.	Mr. Younglove	Real prop., tax assessors, towns.
93. S.	316. S.	329. S.	Mr. Desmond	Real property, tax exemption, housing.
382. A.	2012. A.	2324. A.	Mr. Marble	Real property tax, study levy. School districts (See also "Education Law"). State funds (See also "Finance Law"). School taxes, Watertown, tax limit.
180. A.	547. A.	560. A.	Mr. Wright	Taxes, water rents, unpaid, penalties.
220. A.	848. A.	896. A.	Mr. Van Duzer	Tax liens, federal (See "Lien Law"). Towns (See "Town Law").
157. S.	539. S.	566. S.	Mr. Coudert	Utility taxes, cities, special.
510. S.	848. S.	1460. S.	Mr. Bewley	Villages (See "Village Law"). War contracts, renegotiation, profits. Westchester co. (See "W").

TAX LAW

415. S.	370. S.	1675. S.	Mr. Bewley	Business corpns., investment trusts, etc., §§3, 182, 190-a, 192, Art. 9-a; §188 rep.
115. A.	684. A.	1359. A.	Budget Bill	Emergency taxes, continue, §§186-a, 214, 215, 219-h, 249-n, 270-a, 284-a, c, 386-a, 424, 471.
584. S.	1635. S.	2052. S.	Mr. Burney	Estate tax, appraiser, court order, §249-v.
541. A.	1119. A.	1198. A.	Mr. Hollowell	Estate taxes, unpaid, interest, §223.
531. S.	1494. S.	1721. S.	Mr. Bewley	Franchise, bank taxes, war losses, §§219-x, vv.

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138. A.	933. A.	1529. A.	Mr. Hollowell	Franchise, bank tax, liquidated corp., §§219-t, u, tt.
756. A.	1988. A.	2256. A.	Mr. Morgan	Franchise, corporations, pers. prop., §218.
413. A.	452. A.	2298. A.	Mr. Hollowell	Franchise, foreign corps., §§203, 219-f.
482. S.	1327. S.	1518. S.	Mr. Bewley	Franchise, foreign corps., §181.
509. A.	561. A.	2300. A.	Mr. Hollowell	Franchise, foreign corps., process, §216.
414. S.	1430. S.	1629. S.	Mr. Bewley	Franchise, foreign corps., reports, §219.
331. A.	454. A.	463. A.	Mr. Hollowell	Franchise, liability agreement, §171.
332. A.	2044. A.	2403. A.	Rules Com.	Franchise, utilities, emergency, §206.
116. A.	685. A.	707. A.	Budget Bill	Franchise, utilities, tax to cities, §206.
122. A.	686. A.	708. A.	Budget Bill	Mortgage tax, proceeds to localities, §261.
90. A.	146. A.	415. A.	Mr. Pillion	Motor fuel, refund, statement, §289-c.
194. A.	5. A.	5. A.	Mr. A. L. Parsons . .	Motor fuel tax, use highways, §289-d.
333. A.	451. A.	460. A.	Mr. Hollowell	Personal income deduction, §360.
248. S.	980. S.	1097. S.	Mr. Coudert	Personal income, exemption mil. serv., §§350, 359.
555. A.	640. A.	1977. A.	Mr. Ostertag	Pers. income, exempt military pay, §359.
554. A.	1177. A.	1278. A.	Mr. Hollowell	Personal income, non-resident, §§351, 386.
288. A.	1397. A.	1544. A.	Mr. Hollowell	Personal income, returns, mil. serv., §371.
535. A.	1395. A.	2303. A.	Mr. Hollowell	Personal income, decedent estates, §358.
533. A.	928. A.	994. A.	Mr. Hollowell	Personal income, war losses, §386-j; §358-b new.
50. S.	1. S.	1. S.	Mr. Williamson	Personal income, 25% reduction, §351-g.
292. A.	271. A.	274. A.	Mr. Van Duzer	Real prop. assessments, notice to owner, §26-d new.
708. S.	1245. S.	1411. S.	Mr. Bewley	Real prop. assessments, review, unite cases, §290-a new.
280. S.	942. S.	1059. S.	Mr. Duryea	Real prop. assessments, school dists., §291.
673. A.	410. A.	417. A.	Mr. Brady	Real prop. tax collection, Greene co., §§85, 151.
529. A.	631. A.	649. A.	Mr. Converse	Real prop. taxes, exemption, churches, §4.
18. A.	543. A.	556. A.	Mr. Thompson	Real prop., tax exemption, U. S., §4.
269. S.	832. S.	929. S.	Mr. Bontecou	Real prop. taxes, fees, Dutchess co., §96-f.
781. A.	1663. A.	1866. A.	Mr. Walmsley	Real prop., tax lien, sale, munic. prop., §96-b.
219. A.	1099. A.	1178. A.	Mr. J. D. Bennett . .	Real prop. taxes, subdivisions, Nassau co., §32.
204. A.	931. A.	1482. A.	Mr. Hollowell	Stock transfer, evidence, estate taxes, §278.
476. S.	1326. S.	1517. S.	Mr. Bewley	Stock transfer, exempt deliveries, §§270, 270-a.
507. A.	1396. A.	1543. A.	Mr. Hollowell	Stock transfer, exempt certain deliveries, §270-c.
508. A.	1144. A.	1236. A.	Mr. Hollowell	Stock transfer tax, collection by exchange, §281-a.
554. A.	1177. A.	1278. A.	Mr. Hollowell	Unincorp. business, certain sales, §§351, 386.

TOWN LAW

455. A.	1078. A.	1371. A.	Mr. Younglove	Assessor, elective office, §21-a new.
274. S.	926. S.	1034. S.	Mr. Hastings	Bookkeeper, confidential secretary, §29.
454. A.	825. A.	2121. A.	Mr. Pillion	Budget, abstract, Erie co., §116.
446. A.	1417. A.	1564. A.	Mr. Breed	Budget hearing, posting notice of, §113.
67. S.	189. S.	445. S.	Mr. Williamson	Buildings, unsafe, notice to owner, §130.
155. S.	667. S.	729. S.	Mr. Hastings	Constables, appointment by town bd., §20.
638. A.	1807. A.	2371. A.	Mr. Stephens	Fees, justice court, §§27, 31, 102, 105.
546. S.	891. S.	994. S.	Mr. Janes	Fire dists., firemen, pensions, §176.
682. A.	1694. A.	1897. A.	Mr. Marble	Garbage disposal dist., establish., §202.
145. S.	666. S.	728. S.	Mr. Hastings	Justice of peace, salary, etc., §27.
690. S.	741. S.	1216. S.	Mr. Bontecou	Memorial, Armistice day observances, §64.
191. A.	732. A.	1212. A.	Mr. Wright	Officers, taking oath of office, §25.
126. S.	719. S.	789. S.	Mr. Duryea	Sand pits, quarries, combine laws, §130.
447. S.	1312. S.	1503. S.	Mr. Hastings	Sand pits, quarries, Monroe co., §§130, 136.
735. A.	1480. A.	1641. A.	Mr. Marble	Tax notice, collection, 2nd class towns, §36.
734. A.	1343. A.	2436. A.	Mr. Wickes	Town funds, invest in U. S. bonds, §107-a new.
164. A.	393. A.	398. A.	Mr. Thompson	Veterans orgns., meeting rooms, §64.

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(See "Corporation Law—Transportation")

770.	A.	1799.	A.	2024.	Mr. Zimmer	Housing authority, establish.
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334.	A.	1489.	A.	1650.	Mr. Stephens	Unclaimed bank deposits, notices.
527.	A.	1491.	A.	1652.	Mr. Stephens	Unclaimed court funds, N. Y. C. doms. rels.
428.	A.	1494.	A.	2099.	Mr. Stephens	Unclaimed funds, gas, electric deposits. Unclaimed prop. (See also "Abandoned Prop. Law").
							Undertakers, burials (See "Health Law," "Soc. Welfare Law").
							United Service Orgns. (See "War").
61.	S.	222.	S.	568.	Mr. Williamson	..	U. S. agency, investment companies.
13.	S.	214.	S.	219.	Mr. Williamson	..	U. S. agents, banks, trust cos, etc.
22.	S.	212.	S.	217.	Mr. Williamson	..	U. S. bonds, deposits by private bankers.
227.	S.	1165.	S.	1324.	Mr. Desmond	U. S. bonds, infants, incompetents' funds.
102.	A.	730.	A.	755.	Mr. Wadlin	U. S. bonds, infants, incompetents' funds.
152.	S.	852.	S.	956.	Mr. Desmond	U. S. bonds, invest, municipal funds.
734.	A.	1343.	A.	2436.	Mr. Wickes	U. S. bonds, invest town funds in.
8.	A.	1168.	A.	1264.	Mr. Ives	U. S. bonds, invest, state funds.
21.	S.	208.	S.	213.	Mr. Williamson	..	U. S. bonds, trust co. deposits, etc.
							U. S. Court funds (See "Abandoned Prop. Law").
727.	A.	667.	A.	1980.	Mr. Reoux	U. S. dept., rules, orders, corpsns.
94.	S.	407.	S.	425.	Mr. Condon	U. S., F. B. I., town police, Westchester.
35.	S.	225.	S.	230.	Mr. Condon	U. S., F. B. I., village police, pensions.
709.	S.	1402.	S.	1601.	Mr. Desmond	U. S. govt. loans, housing, payment.
710.	S.	1463.	S.	1690.	Mr. Coudert	U. S. housing projects, municipal taxes.
684.	A.	1295.	A.	2421.	Mr. Mitchell	U. S., lands ceded by municipalities.
600.	S.	963.	S.	1940.	Mr. Coudert	..	U. S., lands ceded by state, maps, deeds, etc.
38.	A.	429.	A.	436.	Mr. Ostertag	U. S. obligations, issuing agents.
336.	A.	1953.	A.	2221.	Mr. Schulman	U. S. officers, state retirement credit.
18.	A.	543.	A.	556.	Mr. Thompson	U. S. property, tax exemption.
536.	S.	51.	S.	1308.	Mr. Warner	U. S. tax liens, filing notice.

764. S. 1361. S. 1552. Mr. Hampton Bond issue, unpaid taxes, expenses.

699. S. 1391. S. 1590. Mr. W. J. Mahoney. Vessels, services on, unemployment
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Vessels (See also "Navigation Law").
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Law").

187.	A.	1060.	A.	1139.	Mr. Hulst	Equipment, colored lights, co. fire mar-
						shal, \$15.
256.	S.	819.	S.	913.	Mr. Duryea	Equipment, gongs, sirens, co. fire mar-
						shal, \$81.
302.	S.	1172.	S.	1331.	Mr. Warner	Financial responsibility, revision,
						\$94-gg.
583.	A.	1388.	A.	2354.	Mr. Rapp	Financial responsibility, suspensions,
						\$94-h.
429.	S.	1379.	S.	1570.	Mr. Wicks	Motor vehicles, stolen, unclaimed, \$60.
349.	A.	824.	A.	866.	Mr. G. B. Parsons	Number plates, issuance of 1, §§12, 62.
105.	S.	509.	S.	530.	Mr. Seelye	Operators, chauffeurs, minors, §20-a.
17.	A.	231.	A.	588.	Mr. Converse	Operators, junior license, farm work,
						\$20.

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165.	S.	734.	S.	804. Mr. Anderson	Operators, license, registration, revoke, §71.
124.	S.	736.	S.	806. Mr. Anderson	Registration, suspension, conviction, §94-a.
177.	S.	583.	S.	615. Mr. Anderson	Self-insurers, dept. expenses, §§94-c, gg.
411.	A.	148.	A.	2346. Mr. Rapp	Traffic rules, speed limit, §56.
777.	A.	1437.	A.	1586. Mr. Morgan	Violations, bail before magistrate, §70.
638.	A.	1807.	A.	2371. Mr. Stephens	Violations, fines, penalties, §73.

VILLAGE LAW

218.	A.	742.	A.	776. Mr. Graf	Assessments, benefit, interest rates, §321-i.
319.	S.	1395.	S.	1594. Mr. Duryea	Assessors, use county assessment roll, §104.
779.	S.	1454.	S.	1681. Mr. Burney	Building, unsafe, notice to owner, §89.
643.	A.	140.	A.	2130. Mr. Hill	Dwellings, identify by street number, §89.
732.	S.	564.	S.	596. Mrs. Graves	Elections, personal registration, §51-a.
638.	A.	1807.	A.	2371. Mr. Stephens	Fees, police justice, §§181, 185.
679.	A.	860.	A.	909. Mr. Wickes	Mayors, trustees, 3rd class villages, §86.
163.	A.	225.	A.	225. Mr. Ostertag	Planning boards, §§179, 179-g, gg, h, k, l, m.
273.	S.	327.	S.	689. Mr. Burney	Police, certain villages, age limit, §§188, 188-b.
35.	S.	225.	S.	230. Mr. Condon	Police, pensions, absence, F. B. I., §198-a.
46.	S.	244.	S.	253. Mr. Burney	Police, special, emergency, §189-a.
56.	A.	350.	A.	355. Mr. Wickes	Street, hwy. machinery, defense, §89.
681.	A.	1193.	A.	1294. Mr. Barrett	Tax collection, agreements, Suffolk co., §134.
271.	S.	1140.	S.	1289. Mr. Duryea	Tax collection, sales, liens, §126-l.
788.	S.	662.	S.	1045. Mr. Williamson	Tax liens, notices, Westchester co., §133.
451.	A.	1688.	A.	2345. Mr. C. Lawrence	Treasurer, deputy, appointment, duties, §81.
791.	A.	1436.	A.	2357. Mr. Morgan	Water supply, certain villages, §239 new.

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780.	A.	1476.	A.	2128. Mr. Breed	Local laws, adopt, finances.
456.	A.	546.	A.	559. Mr. Van Duzer	Police justice, acknowledgments, proof.

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384.	A.	1681.	A.	1884. Mr. Creal	Wayne co., N. Y. central regional market. Weights, measures (See "Agric., Markets Law").
72.	S.	277.	S.	287. Mr. Williamson	Westchester co, claims, verification.
314.	A.	1065.	A.	1608. Mr. Hults	Westchester co., dogs, impounding.
161.	S.	278.	S.	825. Mr. Williamson	Westchester co. expenditures, funds.
323.	S.	280.	S.	1668. Mr. Williamson	Westchester co., real prop. sale, etc.
82.	S.	281.	S.	291. Mr. Williamson	Westchester co. taxes, receipts.
160.	S.	282.	S.	292. Mr. Williamson	Westchester co., tax liens, sales.
94.	S.	407.	S.	425. Mr. Condon	Westchester co. town police, F. B. I.
788.	S.	662.	S.	1045. Mr. Williamson	Westchester co. villages, tax liens. Whiteface Mt. highway (See "Conservation").
86.	A.	626.	A.	644. Mr. H. V. Wilson	Williamson, town, water district.
80.	A.	218.	A.	657. Mr. Wright	Wilna, town, justices of peace, number.
576.	A.	1629.	A.	1826. Mr. Ostertag	Wyoming co. supervisors, pay.

WAR

(See also "Military," "Military Law")

427.	S.	1483.	S.	1710. Mr. Young	Acknowledgments, mil. serv., place undisclosed.
478.	S.	1717.	S.	2049. Rules Com.	Arts, crafts, institute, veterans, etc.
531.	S.	1494.	S.	1721. Mr. Bewley	Banks, war losses, franchise tax.
393.	A.	1540.	A.	2142. Miss Todd	Children, aid, fathers in U. S. service.
629.	A.	540.	A.	553. Mr. Moritt	Criminal cases, defendant in mil. serv.
47.	A.	487.	A.	496. Mr. Wickes	Enemy, persons allied with, notices.
16.	A.	314.	A.	317. Mr. Thompson	Firearms, dangerous weapons, disposition.
49.	S.	346.	S.	361. Mr. Duryea	Firearms, possession in defense work.
71.	S.	488.	S.	515. Mr. Hammond	Highway contracts, state suspend, cancel.
55.	A.	349.	A.	354. Mr. Wickes	Highway machinery, county, use, defense.
57.	A.	351.	A.	356. Mr. Wickes	Highway machinery, towns, use, defense.

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56.	A.	350.	A.	355. Mr. Wickes	Highway machinery, villages, use, defense.
101.	S.	227.	S.	232. Mr. Desmond	Housing, defense, extend time for.
244.	A.	1.	A.	499. Mr. Stephens	Hunt, trap, fish, licenses, armed forces.
14.	A.	436.	A.	443. Mr. Wright	Insurance agents, mil. serv., designees.
77.	A.	541.	A.	554. Mr. Schulman	Marriages, consent, parent in mil serv.
39.	A.	401.	A.	406. Miss Todd	Marriages, waiver of 24-hour period.
511.	A.	444.	A.	2419. Mr. Friedman	Marriages, waiver of 24-hour period.
28.	A.	346.	A.	351. Mr. Ostertag	Merchant marine, U. S. cadets.
20.	A.	308.	A.	311. Mr. Ostertag	Military, naval equipment, damaging.
136.	A.	670.	A.	692. Mr. Stuart	Milk supply, protect against sabotage.
					Multiple dwellings (See 'Mult. Dwell. Law').
37.	A.	438.	A.	445. Mr. Barrett	National War Fund, Inc., contributions to.
69.	A.	619.	A.	637. Mr. Mailler	Physicians, internes, practice, hospitals.
46.	S.	244.	S.	253. Mr. Burney	Police, village, special, emergency.
410.	S.	1688.	S.	1988. Rules Com.	Post-war fund, canal terminal, N. Y. C.
282.	A.	1391.	A.	1538. Mr. Wright	Post-war fund, mtg. revolving fund.
264.	A.	1490.	A.	1651. Mr. Stephens	Post-war fund, unclaimed funds.
241.	A.	1383.	A.	1852. Mr. Stephens	Post-war public works planning com.
1.	S.	10.	S.	10. Mr. Wicks	Post-war reconstruction fund, establish.
8.	A.	1168.	A.	1264. Mr. Ives	Post-war reconstruction fund, U. S. bonds.
87.	S.	371.	S.	386. Mr. Burney	Professions, licenses, renewal, mil. serv.
748.	A.	1768.	A.	1972. Mr. Sherman	Public officers, filing oath, time.
418.	A.	1891.	A.	2159. Mr. G. B. Parsons..	Scholarships, war service, establish.
78.	A.	116.	A.	116. Mr. Sherman	Sheriffs, deputy, additional, emergency.
425.	A.	1588.	A.	1779. Mr. Mitchell	Soldier, prisoner, property of, protect.
114.	A.	688.	A.	710. Budget Bill	State employees, emergency pay.
406.	A.	428.	A.	1723. Mr. Ostertag	State retirement, loans, mil. serv.
555.	A.	640.	A.	1977. Mr. Ostertag	Tax exemption, pay, military service.
248.	S.	980.	S.	1097. Mr. Coudert	Taxes, personal income, military serv.
288.	A.	1397.	A.	1544. Mr. Hollowell	Taxes, pers. income returns, mil. serv.
533.	A.	928.	A.	994. Mr. Hollowell	Taxes, pers. income, war losses.
265.	A.	368.	A.	373. Mr. Milmoie	Teachers, retired, return to service.
649.	A.	1165.	A.	1261. Mr. Stuart	Tuberculosis, hospital facilities.
36.	A.	433.	A.	440. Mr. Steingut	United Service Orgns., contributions to.
703.	A.	1877.	A.	2431. Mr. Ives	Veterans, returning, unemployment insur.
299.	A.	1264.	A.	1389. Mr. Olliffe	Vocational teacher training, N. Y. City.
291.	A.	1263.	A.	1388. Mr. Olliffe	Vocational training, apprentices, N. Y. City.
300.	S.	965.	S.	1082. Mr. Coudert	Vocational training, N. Y. City.
183.	S.	1650.	S.	2015. Rules Com.	Voters, absentee, War ballots.
510.	S.	848.	S.	1460. Mr. Bewley	War bonds (See "U. S." under "U").
267.	A.	1337.	A.	1473. Mr. Stephens	War contracts, computing taxes.
					War emergency laws, publish, distribute.
54.	A.	30.	A.	30. Mr. Kreinheder ...	War time, daylight saving continue.

WAR EMERGENCY ACT

412.	A.	1952.	A.	2452. Mr. Ostertag	Continue, amend generally.
159.	A.	241.	A.	244. Mr. Clancy	Jury exemption, military serv., statement, §96.
310.	S.	857.	S.	1217. Mr. Hampton	Surrogate, special, absence mil. serv., §105ffff, new.

WATER AND WATER POWER

635.	A.	1354.	A.	2418. Mr. Mable	Streams, lakes, acquire, grade cross. elim.
566.	A.	1146.	A.	2347. Mr. Pillion	Water dist., Hamburg, Orchard Park.
579.	A.	1147.	A.	1239. Mr. Pillion	Water dist., Hamburg, Orchard Park, joint.
620.	A.	1415.	A.	1562. Mr. J. D. Bennett..	Water supply, discontinue, notice.
791.	A.	1436.	A.	2357. Mr. Morgan	Water supply, joint, Erie co.
670.	S.	1411.	S.	1610. Mr. Stokes	Water supply reservoirs, expenses, benefits.
498.	A.	1709.	A.	1912. Mr. Stephens	Water works corpsns., unclaimed funds.

WATERTOWN

180.	A.	547.	A.	560. Mr. Wright	Tax limit, exclude school taxes.
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WHITE PLAINS

783.	S.	1184.	S.	1343. Mr. Williamson ...	City court act, enact.
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WORKMEN'S COMPENSATION

464.	S.	1681.	S.	2058. Rules Com.	Medical appeals unit.
466.	S.	1679.	S.	1959. Rules Com.	Physicians, splitting fees, suspend.

Chap. No.	Int. No.	Pr. No.	Introducer	Title
WORKMEN'S COMPENSATION LAW				
469.	S. 1676.	S. 2088.	Rules Com.	Appeals, additional award, §23.
458.	S. 1669.	S. 2084.	Rules Com.	Claim, unreasonable contest, award, §25.
461.	S. 1666.	S. 2108.	Rules Com.	Disability benefit, minimum, maximum, §15.
778.	S. 1297.	S. 1488.	Mr. Young	Disability, rehabilitate, expenses, §15.
749.	A. 2010.	A. 2460.	Mr. Ives	Disability, veterans and others, §15.
595.	S. 1501.	S. 1728.	Mr. DiCostanzo ...	Disfigurement, hearing by referee, §15.
460.	S. 1668.	S. 2083.	Rules Com.	Dust diseases, diagnosis, awards, §§66, 71.
663.	A. 1978.	A. 2246.	Mr. Mailler	Employers, liability, food, clothing, §13-a.
474.	S. 1670.	S. 2104.	Rules Com.	Employers, liability, medical treatment, §§13, 29.
638.	A. 1807.	A. 2371.	Mr. Stephens	Fines, penalties, payment to state, §52.
470.	S. 1675.	S. 2087.	Rules Com.	Insurers, violators, revoke license.
463.	S. 1663.	S. 2080.	Rules Com.	Medical appliances, replacing, §13.
467.	S. 1678.	S. 1958.	Rules Com.	Medical care, value, deciding, N. Y. City, §13-g.
459.	S. 1667.	S. 2082.	Rules Com.	Medical practice committee, powers, §§13-b-e.
468.	S. 1677.	S. 2089.	Rules Com.	Medical treatment, reports, §13-j.
465.	S. 1680.	S. 2090.	Rules Com.	Physicians as expert consultants, §13.
472.	S. 1672.	S. 1952.	Rules Com.	Physicians, notice of treatment, §§13-a, d, 110.
473.	S. 1671.	S. 1951.	Rules Com.	Physicians, presence at examination, §19.
471.	S. 1674.	S. 2086.	Rules Com.	Physicians, selection, interference, §13-a.
462.	S. 1664.	S. 2050.	Rules Com.	Representatives, attorneys, appearances, §24-a.
Y.				
632.	S. 761.	S. 1469.	Mr. Young	Youthful offenders, plea, probation.

PROPOSED AMENDMENTS TO THE CONSTITUTION

To be submitted to Legislature of 1945
(Passed by Legislature of 1944)

Int. No.	Pr. No.	Introducer	Title
S. 158.	S. 1839.	Mr. Hampton	Veterans' preference, civil service, Art. 5, §6.
S. 1381.	S. 1922.	Mr. Williamson	Counties, special, local laws, approval, Art. 9, §1.
S. 1507.	S. 1734.	Mr. Duryea	Legislative apportionment, certain towns, Art. 3, §§4, 5.
A. 7.	A. 7.	Mr. Reoux	Governor, lt. governor, election, Art. 4, §1.
A. 9.	A. 9.	Mr. Reoux	Governor, lt. governor, successors, Art. 4, §6.

To be submitted to Legislature of 1945
(Passed by Legislature of 1943)

S. 786.	S. 900.	Mr. Mitchell	Voters, move, one dist. to another same co., Art. 2, §1.
A. 850.	A. 2313.	Mr. G. B. Parsons ...	Gasoline tax, prohibit diversion, Art. 7, §12-a new.

EXTRAORDINARY SESSION

ELECTION LAW

798.	A. 1.	A. 1.	Mr. Ives	Absentee voters, war ballots, §§307, 308.
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ELECTIONS

797.	S. 1.	S. 1.	Mr. Feinberg	Voting hours; inspectors, clerks, pay.
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**Telegram from Senator John J. Dunnigan and Assemblyman
Irwin Steingut Requesting Calling of Special Session of Legisla-
ture to Amend the War Ballot Law**

[TELEGRAM]

April 13, 1944

HON. THOMAS E. DEWEY, *Executive Chambers:*

We are in receipt of a telegram from William T. Simpson Republican Chairman of the New York State War Ballot Commission to the effect that under the law application for a war ballot must be signed by the voter himself and that applications for war ballots on behalf of members of the armed forces cannot be made by their friends and relatives stop We therefore respectfully request that you call a special session of the Legislature to permit applications for war ballots to be made on behalf of members of the armed forces by their friends and relatives stop This will eliminate the burdensome necessity of having members of the armed forces in the four corners of the globe being obliged to send applications for war ballots stop It will eliminate the additional time necessary for the transmission and return of applications stop In view of the limited time which the law presently provides for the sending and return of the war ballot our proposed amendment will insure greater distribution of the war ballots stop The cost of a special session will be insignificant compared to the importance of having a maximum number of war voters given the opportunity of voting in the next general election stop Unless the law is amended thousands of members of the armed forces resident of the State of New York will be deprived of their vote.

JOHN J. DUNNIGAN
IRWIN STEINGUT

**Governor Dewey Replies to Senator Dunnigan and Assemblyman
Steingut**

[TELEGRAM]

ALBANY, April 13, 1944

HONORABLE JOHN J. DUNNIGAN, HONORABLE IRWIN STEINGUT,
New York, N. Y.:

I am surprised at the lack of understanding of the New York State Soldier Vote Law evidenced by your wire to me today, particularly in view of the fact that Senator Dunnigan voted for it.

The help of all friends and relatives in obtaining war ballots will, I am sure, be welcomed gratefully by the War Ballot Commission. The time allowed for applications to soldiers is greater than that specified by the War and Navy Departments so no question of time is involved.

In addition, the recently enacted Federal War Ballot Law requires the Federal Government to give each member of the armed forces a post card application for a State ballot. This means that every soldier who wants to vote can vote.

Under our State law it is easier for a soldier to vote on Guadalcanal or in Italy than it is for a citizen in New York City. He merely signs his name once and receives a ballot which he fills out and mails. This is the simplest and best soldier vote law in the United States and guarantees to every member of the armed forces

who wants to vote a full ballot. Nothing could be simpler and remain honest.

Your request for an Extraordinary Session of the Legislature is denied on the merits.

THOMAS E. DEWEY

Second Telegram from Democratic Legislative Leaders to the Governor Requesting Special Session of the Legislature to Amend War Ballot Law

[TELEGRAM]

April 14, 1944

HON. THOMAS E. DEWEY, *Executive Chambers, State Capitol, Albany, N. Y.:*

In reply to your telegram of April 13 I want to call to your attention the fact that I was opposed to the Republican sponsored soldier vote bill. I offered 31 amendments to liberalize it and make it workable so as to insure every member of the armed forces resident of the State of New York the opportunity to vote. These amendments were rejected by the Republican majority of the Senate. In as much as I had to choose between the Republican sponsored bill or no bill at all I voted for it as the lesser of two evils. I stated at the time that the proposed bill was nothing more than a "PLEASE LET ME VOTE BILL" and in effect a "SOLDIER CANNOT VOTE BILL." The Republican members of the Senate assured me that the bill would receive a liberal interpretation.

I find now that the Republican members of the State War Ballot Commission acting under the domination of the Republican Administration have done everything in their power to emasculate what little effect the legislation might have had. Will you please reconsider your refusal to reconvene the Legislature as something must be done immediately to permit every member of the armed forces to exercise their right to vote.

JOHN J. DUNNIGAN,
Minority Leader

[TELEGRAM]

April 14, 1944

HON. THOMAS E. DEWEY, *Executive Chambers, Albany, N. Y.:*

Am in receipt of your telegram denying a request on the part of Senator Dunnigan and myself for an Extraordinary Session of the Legislature stop There is no lack of understanding on my part of the New York State Soldier Vote Law stop I vigorously opposed it on the floor of the Assembly stop I stated then it was unworkable that it was not simple but was complex and would deprive a large number of members of the armed forces of their right to vote stop Putting it briefly all I seek to do is to amend the law so that the name of the serviceman may be placed upon the war register upon the request of a relative or friend without the necessity of the service man personally making an application for a war ballot stop As you know under the law the primaries take place on August first stop The first day for the mailing of a war ballot under the law is September seventh stop The last date for receiving such war ballot from the war voter is November third stop It will take anywhere from two to four weeks for the ballot to reach the soldier stop It will take the same time for it to be returned stop Therefore it becomes tremendously important to cut out as much red tape as possible stop If therefore a friend or relative can in the first instance request a war ballot to be sent to the war voter this will greatly simplify and expedite the return of such ballot stop I therefore respectfully request that you reconsider this matter.

IRWIN STEINGUT

Governor Dewey Again Replies to Senator Dunnigan and Assemblyman Steingut Declining to Call Extraordinary Session of the Legislature

[TELEGRAM]

ALBANY, *April 14, 1944*

HONORABLE JOHN J. DUNNIGAN,
HONORABLE IRWIN STEINGUT,
New York, N. Y.:

I now have your second pair of wires with reference to your proposed amendments which in my judgment would destroy the best soldier voting law in the United States.

I shall call no Extraordinary Session to undermine the effectiveness of this excellent law, as you propose.

THOMAS E. DEWEY

Statement by Paul E. Lockwood Concerning Special Elections for Members of Congress in Fourth and Eleventh Congressional Districts

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *May 3, 1944*

Mr. Farley can relax. His synthetic solicitude is quite unnecessary.

The Governor has already decided upon the call for the special elections in the fourth and eleventh Congressional Districts. Unfortunately it has been impossible for the Governor as yet formally to fix the dates due to a slight technical error committed by the county clerk of Richmond county, who is doubtless a friend of Mr. Farley as he is one of his former postmasters.

The county clerk of Richmond county certified that there was a vacancy in the Twelfth Congressional District. I am sure this will greatly upset Congressman Sam Dickstein who is in the best of health and presently occupying the seat in that district. The vacancy is in the Eleventh District.

If Mr. Farley will use his influence with his friend, the county clerk, to certify to the correct vacancy, the Governor will then be authorized under the law to set a date for the election in the Eleventh Congressional District. At the same time the Governor will also announce the date for the Fourth Congressional District election.

Just in case Mr. Farley hasn't the same old influence in Richmond county, this office has already arranged with the clerk of Richmond county to send a corrected certificate.

Statement by the Governor—Death of Harold J. Fisher

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *May 3, 1944*

It is with deep regret that I learn of the death of Harold J. Fisher. A devoted and intelligent public official, Mr. Fisher was Finance Officer of the Department of State and since 1941 was President of the Association of State Civil Service Employees.

Harold J. Fisher will be best remembered, and most deservedly, for his contributions in improving the working conditions of the employees of all departments of New York's State Government. He worked long and hard to improve those conditions, and was finally responsible in large measure for the passing of the Feld-Hamilton Act in 1937 which re-classified every position, fixed more equitable salary grades and made possible increases of salary at regular intervals in the different grades of service.

Harold Fisher will be long remembered with affection and gratitude, not only by the employees of the State but by the people of New York whom he served faithfully and well.

**Telegram from the Governor to Walter White Concerning Poll
Tax Fight in United States Senate**

[TELEGRAM]

May 11, 1944

**WALTER WHITE, *National Association for the Advancement of
Colored People, Washington, D. C.:***

I have your telegram concerning the fight against the poll tax now pending in the United States Senate. My views on this subject are well known. I have always fought against the poll tax and every other device to deprive free people of their votes.

Statement by the Governor Urging Enlistment in State Guard

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, May 22, 1944

The Constitution of the State of New York provides that all able-bodied male citizens between certain ages shall constitute the State Militia and that there shall be maintained at all times a force of enlisted men fully uniformed, armed, equipped, disciplined, and ready for active service. The New York State Guard is maintained to meet those Constitutional provisions.

It is traditional in the United States that we depend on citizen soldiers. This tradition dates back to our colonies and our "Minute Men" and is the basis of the State Guard. These citizen soldiers, unless called to active State duty, serve without pay and make great sacrifices of their leisure time, in order to be prepared to insure the safety of the citizens of the State.

The New York State Guard is our force in reserve, operating under my orders behind State, county and city law-enforcement agencies, to uphold the law of the State. These days emphasize the necessity of taking all steps necessary to insure the people of the State adequate protection in all possible emergencies. These emergencies are not confined to possible enemy action, such as invasion by air or along our coast, or to sabotage of our production facilities, but include also major disasters and disturbances.

The Commanding General of the Guard informs me that there is a shortage of men in its ranks, and prospective Federal drafts will further reduce the strength. The protection and security of our people require that the ranks of the Guard be filled.

While there is a manpower shortage in certain age groups, there are many thousands of men in other age groups—especially those over 38 years—who can fulfill their patriotic obligation by service in the State Guard. The Guard accepts men for enlistment between the ages of 17 and 55. The physical requirements are not as strict as those of the Federal forces, as the type of work that must be performed is not so strenuous.

Recently, I approved an act of the Legislature guaranteeing continuance of full civilian pay and no loss of vacation time up to thirty days, to all State employees serving in the Guard who may be called to active State service. Normally, this active State service is limited to less than two weeks instruction per year at our State Camp. The situation would be greatly improved if all employers within the State should take identical action with respect to their employees.

I urge—as a patriotic duty—that eligible male citizens of the State participate in remedying the present shortage in the Guard, and further, that all news dissemination agencies in the State assist by keeping the facts outlined in these remarks before the people.

Letter from Governor Dewey to Harold Stanley, Chairman,
Emergency Food Commission, Requesting Organization and
Development of Long-Range Food Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, May 24, 1944

MR. HAROLD STANLEY, *Chairman, New York State Emergency Food Commission, Skaneateles, N. Y.:*

DEAR MR. STANLEY.—The time, I believe, is here when both farmers and consumers in New York State should give thought to a long-time program designed to improve the standard of living on our farms, and to better the diets of our city people. Fortunately, both objectives are in complete harmony.

Within the borders of New York State lives approximately one-tenth of the country's population. For years this great group of consumers has depended largely upon the farmers of the State for such essential foods as fresh milk, fresh eggs, and fresh fruits and vegetables.

The State's overall problems, therefore, would seem to be mainly those of abundant production of these foods, the improvement of their nutritional qualities and the development of such processing and distribution techniques as will provide the State's consumers with larger quantities of essential foods without burdening producers with undue wastage or ruinous surpluses.

Such a program cannot be planned from the top down. It must be a product of research, education and intelligent, voluntary cooperation of all groups concerned.

Your commission has the representative membership and the experience needed to start farmers and consumers, processors and distributors working together. The State's research, educational and control agencies with which you are thoroughly familiar can be helpful.

Great advances have been made in methods of processing foods as a result of our war program. There are those who believe that a whole series of quick-freezing, cold storage and transportation services, starting at the farm and ending in the consumer's kitchen, will do much to preserve the quality of our more valuable foods and make them more evenly available throughout the year. A great deal of hope is held forth for quicker and cheaper methods of transportation. Out of our experiences with food shortages and shortages of transportation, new farm and marketing practices have developed, some of which may be worth continuing. Certainly we know more about the dietary requirements of both animals and human beings than ever before.

None of the new knowledge we have gained should be sacrificed. It should be used to stabilize the State's agriculture and to feed our people better.

Will you please, therefore, organize within the Commission and under its expert direction, a program to these ends which the State of New York can during the current year plan so that it can go into operation immediately upon the cessation of hostilities upon either the German or the Japanese fronts, whichever is sooner? All of the technical and special skills of State departments in the fields of agriculture, labor, commerce and purchase will be at your service.

Sincerely yours,

(Signed) THOMAS E. DEWEY

**List of Latin-American Delegates to Inter-American Conference
Received by Governor Dewey in Executive Chamber**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, May 26, 1944

The following is a list of Latin American Delegates to the Inter-American Conference, who will be received by Governor Dewey in the State Executive Chamber this morning:

Argentina

Dr. Alberto A. Bonfante, Chief, Economic Section, Ministry of Foreign Affairs.

Bolivia

Mr. Jesus Lozada, Vice-President, Advisory Council of the Treasury.

Mr. Emilio Diaz-Romero, Director of the Department of International Political Economy, Ministry of Foreign Affairs.

Brazil

Dr. Valentim F. Boucas, Technical Secretary of the Technical Council of Economy and Finance; Executive Director, Commission for Control of Washington Agreements.

Dr. Ary F. Torres, Vice-President, National Steel Company of Brazil; President, Brazilian Federation of Engineers.

Dr. Jorge Kafuri, Professor of the Polytechnic School of the University of Brazil, Rio de Janeiro.

Miss Ignez D. Correia d'Araujo, Director of Education of International Business Machines Company, Brazil.

Chile

Mr. Gaston de Goyeneche, President of the Chamber of Commerce of Chile

Mr. Juan Agustin Peni, Manager of the Schwager Coal and Foundry Company.

Costa Rica

Mr. J. M. Saenz-Witting, Agent-General of the Costa Rican Railway Co., Ltd.; President, Chamber of Commerce of Costa Rica.

Ecuador

Mr. Manuel Adrian Navarro, Former President, Guayaquil and Quito Railway.

El Salvador

Dr. Jose Manuel Mata, Director General of Customs.

Guatemala

Mr. Julio Gomez-Robles, Under Secretary of Commerce.

Mr. Juan Antonio Martinez-Perales, Attorney-General of Guatemala, Member of the Guatemalan Commission charged with preparing the National Plan of Economic Mobilization.

Haiti

Mr. Pierre Chauvet, Under Secretary of the Treasury, Commerce and National Economy.

Honduras

Mr. Donato Diaz-Medina, Manager, Bank of Honduras.

Panama

Mr. Raimundo Ortego, Merchant.

Uruguay

Dr. and Mrs. Jose A. Mora, Diplomatic Minister.

Inter-American Development Commission

Mr. George W. Magalhaes, Westinghouse Electric International Company.

Office of Coordinator of Inter-American Affairs

Mrs. Camilla Behn
Mr. Richard T. Turner
Mr. Walter Hecht
Mr. Frank Norall

Department of Commerce of New York State

M. P. Catherwood, Commissioner.
Harold Keller, Deputy Commissioner.
William J. Russell, Director of the Bureau of Industry.
Howard L. Volgenau, Director of the Washington Office.
Harry Clinton, Industrial Consultant.

Since last Sunday, May 21, the delegates have been on a tour of the State of New York. This tour has been conducted under the auspices of the New York State Department of Commerce. The Delegates spent Monday in Binghamton, Tuesday in Niagara Falls and Buffalo, Wednesday in Buffalo, and Thursday in Rochester.

Following the reception by the Governor this morning, the delegates will attend a luncheon in Albany and then visit the General Electric Plant in Schenectady. On Saturday the delegates will visit the Adirondacks to see some of the mining developments in that section, staying overnight at the Lake Placid Club, and will return to New York on Sunday.

**Response to Governor Dewey's Address by Dr. Jose A. Mora.
Diplomatic Minister of Uruguay, Albany, N. Y., May 26, 1944**

In the name of the various Latin American Development Commissions, here represented, it is a privilege and honor for me to express our appreciation for your cordial invitation to visit the State of New York.

This week we have seen some of the natural beauties of the State, its principal cities and some of the larger manufacturing plants, but especially

we have been impressed by the faith, courage and optimism with which your people are working to insure the final victory in this total war against the aggressor nations.

We have seen the wonders of American Industry.

We have seen the profits of that industry reinvested in schools, libraries and hospitals for the greater benefit of that same people.

And consequently we can better understand the voluntary enlistment of the intelligence and productive effort in the cause of justice.

A people who have been able to master the tremendous power of Niagara, transforming it into energy which can create the finest and most delicate instruments of science and technology, also will know how to transform the tremendous force of war, the conquering power of arms, into industries which will bring peace and happiness for all humanity.

And this is the greatest lesson we have learned: the American man, suddenly challenged by the aggression of the enemy, has returned the blow with the firm strength of the man who knows he has right on his side, with the vigorous will of a people who are defending the principles of his democratic institutions which are likewise the basic foundation of all the republics of the Americas, but at the same time, his prime purpose is to exert every effort to create a new and better world.

In reality, these principles, common to all twenty-one republics of the Americas, are the motive and justification for our visit to this great country during the greatest crisis of its history. The cause of the United States is our own cause. We were all challenged at the same moment as was the United States. It is our firm purpose to give all our assistance.

In all the cities we visited, we have been received most cordially and with the most friendly spirit towards the countries below the Rio Grande. Both men and women display a sincere interest in Latin America, and I have been agreeably surprised at the growing knowledge of Spanish and Portuguese.

We wish to express to you our appreciation for the careful and considerate attention which has been extended to us by your Commissioner, Dr. Catherwood, and his able assistants, who have accompanied us.

Finally, we hope that some time your Excellency will visit our countries, so that we may have the opportunity to reciprocate the courtesies so generously extended to us.

NOTE.—See Governor Dewey's Address of Welcome, page 712.

Statement by the Governor Urging Visiting of the Sick

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *June 1, 1944*

Several years ago a young Canadian invalid conceived the idea of urging people to consider those who, through sickness or accident, are confined within four walls, unable to enjoy the good fresh air. Accordingly, he started a movement to have the first Sunday in every June recognized as a day upon which all healthy people give up some hours of their time to visiting and bringing a little cheer to those not so fortunate. It might be observed that every day is good for such a purpose, but I heartily agree that it is fitting and kind to set aside one particular day of the year, that day being the first Sunday in June.

It is more than ever fitting in this year, when our gallant fighting men who have been wounded, some of them disabled, are returning to us from the battle lines. I therefore urge most sincerely that all men and women in the State of New York in full possession of their health and vigor, use some of it on the fourth of June to

brightening a few of the hours of at least one person who is deprived of activity. Maybe the experience of bringing a little cheer to one shut-in person will be so refreshing that it will become a habit.

Statement Announcing Lease of Edgewood State Hospital to the United States

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *June 10, 1944*

Governor Dewey today made available to the United States, Edgewood State Hospital, at Deer Park, Long Island. Pursuant to the terms of the War Emergency Act, the Governor executed a lease to the War Department covering the institution.

Under the terms of the lease, the War Department will use the institution for hospital purposes for members of the armed forces. The War Department will reimburse the State for actual expenses incurred at the institution and will pay for depreciation on buildings and equipment and will also restore the institution to its present state at the end of Federal occupancy.

Edgewood State Hospital is a new institution which has not yet been used or occupied by the State of New York. The hospital is in the process of final completion and at the present time comprises seven main buildings. These buildings, which will accommodate 2,300 beds, have been built at a cost of \$6,600,000.

Under the terms of the lease, Dr. Frederick MacCurdy, Commissioner of Mental Hygiene of the State of New York, is authorized to place the institution at the facilities of the Federal Government. He will do so immediately.

Edgewood State Hospital is the fifth State-owned institution which has been leased by the State to the Federal Government.

In September 1942, Willowbrook State School, Staten Island, which cost \$12,710,000 and which had a capacity of 2,870 beds, was leased to the War Department as an Army general hospital. In the same month, several of the buildings at Rockland State Hospital, Orangeburg, N. Y., were also leased to the War Department. The Rockland buildings cost \$3,272,000 and had a capacity of 1,068 beds.

In May 1943, the State leased part of Pilgrim State Hospital at Brentwood, N. Y., to the War Department. The buildings cost \$3,200,000 and had a bed capacity of 1,528.

On September 13, 1943, the State leased the new Green Haven Prison, at Beekman, N. Y., to the War Department. This institution, which cost \$7,800,000, had a capacity for 2,016 inmates.

In addition, the State of New York rents the New York State Fair Grounds, at Syracuse, N. Y., to the United States Air Force for storage purposes, and has turned over for use by the War Department the Blauvelt State Park, which adjoins the Federal-occupied buildings at Rockland State Hospital.

**Statement by Paul E. Lockwood Calling Attention to Inaccuracies
in Remarks by Henry Epstein Concerning the National Com-
mercial Bank and Trust Company**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *June 16, 1944*

The spokesman for the O'Connell machine came up here to Albany last night and made a serious blunder. The National Commercial Bank and Trust Company of Albany, of which Congressman Byrne was a director, is not under the jurisdiction of the State Superintendent of Banks.

As the former Solicitor General of the State of New York should know, it is a national bank and is under the supervision of the United States Comptroller of Currency. He is Mr. Preston Delano, a kinsman of President Roosevelt.

Before Mr. Epstein drags any more banking institutions of the State into Albany politics, he can obtain by calling at the office of the Superintendent of Banks at 80 Centre Street, New York, a copy of the Banking Law and a list of the banks under the supervision of the State Banking Department.

**Statement by the Governor Announcing that New York State
Would Purchase One Hundred Million Dollars of Fifth War
Loan Bonds**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *June 20, 1944*

Following a conference with Comptroller Frank C. Moore and Director of Budget John E. Burton, Governor Dewey today announced that the State of New York would aid the Fifth War Loan Drive by buying one hundred million dollars of war bonds.

This purchase is to be made from the Post-War Reconstruction Fund of the State which was made possible by increased revenues and by savings. The Reconstruction Fund was created and purchase is made pursuant to authority granted by chapter 1 of the Laws of 1944 which was recommended by Governor Dewey in his annual message delivered on January 5 of this year.

The one hundred million dollar purchase will be credited to the quotas of the various communities of the State by the Comptroller. The type of war bonds to be purchased and the quota allocations to communities will be announced by the Comptroller later this week.

This is the second purchase of war bonds by the State from the Reconstruction Fund, the earlier purchase being twenty-five million dollars.

Statement by the Governor Asking Aid for Red Cross

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *June 22, 1944*

With the war now in its final phase, we have to face one of its sternest facts,—the growth in the number of casualties. That

fact brings with it a growing need for people to help in the tending of the wounded. In short, our country needs nurses today as never before. Every woman trained in the profession is over-worked. On the home front as well as on the battlefields of the world, nurses are busy **day and night**.

Many women have responded nobly to the call and have volunteered for service with the **armed forces**. That has placed a heavy strain upon those who are left to care for our civilian population. In order that we may back up our fighting men properly, it is imperative that the health of the people on the home front be protected. The capacity of our hospitals is strained to the utmost. All of them are understaffed.

I join therefore in the plea of the Red Cross for more volunteers. There is a dire need for more students in the schools of nursing. I urge all women in New York State who can possibly devote the time, to volunteer for training. By so doing they will serve their country and help to win the war as definitely as though they were in the fighting lines.

These same facts also apply to the call of the Red Cross for more blood donors. It needs no array of figures to show that as the fighting in Europe grows more intense, an increase in the supply of blood plasma is absolutely vital.

(Signed) THOMAS E. DEWEY

List of Personnel of Governor Dewey's Party on Airplane Flight to Republican National Convention, Chicago, Illinois

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *June 28, 1944*

The following is the personnel of Governor Dewey's party leaving the Albany Airport via United Airlines for the Republican National Convention in Chicago, Illinois, June 28, 1944:

1. Governor Thomas E. Dewey
2. Mrs. Thomas E. Dewey
3. Frank Hnida, Detective, New York Police Department
4. Alvin Johnson, Corporal, New York State Police
5. Paul E. Lockwood, Secretary to the Governor
6. Elliott V. Bell, Superintendent of Banks
7. Hickman Powell
8. James C. Hagerty, Executive Assistant to the Governor
9. Miss Lilian G. Rosse, Executive Secretary to the Governor
10. Miss Kathleen P. Grace, Secretary to Mr. Lockwood
11. Frank C. Simpson, Executive Chamber Clerk
12. W. Norris Paxton, Associated Press
13. John L. Considine, United Press
14. Gordon Schendel, International News Service
15. Elmer Peterson, National Broadcasting Company
16. Les Harris, Columbia Broadcasting Company

17. James Mahler, Associated Press Photographer
18. F. L. Ottman, International News Photos
19. H. E. Highman, United Airlines

NOTE.—Lieutenant William Green, in charge of the Governor's detail, New York State Police, has preceded the party to Chicago.

Report of the Temporary Commission on State Hospital Problems

INSULIN SHOCK THERAPY

Study by the Temporary Commission on State Hospital Problems

Report on 1,128 Dementia Praecox patients treated with insulin shock therapy between January 1, 1937 and June 30, 1942 at the Brooklyn State Hospital.

And 876 Dementia Praecox patients who did not receive any form of shock therapy, but were otherwise comparable as to significant factors to the insulin treated group, admitted to other Metropolitan State Hospitals during the same period.

TEMPORARY COMMISSION ON STATE HOSPITAL PROBLEMS

HOMER FOLKS, New York, N. Y., *Chairman*
Secretary, State Charities Aid Association

STANLEY P. DAVIES, Ph.D., New York, N. Y.
Executive Director, Community Service Society

HESTER B. CRUTCHER, Albany, N. Y.
Director of Social Work, New York State Department of Mental Hygiene

LAWRENCE KOLB, M.D., Washington, D. C.
Assistant Surgeon General, U. S. Public Health Service

NOLAN D. C. LEWIS, M.D., New York, N. Y.
Director, New York State Psychiatric Institute and Hospital

FREDERICK W. PARSONS, M.D., New York, N. Y.
Former Commissioner of Mental Hygiene, New York State Department of Mental Hygiene

WILLIAM L. RUSSELL, M. D., New York, N. Y.
Consultant Psychiatrist, Payne Whitney Psychiatric Clinic, The New York Hospital

GEORGE S. STEVENSON, M.D., New York, N. Y.
Medical Director, National Committee for Mental Hygiene

Mrs. Minna Field, Director of Research
Miss Katharine G. Ecob, Secretary
Miss Vivian R. Barritt, Assistant Secretary

June 30, 1944

HON. THOMAS E. DEWEY, Governor, The Capitol, Albany, New York:

In submitting this report of the results of insulin shock therapy to you, the Commission desires to express its appreciation of your interest and concern

in the welfare of persons suffering from mental illness, and its hope that the information contained herein may be one means of ameliorating the misfortunes of many of those thousands of patients who suffer from what has heretofore been one of the least hopeful of mental diseases.

Respectfully yours,

HOMER FOLKS,
Chairman

FOREWORD

The Temporary Commission on State Hospital Problems, which was asked to study the possibility of diminishing the rate of growth of the resident census of the State hospitals for the mentally ill, submits herewith a report on the results of insulin shock treatment in the Brooklyn State Hospital between the periods of January 1, 1937 and June 30, 1942.

INTRODUCTORY STATEMENT

The one special subject which the Commission was requested to study was the results of the use of insulin shock therapy, and if the results were favorable, the possibility of the wider use of that treatment. For reasons stated more fully in the first chapter of this report it was deemed necessary to make an intensive study of the results of insulin shock treatment in some one hospital, and the Brooklyn State Hospital was deemed the most suitable for such a study.

It is believed that this is a more intensive study of this subject than has heretofore been made, by reason of the following facts:

(a) It includes all of the treated cases over a period of five and a half years from January 1, 1937 to June 30, 1942.

(b) It is based on the results of visits by trained psychiatric social workers to the patients in their present environments, whether in or out of hospitals, and a study of their adjustments thereto.

(c) It includes a similarly intensive study of a "control group" of a substantial number of comparable patients who were admitted to other metropolitan State Hospitals during the same period and did not receive any form of shock therapy.

The outstanding results of this study are stated briefly, and in non-technical language, in the second chapter of the accompanying report.

One suggestion as to the significance of these facts may be in order. It has been reasonably clear for some time that neither insulin shock therapy nor any other form of shock therapy is a panacea for that very large group of patients suffering from dementia praecox. No known treatment will cure or improve all of them, and not all of those who are improved or cured by any type of treatment remain improved or cured. There were initial hopes that such might be the case, but it would have been exceptional and extraordinary, if any treatment had brought about such unprecedented benefits to patients suffering from a serious chronic disease of any sort. Not all patients who receive sanatorium treatment for tuberculosis recover or are improved. Of those who improve or recover, a considerable number suffer from recurrences, often with fatal results. Many cancer patients who receive surgical treatment are improved or cured, but a considerable proportion of improved or apparently cured patients find that improvement or cure is far from permanent. If insulin shock therapy results in shortening the hospital stay of large numbers of patients, if a substantial proportion of such patients leaving the hospitals as improved or recovered maintain that improvement or recovery over considerable periods of time, and show no evidence up to the end of our study period of any tendency to relapse, such results certainly are striking and are a valuable contribution to the treatment of dementia praecox.

Furthermore they naturally encourage hopes that by continuance of such treatment, or in other ways, still better modes of treatment may be arrived at.

ACKNOWLEDGMENTS

The Temporary Commission is fortunate in having received complete cooperation and help from all those from whom cooperation or help was needed. The Commissioners of Mental Hygiene and their staffs have given every assistance in their power. Dr. Clarence H. Bellinger, Director of the Brooklyn State Hospital, and his Assistants, particularly Dr. Christopher F. Terrence and Dr. Sidney L. Tamarin, rendered every possible assistance and help, while leaving to the staff of the Temporary Commission complete, unqualified access to all patients and former patients of the hospital, to all employees, and to all its records. The superintendents and staffs of the six metropolitan State hospitals from which the "control patients" came were wholly cooperative. A detailed statement by Dr. Bellinger and Dr. Terrence of the methods of insulin shock therapy at Brooklyn State Hospital is included in this report as Appendix I.

Invaluable advice was received in the earlier stages of the study from Dr. Lowell J. Reed of the School of Hygiene and Public Health of Johns Hopkins University. Later, constant advice and help were given by Dr. Ralph G. Hurlin, Director of Statistics of the Russell Sage Foundation, and Dr. Neva Deardorff, head of the Research Bureau of the Welfare Council of New York City, who read the complete text of the report with care and made many suggestions. Dr. Benjamin Malzberg, of the Statistical Bureau of the State Department of Mental Hygiene, was always at our service, and his chief, Dr. H. M. Pollock advised from time to time, read the first draft of the report, and made useful suggestions.

The greatest credit of all is due to Mrs. Minna Field, formerly of the Social Service staff of the New York State Psychiatric Institute and Hospital, who was director of the field work of this study and subsequently brought together the results and made a draft of the report, and to her staff of nine psychiatric social workers who entered into the spirit of the study, followed up every possible clue in locating patients who had removed from their earlier addresses, and made a conscientious and objective evaluation of the information secured about each patient. They are largely responsible for the significance of the results of the study.

All members of the Temporary Commission shared fully in the responsibility for the soundness of the plan and for the interpretation of the results of the study. Three lengthy meetings of the Commission were devoted to a consideration of the text of the report. The Committee on Newer Modes of Treatment, of which Dr. Nolan D. C. Lewis was Chairman, shared in preparing the material for the Commission's consideration, and in the many revisions, simplifications, and verifications in the text of the report.

The Commission has drawn certain conclusions which it believes inevitably flow from the facts stated in the report. The material, however, is elaborate, and the Commission has no doubt that additional lessons and useful implications may be drawn from it. It regards the collection of this data as its primary contribution to the subject, and invites study and comment by all interested persons.

HOMER FOLKS,
Chairman

June 30, 1944

I. PURPOSE OF STUDY

One out of every four newly admitted patients to the New York State hospitals suffers from Dementia Praecox, and because larger numbers of these patients remain for long periods of time they constitute between 50 and 60 percent of all patients in the State hospitals. Dementia Praecox is therefore a major factor in hospitalization, as well as a challenging psychiatric problem.

A new type of treatment known as insulin shock therapy devised by Dr. Manfred Sakel, was brought to this country from Vienna in 1936.

Because of the lack of effective methods of treatment for Dementia Praecox, the advent of a new therapy seeming to promise substantial results, is of great interest to the State Hospital System, and to its patients and their families.

Numerous reports on insulin shock therapy and its results, varying greatly as to numbers covered and as to available information, have appeared since 1937. Two studies were made of the results of such therapy in the New York State hospitals before this Commission was appointed, and several were made by it soon after it was set up. All these studies were inconclusive partly because they lacked a control group for purposes of comparison, and also because of insufficient information as to what happened to treated patients after release from the hospitals, and especially after discharge. Little was known in fact, in most cases, except that the patient had or had not returned to a State hospital. There was also a probability of varying methods of insulin shock therapy in different hospitals.

The Temporary Commission decided, therefore, to make a more intensive study of the results of insulin shock therapy in one hospital, the Brooklyn State Hospital, which had used this therapy more consistently and more largely than any other hospital in the State System. A total of 1,128 patients had been treated with insulin at Brooklyn State Hospital between January 1, 1937 and June 30, 1942.

This study was made primarily through personal visits by trained and experienced psychiatric social workers to patients and their families after they had familiarized themselves with the information contained in the hospital records. These inquiries covered the patients' history up to the end of 1942.

For purposes of comparison, 876 patients admitted to other Metropolitan State Hospitals who had not received any form of shock therapy but who were comparable within the limits of available information, in all significant factors to the 1,128 treated patients at Brooklyn State Hospital, were used as a control group. They and their families were also visited by the same trained and experienced psychiatric social workers familiar with the information contained in the records.

Among the important tests of the success of any mode of treatment of such patients are:

1. The subsequent ability of the patients to leave the hospital and return to normal living.
2. The length of hospital stay before they are able to leave.
3. The length of time those leaving the hospital are able to remain in the community.
4. The extent to which those returning to the community are restored to usefulness.

Careful attention was given to all these points.

II. OUTSTANDING FACTS

The following are some of the outstanding facts brought to light by this study.

A total of 2,004 Dementia Praecox patients was studied. Of these, 1,128 patients received insulin shock therapy at Brooklyn State Hospital from January 1, 1937 to June 30, 1942, and 876, who received no shock therapy and who were admitted during the same period to other State hospitals, were used as a control group for purposes of comparison.

Hereafter, throughout this report, for convenience, these 876 patients who received no shock therapy but the usual hospital care and treatment, will be referred to simply as "non-treated."

1. ABILITY TO LEAVE THE HOSPITAL AND RETURN HOME

How many of the patients treated with insulin and how many of those not so treated were able to leave the hospital and return to their homes?

Of the total of 1,128 insulin treated patients, 897 or 79.5 percent were able to leave the hospital. Of the 876 non-treated patients, 515 or 58.8 percent were able to leave.

TOTAL ABLE AND NOT ABLE TO LEAVE THE HOSPITAL

	Insulin Treated		Non-Treated *	
	Number	Per cent	Number	Per cent
Patients able to leave	897	79.5	515	58.8
Patients not able to leave	231	20.5	361	41.2
Total	1,128	100.0	876	100.0

* It should be borne in mind that throughout this report "non-treated," as stated above, means those patients who received no shock therapy, but did receive the usual hospital care and treatment

2. ABILITY TO LEAVE THE HOSPITAL BY DIAGNOSTIC GROUP

Dementia Praecox patients are usually divided into several distinct diagnostic groups, viz.: Catatonics, Paranoids, Hebephrenics, Simple and Others.

How did patients of these diagnostic groups, insulin treated and non-treated, compare as to the ability to leave the hospital?

In each diagnostic group a larger proportion were able to leave the hospital among the insulin treated than among the non-treated patients. The difference between the treated and the non-treated was greatest among the Paranoids, the ratio being 79.4 percent as against 52.0 percent.

DISTRIBUTION OF PATIENTS ABLE TO LEAVE BY DIAGNOSTIC GROUPS

	INSULIN TREATED			NON-TREATED		
	Total studied	ABLE TO LEAVE		Total studied	ABLE TO LEAVE	
		Number	Per cent		Number	Per cent
Catatonics	659	536	81.3	407	265	65.1
Paranoids	369	293	79.4	369	192	52.0
Hebephrenics	90	61	67.8	90	53	58.9
Simple and others	10	7	.....	10	5	.....
Total	1,128	897	79.5	876	515	58.8

3. TIME IN HOSPITAL BEFORE FIRST RELEASE

What was the length of time treated and non-treated patients remained in the hospital before returning to their homes?

For the 897 insulin treated patients who were able to leave the hospital, the average post-treatment stay in the hospital was 3.2 months. Of the non-treated group, the comparable hospital stay was 7 months. *This shows an average saving of 3.8 months of hospitalization for each of the 897 insulin treated patients who left the hospital.*

4. PATIENTS AT HOME AND IN HOSPITAL AT TIME OF STUDY

Not all the patients who left the hospital remained at home. In fact, some of them were in and out of the hospital several times. At the time of our study, from July 1, 1942 to May 30, 1943, how many of these patients were at home and how many in the hospital?

Of the insulin treated patients, 58.3 percent were at home; of the non-treated patients, 44.0 percent were at home.

**TOTAL NUMBER OF PATIENTS AT HOME AND IN HOSPITAL
AT TIME OF STUDY**

	Insulin Treated		Non-Treated	
	Number	Per cent	Number	Per cent
At home.....	627	58.9	363	44.0
In hospital.....	437	41.1	461	56.0
Total.....	1,064 *	100.0	824 †	100.0

* Excluding 33 patients who could not be located and 31 patients who died.

† Excluding 39 patients who could not be located and 13 patients who died.

This shows that the insulin treated group had 14.9 percent more patients at home at the time of study and 14.9 percent fewer patients in the hospital at that time.

5. LEVELS OF USEFULNESS

An entirely different question is this: What was the status of the patients who were at home at the time of our study, between 5½ years and 6 months after release, as to self-support, family, and social relations? And what was the status of the patients in the hospital, as to ability to do useful work or care for themselves? How did the insulin treated patients compare with the non-treated group as to usefulness?

The following table answers these questions:

**LEVELS OF USEFULNESS * AMONG THE INSULIN TREATED AND
NON-TREATED PATIENTS**

Level of Usefulness at Time of Study	Insulin Treated		Non-Treated	
	Number	Per cent	Number	Per cent
Doing well and as well as or better than before illness.....	363	34.1	193	23.4
Doing well but with some slight protection.....	222	20.9	141	17.1
Family invalids.....	42	3.9	29	3.5
Productive hospital invalids.....	88	8.3	96	11.7
Less productive hospital invalids.....	131	12.3	153	18.6
Deteriorated hospital invalids.....	218	20.5	212	25.7
Total.....	1,064	100.0	824	100.0

* Full definitions of Levels of Usefulness given on page 25.

The insulin treated patients had a larger proportion who were functioning as useful members at home than the non-treated, 55.0 percent as against 40.5 percent.

The proportion of treated patients who were less productive or deteriorated hospital invalids was 32.8 percent, and of the non-treated patients, 44.3 percent.

**6. SAVINGS IN DAYS OF HOSPITAL CARE AND IN APPROXIMATE
COSTS TO THE STATE**

Is there an appreciable saving in the number of days of hospital care for insulin treated patients as compared with non-treated patients?

The savings in the number of days of hospital care can be reckoned conveniently in three periods, as follows:

- (a) length of hospital stay before patients are able to leave the hospital.
- (b) length of time at home for patients who had remained at home continuously from date of release to date of study.
- (c) length of time spent at home and in the hospital for patients with subsequent hospitalization.

There is a saving of approximately 286,695 days of hospital care within the above three periods. This covers the time from date of admission to date of study. The substantial savings which occurred subsequent to date of study were not estimated.

This reduction in days of hospital care *certainly resulted in considerable savings*, some of which can be determined exactly while others can only be estimated approximately.

The details of the calculation of savings in days of hospital care and approximate costs to the State are given in Chapter VIII—Economic Aspects of Insulin Shock Therapy, pages 73–74.

SUMMARY

These outstanding facts show conclusively that the 1,128 patients who received insulin treatment at Brooklyn State Hospital from January 1, 1937 to June 30, 1942, did substantially better than the 876 patients comparable within the limits of available information, who received no shock therapy, as to:

- (a) ability to leave the hospital (both as a whole and by diagnostic group),
- (b) comparable length of hospital residence,
- (c) numbers at home after periods ranging from 5½ years to 6 months after leaving the hospital,
- (d) levels of usefulness at home or in the hospital.

They also show that insulin treatment has effected an approximate saving of 286,695 days of hospital care, a substantial though undetermined saving in maintenance costs and a still larger saving ultimately in construction costs.

The above findings, and other pertinent information, are discussed in greater detail in the body of this report.

III. METHOD OF STUDY

THE INSULIN TREATED GROUP

The insulin treated patients studied were those who received treatment in the Brooklyn State Hospital. This hospital was chosen because since early 1937 it has consistently treated a large number of patients with insulin shock therapy. This work was carried on during the entire period under the supervision of the same medical administrator and the direction of the same psychiatrist. Details as to this treatment are stated by Dr. Bellinger and Dr. Terrence in a memorandum prepared for this report. (See pages 83–87). The fact that the patients were from the same geographical area in which the hospital is located, made it easier to secure full and up to date information.

A total of 1,128 patients comprising all those who completed a full course of insulin shock therapy—consisting of an average of 38 comas between January 1, 1937 and June 30, 1942, was studied. All but 79 of the 1,128 patients treated were admitted within this period.

From January 1, 1937 to June 30, 1942, there were 3,298 first admissions of Dementia Praecox patients to the Brooklyn State Hospital, and of this number 1,128 were treated with insulin. This represents 34.2 percent of all Dementia Praecox first admissions, the percentages varying from 50.0 percent in 1939 to 26.4 percent in 1941.

PATIENTS EXCLUDED FROM INSULIN THERAPY

The number of insulin treated patients over the entire period was about one-third of the total Dementia Praecox first admissions. What were the circumstances and reasons excluding so considerable a number of Dementia Praecox patients from insulin therapy? The reasons and circumstances were many, varied and compelling. As a result of conferences between the chief of the insulin service with the chiefs of the male and female reception services, the following classes of patients were excluded:

1. Patients who suffered from certain physical ailments, such as cardiac decompensation, kidney disease, tuberculosis, brain injury, or encephalitis. These groups comprised 5 to 10 percent of first admissions.

2. Patients who left the hospital before the period necessary for establishing a psychiatric diagnosis had elapsed. Before insulin treatment is begun, an average period of approximately six weeks is required for observation to arrive at a psychiatric diagnosis. About 10 percent of patients leave the hospital before this can be done. Among them are those whose symptoms subside under the influence of hospital routine and care, those who are still in need of treatment but are removed by their relatives, and those who, because of lack of space, must make room for more acute cases and are transferred to other hospitals. This also includes patients who, having been admitted in a state of exhaustion, die soon after admission.

3. Patients whose relatives refused to give permission for insulin treatment, such approval being required by the State Department of Mental Hygiene. (These refusals occurred in the early period, in approximately 10 percent of the cases, and decreased after the first year of treatment.) Also, those whose relatives having approved, withdrew their approval before or during treatment (in 10 to 15 instances) because of some apparent improvement in the patient's condition.

4. Patients for whom insulin therapy was begun, but was interrupted because of unfavorable reaction or intercurrent illness. (This occurred in approximately 8 percent of the cases.) These incompleated cases were not considered as "insulin treated" for the purposes of this study.

5. Patients who received a different type of shock therapy. Because Brooklyn State Hospital does not have sufficient personnel to enable them to treat more than 60 patients with insulin at any one time, and because it is subject to considerable pressure from relatives asking that patients be given shock treatment, there is a substantial use of other shock therapies. Metrazol is given extensively because of a growing interest on the part of the hospital in its use. For example, during the period under study, 1,245 Dementia Praecox patients received metrazol treatment and in addition during 1942, the last year with which this study is concerned, 112 received nitrogen.

We are not able from any available data to state the exact number excluded under each of the five categories who were admitted during the period studied, but the total number excluded was 2,170.

THE CONTROL GROUP

In establishing a control group of patients who did not receive any form of shock therapy, carefully established criteria were adopted to make it as nearly comparable as possible to the insulin treated group. These criteria were:

1. Patients admitted during the same years as the insulin treated group, i.e. from January 1, 1937 to June 30, 1942, and taken in order of admission at each Metropolitan Hospital.

2. All patients who received any form of shock therapy were excluded.

3. All patients were matched as to diagnosis, and within each diagnostic group as to age, sex, and length of illness, factors likely to influence results (see pages 57, 64, 65 and 66).

4. As in the case of patients in the insulin treated group, those who would have been ineligible for insulin therapy by reason of physical conditions were excluded from the control group. (See p. 17.)

5. Patients who left the hospital within six weeks after admission were also excluded, since for reasons mentioned previously (page 17), insulin is seldom given before expiration of this period.

No suitable patients for the control group could be secured from the Brooklyn State Hospital, because all patients within the required categories at Brooklyn State Hospital had received some form of shock therapy or were

unavailable for insulin treatment for other reasons, as stated above. It was, therefore, necessary to go to other State hospitals in the metropolitan area for the control group.

A total of 876 Dementia Praecox patients admitted between January 1, 1937 and June 30, 1942, (the period within which the insulin treated patients completed a full course of treatment) who met all the criteria mentioned previously (pages 17 and 18) were secured for the control group from six Metropolitan State Hospitals, as follows:

Kings Park	278
Rockland	381
Central Islip	40
Pilgrim	75
Creedmoor	69
Manhattan	33
<hr/>	
Total.....	876

The Paranoids, Hebephrenics, Simple and Others match exactly those in the insulin treated group. It was impossible to secure the same number of Catatonics to match those in the insulin treated group for two reasons: Brooklyn State Hospital admits a higher proportion of Catatonics than any other State hospital,* and a large proportion of Catatonics of the same age groups and length of illness in other State hospitals had been given some form of shock therapy, thus excluding them from this control group.

By matching each insulin treated patient with a non-treated patient of the same diagnostic group, sex, age and duration of illness (to the number of non-treated patients available) a higher degree of comparability was secured than would have been possible had we taken for the control group every alternate patient in the same hospital, or used some other such plan. It is obvious that in no study of this nature is it possible to find even two patients exactly comparable, much less a large group. It is our judgment that through the matching process above described, the insulin treated group and the non-treated group are more nearly comparable in all important factors involved than it would be possible to secure in any other group of similar size.

COLLECTION AND ANALYSIS OF DATA

The study was conducted by a staff of nine trained and experienced psychiatric social workers with a director of field work in charge.

The field work was completed between July 1, 1942 and May 30, 1943. The first six months were occupied by the study of the 1,128 insulin treated patients. The study was begun with patients treated in 1937, and those treated in subsequent years were studied in that order. Thus, the time covered between termination of treatment and the time of study varied between 5½ years and 6 months. In no instance was a patient studied earlier than six months after completion of treatment.

The control group was studied between January 1 and May 30, 1943, one hospital at a time, in the order indicated on page 20.

Considerable time was required to locate some of the patients in both the treated and the non-treated groups, since many had been out of the hospital from two to five years. An average of about two and a half interviews per case was necessary to secure the needed information. In spite of the fact that a majority of the patients had been out of the hospital between two and five years, only 72 of the 2,004 studied or 3.6 per cent, could not be located. The efforts to locate patients included not only letters, repeated visits to the home, the utilization of the Social Service Exchange and through it of other agencies who might have known the patient or his family following the patient's discharge, the utility companies, the post

* The reason for this is explained on page 26.

For detailed comparison of distribution by diagnostic group between first admissions to Brooklyn State Hospital, the State Hospital System and the insulin treated group, see Table "A" Appendix IV.

office, inquiries among building superintendents, neighbors and neighborhood stores, but also an intensive and resourceful follow-up of such meager clues as a name of a relative or friend casually mentioned in the hospital record. Some of the records of attempts to locate the patients are colorful and ingenious. In one instance, the worker noticed that throughout the patient's record of several admissions mention was made of a particular address where at one time or another members of the family had resided. She finally took a chance on going to that address and was able to locate the patient by inquiries at the neighborhood church, and from some boys roller-skating on the street. Extreme care was taken at all times not to reveal to the casual neighbor, who was thus approached, the identity of the worker or her connection with the patient.

Our aim was to see the patient and at least one responsible member of the family. This was done in 75 per cent of the cases. (In about 20 per cent of these, members of the family were seen more than once.) In an additional 15 per cent, at least one member of the family was seen; the patients themselves could not be seen because of absence from the city or because members of the family deemed it inadvisable. The remaining 10 per cent of the cases represented parole cases where a contact was thought inadvisable by the hospital, 2.5 per cent (see page 23) or those who could not be located, 7.5 per cent.

Though the contact was thus limited to a few interviews, it must be remembered that the workers engaged in the interviewing had had considerable training and experience in establishing relationships enabling them to overcome resistances, to secure the information needed and to evaluate the reliability of the informants and the significance of the information obtained. A schedule was filled out for each patient (see Appendix III). An attempt was made to make an intensive survey of each patient's whereabouts, occupational and recreational activities, and social and familial relationships.

To interpret our findings as accurately as possible, a study was made of the patient's adjustment prior to his illness including such data as developmental, physical and mental history, educational, occupational, social and familial adjustments, and his general make-up and attitudes. Similar information was gathered for the parole period and also for the period following parole up to date of study. Particular attention was given to the nature and time of onset of the mental condition which required the hospitalization during which insulin was administered, and to symptoms, behavior, hospital adjustment, activities and needs, before, during and following insulin treatment. Inquiry was made into the nature of the parole plans, and the part the doctor, the social worker and the family had in making such plans, a review of the situation to which the patient returned being of importance in understanding some of the forces which might help or hinder his continued improvement.

In the case of those patients who were returned to the hospital, the circumstances leading to the patient's return and his adjustment during the subsequent stay at the hospital were also considered.

In addition, an attempt was made to get the reactions of the patient and his family to the treatment, to the hospital residence and to the patient's relations with psychiatrists and social workers.

On the basis of all this information, a careful evaluation of the patient's adjustment at the time of study was made, in the first instance by the social worker making the inquiry. Then the director of social work made an independent evaluation of the facts about the patient from the material submitted by the social worker. In those cases where the evaluation of the director did not coincide with that of the social worker, the case was thoroughly analyzed again in a joint discussion; differences were thus clarified and a final evaluation of the patient's adjustment in which both concurred was arrived at.

A great deal of the information relating to the patient's background was secured from the hospital records. However, it was frequently supplemented by the worker during her inquiries. All the information regarding the patient's adjustment at home at the time of study was secured through personal interviews.

The patients on parole at the time of study were maintaining contact with the Social Service Department of the hospital, and it was felt that additional contact by our workers would, in most cases, be inadvisable. In the majority of cases, the hospital social workers were able to supply the needed data. When that was impossible, contact was established by our workers after consultation with the Social Service Department.

For those patients who had been transferred to other hospitals, the history available at Brooklyn State Hospital was supplemented by the records of the other hospitals involved. The social worker visited the hospital, read the hospital records, and conferred with psychiatrists in charge of services.

After a thorough analysis of the individual schedules the information secured was tabulated and the patients were analyzed by diagnostic group, age, sex, length of illness prior to the admission during which insulin was administered, nature of onset, length of hospital stay after termination of insulin treatment, and history of employment prior to illness and following release.

CRITERIA FOR EVALUATION

With the information thus secured as a background, criteria were set up to evaluate the effectiveness of insulin shock therapy and to compare the results with those obtained in the non-treated group.

The first criterion was the ability of the patient to leave the hospital after insulin treatment. Here we have attempted to find out what bearing, if any, the diagnostic category, age, sex, length of illness and nature of onset had on the ability or inability of the patient to leave the hospital after termination of treatment or on his need for subsequent hospitalization; also, how the length of time spent in the hospital and at home compared as to the insulin treated and non-treated patients.

And, finally, what was the level of usefulness the patients were able to attain at home or in the hospital?

LEVELS OF USEFULNESS

To arrive at an evaluation of the patient's adjustment, we utilized the Table of Adjustment of Thomas A. C. Rennie* with certain variations making it more adaptable for our purposes. The levels of usefulness—the first four referring to patients at home and the last three to patients in the hospital—were as follows:

Level 1—Those patients who developed beyond their prepsychotic level and who at the time of our study were getting along well and better than before their illness in their social and familial relationships.

Level 2—Those patients who were doing well and at least as well as they did before their illness.

Level 3—Those patients who were able to get along in their family position and in their employment with some slight degree of protection, and who, given this moderate help, were able to lead a substantially normal existence.

Lever 4—Those patients who were at home but who made no contribution to family or social life. They were family invalids, vegetative, harmless, without dangerous impulses but too disorganized to fix attention on any task, or disturbed to the extent of justifying hospitalization, but being cared for at home by family members.

Level 5—Those patients who were productive hospital invalids, able to work consistently, performing unsupervised work of high grade calling for some initiative.

Level 6—Those patients who were less productive hospital invalids, unable to do more than engage in simple activity, such as routine help on the ward.

* Rennie, Thomas A. C.: "Follow-up Study of 500 Patients with Schizophrenia Admitted to the Hospital from 1913 to 1923." *Archives of Neurology and Psychiatry*, November 1939, Vol. 42, pages 877-891.

Level 7—Those patients who were deteriorated hospital invalids, comprising the most helpless of all patients, and those most disturbed requiring constant care and attention.

To arrive at an estimate of the level of usefulness for each patient, the total picture of his adjustment, as given by the patient himself, members of his family, employers, friends, the doctor and the social worker were considered. The statements were evaluated in the light of the competence and reliability of the individual giving them and his relationship to the patient.

ADMINISTRATIVE FACTORS AT BROOKLYN STATE HOSPITAL

To appraise more accurately the results obtained, certain factors operative at Brooklyn State Hospital should be taken into account.

Throughout the period covered by the study, i.e., since insulin was first introduced as a shock treatment early in 1937, the same psychiatrist carried the full responsibility for the treatment and assisted throughout in excluding those patients who were not suitable for it. Thus, a certain uniformity prevailed, both in the exclusion of unsuitable patients and in the technique of administering insulin.

Brooklyn State Hospital receives a larger proportion of Catatonic patients and a smaller proportion of Paranoids and Hebephrenics than other State hospitals. This may be due to the location of this hospital relatively near the psychiatric division of Kings County and Bellevue Hospitals. The acute cases—those that are disturbed, assaultive, restless, physically incapacitated, weak because of refusal to eat—are usually sent from the psychiatric services of Kings County and Bellevue Hospitals to the nearby Brooklyn State Hospital to avoid the difficulty of transporting such patients over long distances, such as to Kings Park. A majority of such acute, disturbed patients belong to the Catatonic group. A greater number of Paranoids and Hebephrenics, who are more tractable, are sent to hospitals further away.

The central location of Brooklyn State Hospital in the area from which the patients come makes it easy for patients to be returned to the hospital for consultation or for brief periods of hospital stay at the appearance of any symptoms. This probably results in a larger proportion of temporary returns from parole than would otherwise be the case.

IV. ABILITY TO LEAVE THE HOSPITAL

The primary objective of any treatment is to improve the condition of the patient, and one of the most important tests of the success of such treatment is the patient's ability to leave the hospital and return home.

Our first query in evaluating the effectiveness of insulin treatment therefore centered on the total number and type of patients able and not able to leave the hospital, comparing the insulin treated and non-treated* patients.

TOTAL NUMBER OF PATIENTS ABLE AND NOT ABLE TO LEAVE THE HOSPITAL

Among the patients who left the hospital and returned home, there were 897 or 79.5 per cent of the 1,128 insulin treated patients, and 515 or 58.8 per cent of the 876 non-treated patients. Among the patients who were not able to leave, there were 231 or 20.5 per cent insulin treated patients and 361 or 41.2 per cent non-treated patients.

Thus among the insulin treated patients, there was a considerably larger proportion who were able to leave the hospital than among the non-treated patients and conversely, among the non-treated patients there was a larger proportion who were not able to leave the hospital.

The following table gives the distribution of patients able and not able to leave the hospital by year.†

* As stated previously (p. 12), the term "non-treated" means those patients who received no shock therapy, but did receive the usual hospital care and treatment.

† NOTE.—Throughout the report the term "year" means the year during which insulin treatment was given to the insulin treated group and year of admission for the non-treated group.

TABLE I

PATIENTS CLASSIFIED BY ABILITY TO LEAVE THE HOSPITAL AND BY YEAR OF TREATMENT FOR INSULIN TREATED AND YEAR OF ADMISSION FOR THE NON-TREATED

YEAR	INSULIN TREATED				NON-TREATED					
	Total number studied†	PATIENTS ABLE TO LEAVE		PATIENTS UNABLE TO LEAVE		Total number studied	PATIENTS ABLE TO LEAVE		PATIENTS UNABLE TO LEAVE	
		Number	Per cent of total studied	Number	Per cent of total studied		Number	Per cent of total studied	Number	Per cent of total studied
1937	164	120	73.2	44	26.8	160	96	60.0	64	40.0
1938	188	146	77.7	42	22.3	155	88	56.8	67	43.2
1939	271	207	76.4	64	23.6	188	112	59.6	76	40.4
1940	186	154	82.8	32	17.2	141	92	65.2	49	34.8
1941	181	158	87.3	23	12.7	167	89	53.3	78	46.7
1942*	138	112	81.2	26	18.8	65	38	58.5	27	41.5
Total	1,128	897	79.5	231	20.5	876	515	58.8	361	41.2

* Jan. 1 to June 30.

During the first three years, 76.0 per cent of insulin treated patients were able to leave the hospital after treatment. This proportion increased beginning with 1940, the average for the last two and a half years being 84.0 per cent.

The upward trend after the first few years among the insulin treated patients who were able to leave was almost certainly due in part to the fact that in the first years of treatment, 1937-1938, when there was considerable uncertainty as to the effects of insulin, a fair number of patients received insulin treatment who already had been in the hospital for some time and thus had a poorer prognosis; these included patients in the older age groups and those whose illness was of longer duration. In subsequent years, however, patients were chosen almost wholly from new admissions.

DISTRIBUTION BY DIAGNOSTIC GROUP

The following definitions of the various types of Dementia Praecox are taken from Outlines for Psychiatric Examinations by Clarence O. Cheney:*

1. *Catatonic type*—"These cases show prominence of negativistic reactions or various peculiarities of conduct with phases of stupor or excitement, the latter characterized often by impulsive or stereotyped behavior and usually hallucinations. It is found retrospectively that in the stupor the sensorium has remained clear."

2. *Paranoid type*—"These cases are characterized by prominence of delusions, particularly ideas of persecution or grandeur and frequently with a consistent emotional reaction of aggressiveness due to persecution. There may be hallucinations in various fields to which the patients react at first consistently but later as deterioration occurs, apathy or indifference may make an appearance."

3. *Hebephrenic type*—"These cases show prominently a tendency to silliness, smiling, laughter which appears inconsistent with the ideas expressed; peculiar, often bizarre ideas are expressed, neologisms or a coining of words or phrases not infrequently occur and hallucinations which appear pleasing to these individuals may be prominent."

4. *Simple type*—"These cases show essentially defects of interest with gradual development of an apathetic state but without other strikingly peculiar behavior and without expression of delusions or hallucinations."

5. *Other types*—"Occasionally other types of reactions of Dementia Praecox may be met with and are classified under this heading."

The number of non-treated patients, according to diagnosis and their ratio to the insulin treated patients was as follows:

	Insulin Treated	Non-Treated	
	Number	Number	Per cent of insulin treated
Catatronics.....	659	407	61.8
Paranoids.....	369	369	100.0
Hebephrenics.....	90	90	100.0
Simple and others.....	10	10	100.0
Total.....	1,128	876	77.7

Numerous studies have pointed out the fact that the different diagnostic groups of Dementia Praecox patients have different prognoses.

What was the relation between the various diagnostic groups among the insulin treated and non-treated patients and their ability to leave the hospital? This is shown in Table II.

* Cheney, Clarence O.—"Outlines for Psychiatric Examinations." Second Edition. Revised 1940. Page 122. Official manual of the State Department of Mental Hygiene.

As shown in Table II (page 31), the insulin treated patients had a larger proportion in *each diagnostic group* of those able to leave the hospital, and the non-treated patients had a larger proportion in each diagnostic group of those not able to leave.

The insulin treated Catatonics showed the largest proportion of patients able to leave, 81.3 per cent, the Paranoids were next, 79.4 per cent, and the Hebephrenics last, 67.4 per cent. Among the non-treated patients, the Catatonics again were first, 65.1 per cent, but the Hebephrenics were next, 58.9 per cent, and the Paranoids last, 52.0 per cent. The difference between the insulin treated and non-treated patients as to the ability to leave the hospital was especially noticeable among the Paranoids.

The number of Simple and Others was too small to make a significant comparison.

TABLE II

INSULIN TREATED AND NON-TREATED PATIENTS CLASSIFIED BY DIAGNOSTIC GROUP AND ABILITY TO LEAVE THE HOSPITAL

DIAGNOSTIC GROUP		Total number studied	PATIENTS ABLE TO LEAVE		PATIENTS NOT ABLE TO LEAVE	
			Number	Per cent of total	Number	Per cent of total
Catatonic.....	Insulin.....	659	536	81.3	123	18.7
	Non-treated.....	407	265	65.1	142	34.9
Paranoid.....	Insulin.....	369	293	79.4	76	20.6
	Non-treated.....	369	192	52.0	177	48.0
Hebephrenic.....	Insulin.....	90	61	67.8	29	32.2
	Non-treated.....	90	53	58.9	37	41.1
Simple and others....	Insulin.....	10*	7*	.....	3*	.....
	Non-treated.....	10*	5*	.....	5*	.....
Total.....	Insulin.....	1,128	897	79.5	231	20.5
	Non-treated.....	876	515	58.8	361	41.2

* Numbers too small to make percentages significant.

SUBSEQUENT HOSPITALIZATION

Not all the patients who were able to leave the hospital remained permanently at home. A number of them, unable to adjust in the community had to return to the hospital for further care and treatment. Some patients had only one return, others had two, three or more.

Table III gives the distribution of patients able to leave the hospital, classified by the number of times they returned and by year of treatment for the insulin treated and year of admission for the non-treated. Table III-A gives the same information as to percentage distribution.

TABLE III

PATIENTS ABLE TO LEAVE THE HOSPITAL, CLASSIFIED BY NUMBER OF TIMES THEY RETURNED AND BY YEAR OF TREATMENT FOR INSULIN TREATED
AND YEAR OF ADMISSION FOR THE NON-TREATED

YEAR	INSULIN TREATED						NON-TREATED					
	No returns	One return	Two returns	Three or more returns	Total number of patients returning once or more	Total able to leave the hospital	No returns	One return	Two returns	Three or more returns	Total number of patients returning once or more	Total able to leave the hospital
1937	52	44	15	9	68	120	54	28	9	5	42	96
1938	72	44	22	8	74	146	55	26	7	.....	33	88
1939	107	66	29	5	100	207	74	29	9	.....	38	112
1940	84	55	11	4	70	154	73	17	1	.....	19	92
1941	106	48	4	.....	52	158	65	23	1	.....	24	89
1942 *	95	15	2	.....	17	112	32	5	.....	.....	6	38
Total	516	272	83	26	381	897	353	128	27	7	162	515

* January 1 to June 30.

TABLE III-A
PERCENTAGE DISTRIBUTION OF RETURNS AMONG PATIENTS ABLE TO LEAVE THE HOSPITAL CLASSIFIED BY YEAR OF TREATMENT FOR INSULIN
TREATED AND YEAR OF ADMISSION FOR THE NON-TREATED

YEAR	INSULIN TREATED					NON-TREATED						
	No returns	One return	Two returns	Three or more returns	Total number of patients returning once or more	Total able to leave the hospital	No returns	One return	Two returns	Three or more returns	Total number of patients returning once or more	Total able to leave the hospital
1937	43.3	36.7	12.5	7.5	56.7	100.0	56.2	29.2	9.4	5.2	43.8	100.0
1938	49.3	30.1	15.1	5.5	50.7	100.0	62.5	29.5	8.0	.....	37.5	100.0
1939	51.7	31.9	14.0	2.4	48.3	100.0	66.1	25.9	8.0	.....	33.9	100.0
1940	54.5	35.7	7.1	2.6	45.5	100.0	79.3	18.5	1.1	1.1	20.7	100.0
1941	67.1	30.4	2.5	.....	32.9	100.0	73.0	25.8	1.1	.....	27.0	100.0
1942 *	84.8	13.4	1.8	.....	15.2	100.0	84.2	13.2	.....	2.6	15.8	100.0
Total	57.5	30.3	9.3	2.9	42.5	100.0	68.5	24.9	5.2	1.4	31.5	100.0

* January 1 to June 30.

Altogether 381 or 42.5 per cent, of the 897 insulin treated patients able to leave the hospital subsequently returned: 272 had one return, 83 had two returns and 26 had three returns or more.

Among the 515 non-treated patients able to leave the hospital, 162 or 31.5 per cent, subsequently returned: 128 had one return, 27 had two returns and 7 had three returns or more.

What was the reason for the larger proportion of returns among the insulin treated group? Primarily it may have been due to the location of the hospital in the area from which the patients come. This makes it an easy matter to return the patient at the appearance of any symptoms. Also, it is the practice of the hospital to have the patient return, if only for a brief period of observation, when there is any doubt as to the patient's ability to get along at home. Another important factor may have been the accepted policy of allowing patients to leave the hospital soon after termination of insulin treatment.

Frequently only a short time elapses between release and return; in 50 instances the period was under one month. This raises the question as to whether a longer hospital stay after completion of insulin treatment might reduce the number of returns.

Among the insulin treated patients, the number of returns decreased gradually, from 56.7 per cent in 1937 to 15.2 per cent in 1942. (See page 33, Table III-A.)

The largest number of returns both in the insulin treated and non-treated groups occurred among patients treated in 1937 and 1938, and the smallest among patients treated in 1942. The time which elapses following release from the hospital is thus apparently a factor of major importance in determining the number of patients who may need re-hospitalization.

Because of the large number of patients needing re-hospitalization, an attempt was made to review the possible reasons for these returns. It was difficult to isolate any specific cause in each case and in many instances, several factors operated and overlapped.

A number of patients who left the hospital returned to conditions which originally contributed towards their illness. Among these, difficult family situations and attitudes seemed to be frequent. These included strain between parents, resentment of patient, sibling competition, tension about finances, excessive demands or over stimulation towards a social goal. In a great many cases these factors helped to precipitate the original mental breakdown, and were hardly to be considered as conducive to maintaining mental health.

It is true that many patients may have recurrences no matter what the setting, and that others may work out plans for escaping from such unhealthy situations. It would seem, however, that case work services in modifying some of these attitudes could greatly facilitate the process of adjustment. For example, much can be done to remove the strain caused by too high expectations from the patient, or the family can be helped to relax the demands made upon the patient for his contribution towards their support and find sources of help elsewhere. Much can also be done to alleviate the feeling of disgrace some families associate with the occurrence of mental illness, and as a result "take it out" on the patient.

Severe shocks which the patient had to face during his parole period and which apparently precipitated a recurrence constitute another important factor. Such severe shocks included death among those close to the patient, illness or accident suffered by the patient himself or by his family, economic reverses, loss of job, or sudden increase of responsibility. Although such exigencies cannot always be foreseen or prevented, the presence of strong sympathetic help might improve the situation and prevent the extreme reaction which leads to mental illness.

In some instances, a parole plan which failed to take into consideration a difficult family situation was succeeded by a sounder plan subsequent to the patient's return, with the result that the patient was able to remain at home. It is cases of this kind that illustrate most effectively what can be accomplished by good social service pre-parole work.

In a few instances, the patient had to return to the hospital because plans accepted at time of parole proved unworkable later and no other facilities for his remaining in the community were available.

In conclusion it may be pointed out that a proportion of returns to the hospital is inevitable, and the fact that frequently a return may be anticipated does not mean that parole should not be granted. Also, in spite of the most thoroughgoing pre-parole planning and post-hospitalization follow-up, some patients will have a return of symptoms and will need re-hospitalization.

However, the case material suggests in a considerable number of instances that, if facilities for more careful planning had been available, there might have been a possible avoidance, or at least a postponement, of recurrences.

The following case serves as an illustration of the importance of pre-parole planning and supervision during the parole period:

Ann was one of 4 children, living in a very poor home situated in one of the most crowded tenement houses in a section mostly of foreign born persons. The father was alcoholic and abusive to the family. He seldom contributed to their support and was periodically out of the home. Ann's mother was always upset and seemed to have something the matter with her all the time. She controlled every detail of Ann's life and was very critical. When Ann was 11 years old the mother was referred to a Mental Hygiene Clinic where the diagnosis was "Neurotic and Hypochondriacal." Ann's mother worked as charwoman at night and the children were often reported to the S.P.C.C. as neglected. Throughout Ann's life there was friction between the parents, many separations and appearances in the Court of Domestic Relations. The mother complained constantly about her physical condition, felt the world was against her and the children reflected this attitude.

Ann completed the 8th grade at 16, then obtained a job in a candy factory at \$13.00 a week. She never had care and supervision and was out late nights from the age of 14.

She was an affectionate, cheerful, active youngster with a friendly open manner. She had an independent attitude which conflicted with the mother's attempts to dominate her, causing Ann to appear irritable and stubborn.

The onset of Ann's mental illness was sudden, precipitated by a ride with an older man who was intoxicated and who "frightened" her. She jumped from the car while it was moving, and within the next few days she developed a number of psychotic symptoms. She was admitted to Brooklyn State Hospital where a diagnosis of Dementia Praecox Catatonic type was made. A month after admission, insulin treatment was given and 2 months later she was paroled, on the day following completion of treatment. She returned to her parents with the understanding that she was to start work as soon as possible. This was the mother's plan in which Ann and the hospital social service acquiesced.

Ann began to work immediately and resumed her social activities. The older brother and younger sister had both married and moved from the home. The same unfavorable conditions prevailed in the home, however, and Ann, caught in the old struggle, reacted with blind resentment and the need to get away. She threw herself into a social whirl and was constantly "on the go".

Because of the mother's continued critical attitude, Ann finally left home and was picked up by the police three months later sleeping in a parked car. She was run down physically, was bewildered and was taken back to Brooklyn State Hospital.

At the hospital she became cheerful and satisfied, was a willing, helpful worker on the wards, and responded warmly to the friendliness of the doctors and nurses. Several weeks later Ann was ready to leave the hospital. Her brother urged that she come to live with him and his wife, pointing out lacks in the parental home. The social service department realizing that friction in the parental home was inevitable and impressed by the interest and frequent visits by her brother and his wife, gladly accepted their offer to care for Ann.

This parole lasted three days. Ann had a fist fight with her sister-in-law of whom she was jealous, went back to her mother, created a scene, and re-hospitalization seemed essential.

At the hospital she adjusted easily, was friendly, cheerful, helpful, but eager to get out. Ann certainly was not ill enough during most of this period to warrant hospitalization, but there was no other place where she could have adequate satisfaction, protection, and supervision. However, before such a place was found she remained in the hospital 5 months. The social service department and the Brooklyn State Hospital Superintendent had considerable discussion of a possible parole plan. Ann's antagonism towards her sister-in-law and the inadequacy of the parental home made it necessary to make some other arrangement. Upon further investigation, it was found that a great-aunt and uncle in a nearby city were interested in Ann, and appeared to have a stable, friendly home. Ann was pleased at the prospect of going to them. The welcoming attitude proved not to be transitory. Ann found real acceptance and warmth there. She had always been able to respond to social contacts outside of her immediate family, and made a very happy adjustment, especially as these tolerant relatives gave a good deal of freedom along with their affection.

About 7 months later, Ann turned up at the hospital for a visit with her doctor, and proudly introduced the rather earnest-looking boy with her as her husband. He had been "the boy who lived next door" around whom she had built her day dreams before. In her uncle's home, she had been free to entertain him "respectable".

Ann and her husband were seen in their cozy apartment 3 years later. They told easily of their first year of marriage spent in Ann's parents' home: it had not been satisfactory, as Ann's husband was expected to support the entire household and they could save nothing. But worst of all, Ann's husband "began to drink too much" at her father's insistence, so they moved out. The husband commented quietly, that they moved at Ann's suggestion; he did not want her to leave her parents until she was really ready. Now they have their own apartment and furniture, and the husband has a good factory job.

It is possible that if at the time of Ann's first release from the hospital the social service had looked carefully into the conditions to which Ann was returned, and had undertaken more careful planning for the parole period—as was done subsequently with good success—there might not have been any need at all for Ann's return to the hospital and she might have continued to remain in the community after her first release from the hospital.

SUMMARY

The findings as to the patient's ability or inability to leave the hospital among the insulin treated and non-treated patients may be summarized as follows:

Among the patients able to leave the hospital there was:

1. A larger proportion of insulin treated patients, 79.5 per cent as against 58.8 per cent of the non-treated.
2. A larger proportion of insulin treated than non-treated patients in each diagnostic group, this difference being particularly evident among the Paranoids, 79.4 per cent as against 52.0 per cent.
3. The number of patients who returned for re-hospitalization was largest in the 1937 and 1938 groups, and smallest in the 1942 group.

V. LENGTH OF STAY IN HOSPITAL AND AT HOME

We have seen thus far that some of the patients were able to leave the hospital and remain at home, others were not able to leave the hospital, and still others after leaving, returned to the hospital on one, two, or more occasions. The total time spent in the hospital and at home was considered of primary importance and used as a criterion in evaluating the effectiveness of insulin shock therapy.

How did the length of time spent in the hospital and at home compare among the insulin treated and non-treated patients?

LENGTH OF HOSPITAL STAY UP TO TIME OF FIRST RELEASE FOR ALL PATIENTS
ABLE TO LEAVE

Whether the patient was permitted to leave the hospital depended primarily on his mental state and in part on the desire or disinclination of the family to have him released, especially in case of patients on voluntary admission. Over two thirds, 67.2 per cent of the insulin treated patients stayed in the hospital less than two weeks after completion of treatment. An additional 9.5 per cent stayed less than one month, and 14.8 per cent between one and six months. Only a small number, 76 or 8.5 per cent stayed six months or longer.

The proportion of these 76 patients who remained longer in the hospital was fairly constant between the years 1937 and 1940, as shown in Table IV.

TABLE IV

INSULIN TREATED PATIENTS WHO STAYED IN THE HOSPITAL SIX MONTHS OR LONGER
AFTER TREATMENT, CLASSIFIED BY YEAR OF TREATMENT

YEAR OF TREATMENT	Total number studied	PATIENTS WHO REMAINED IN THE HOSPITAL 6 MONTHS OR LONGER	
		Number	Per cent of total studied
1937.....	164	14	8.5
1938.....	188	11	5.9
1939.....	271	25	9.2
1940.....	186	18	9.7
1941.....	181	7	3.9
1942 *.....	138	1	.7
Total.....	1,128	76	6.7

* January 1 to June 30.

What were some of the reasons for the prolonged stay of these 76 patients?

Obviously the great majority of these patients remained because of need for hospital care for a longer period. In fact, 63 of the 76 patients were considered either unimproved or only slightly improved at termination of insulin treatment.

Of the remaining 13, the prolonged stay after insulin treatment in 8 instances was due to the fact that the family situation was so disturbed that it was considered advisable to keep the patient away from it until he was completely ready to meet his difficult home situation again. In all probability, case work treatment of the family situation might have expedited the release of some of these patients.

Two patients showed marked return of acute symptoms whenever their release was being considered, and two others frankly stated their preference for staying in the hospital rather than returning to an uncomfortable home situation. In one instance, that of a sex offender, hospitalization was continued after the symptoms had disappeared, as a protection to the family and to the community.

The average length of hospital stay from admission to release was 6.2 months among the insulin treated patients and 10 months among the non-treated group. If we deduct from each of these averages the 3 months period representing the pre-treatment and treatment period for the insulin treated group, we find that a saving of 3.8 months was effected for each of the 897 insulin treated patients able to leave the hospital. The aggregate saving would therefore be about 284 years of patient hospitalization or the equivalent of 100 hospital beds for two years and ten months.

The saving in hospitalization would even be greater if it were possible to shorten the pre-treatment period by increasing available facilities for patients receiving insulin treatment, thus eliminating the need for patients to wait until they can be admitted to the insulin unit.

In addition to the saving in hospitalization, there was a saving in social values to the patient, the family and the community which cannot be adequately measured.

LENGTH OF HOSPITAL STAY FOR PATIENTS NOT ABLE TO LEAVE

In view of the fact that some patients were still in the hospital at the close of the study, the actual length of hospital stay could only be determined as being the time which elapsed between the date of admission and the date of study.

Table V gives the distribution of patients not able to leave, classified by year of treatment for the insulin treated and by year of admission for the non-treated patients.

TABLE V *

PATIENTS NOT ABLE TO LEAVE THE HOSPITAL, CLASSIFIED BY YEAR OF TREATMENT FOR INSULIN TREATED AND YEAR OF ADMISSION FOR THE NON-TREATED

YEAR		Total studied	Total not able to leave	Per cent of total studied
1937.....	Insulin.....	164	44	26.8
	Non-treated.....	160	64	40.0
1938.....	Insulin.....	188	42	22.3
	Non-treated.....	155	67	43.2
1939.....	Insulin.....	271	64	23.6
	Non-treated.....	188	76	40.4
1940.....	Insulin.....	186	32	17.2
	Non-treated.....	141	49	34.8
1941.....	Insulin.....	181	23	12.7
	Non-treated.....	167	78	46.7
1942 †.....	Insulin.....	138	26	18.8
	Non-treated.....	65	27	41.5
Total.....	Insulin.....	1,128	231	20.5
	Non-treated.....	876	361	41.2

* This table was given previously as part of Table I, page 28.

† January 1 to June 30.

These figures show that the insulin treated group had a smaller proportion of the total treated each year who remained in the hospital, as compared with the non-treated group, the ratio being almost 1 to 2, with the exception of 1941 where the ratio was almost 1 to 4.

LENGTH OF TIME AT HOME FROM DATE OF RELEASE TO DATE OF STUDY FOR PATIENTS WHO DID NOT RETURN TO THE HOSPITAL

The length of time at home for patients who did not return to the hospital following their release and for those who had one or more returns will be discussed separately.

First, in considering the length of time at home for patients who did not return to the hospital, it is important to remember that since patients were released at different dates between 1937 and 1942, the maximum length of time they had an opportunity to be out varied with the date of release and the period which elapsed between this date and the time of our study.

Table VI shows in detail the length of time at home for the 516 insulin treated and the 353 non-treated patients who did not return to the hospital following their release:

TABLE VI
PATIENTS WHO DID NOT RETURN TO THE HOSPITAL, CLASSIFIED BY THE LENGTH OF TIME SINCE RELEASE AND BY YEAR OF TREATMENT FOR INSULIN TREATED AND YEAR OF ADMISSION FOR THE NON-TREATED

LENGTH OF TIME FROM RELEASE TO DATE OF STUDY	1937		1938		1939		1940		1941		1942*		TOTAL	
	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent	Num- per	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent
Under 1 year.....I N	.... 2	.... 3.7	3 2	4.1 3.6	1 4	.9 5.4	.... 8	.... 11.0	18 20	16.7 30.8	93 32	100.0 100.0	115 68	22.3 19.3
Over 1 year and under 2 years.....I N	1 1	2.0 1.9	1 2	1.4 3.6	5 6	4.7 8.1	13 19	15.5 26.0	90 45	83.3 69.2	.... ....	.... ....	110 73	21.3 20.7
Over 2 years and under 3 years.....I N	1 3	2.0 5.6	.... 8	.... 14.6	39 25	36.5 33.8	71 46	84.5 63.0	.... ....	.... ....	.... ....	.... ....	111 82	21.5 23.2
Over 3 years and under 4 years.....I N	4 4	7.8 7.4	21 15	28.7 27.3	62 39	57.9 52.7	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	87 58	16.9 16.4
Over 4 years and under 5 years.....I N	25 16	49.0 29.6	48 28	65.8 50.9	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	73 44	14.1 12.5
5 years and over.....I N	20 28	39.2 51.8	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	.... ....	20 28	3.9 7.9
Total.....I N	51 54	100.0 100.0	73 55	100.0 100.0	107 74	100.0 100.0	84 73	100.0 100.0	108 65	100.0 100.0	93 32	100.0 100.0	516 353	100.0 100.0

I — Insulin. N — Non-treated.
* January 1 to June 30.

We can leave out of consideration the insulin treated and the non-treated patients in the 1942 group, since such a short period elapsed between the date of release and date of study.

The proportion among the insulin treated patients shows a steady decrease from 83.3 per cent for patients at home between 1 and 2 years, to 39.2 per cent for those at home between 5 and 5½ years. Among the non-treated patients, there is a similar decrease from 69.2 per cent for those at home between 1 and 2 years to 51.8 per cent for those at home between 5 and 5½ years.

It would appear from these figures at first glance that the longer the period after release the fewer patients remain at home. It must be remembered, however, that among the insulin treated patients the 1937 group included a fair number of patients with a poor prognosis. Both these factors—the length of time at home since release and the inclusion of patients with a poor prognosis—should be taken into consideration when measuring the effectiveness of insulin therapy as related to the length of time at home for patients who did not return to the hospital. We can omit the 1937 group for the above reasons and the 1942 group because of the short period intervening between release and time of study. A consistently larger proportion of insulin treated patients were at home the entire period from date of release to date of study than the non-treated.

LENGTH OF STAY IN HOSPITAL AND AT HOME OF PATIENTS WITH SUBSEQUENT HOSPITALIZATION

Among the 897 insulin treated patients who were able to go home, there were 381 who subsequently returned to the hospital. Of these, 158 remained in the hospital and 223 were released a second time. Of these 223, 114 remained at home and 109 were again returned to the hospital, 55 of whom remained in the hospital and 54 were released for a third time. Of these 54, 28 remained at home and 26 returned to the hospital for a third time; 17 of these remained in the hospital and 9 returned home for a fourth time.

At time of study, between 5½ years and 6 months after their first release, 151 or 39.6 per cent of all *insulin treated* patients, who after release returned to the hospital once or more were at home and 230 or 60.4 per cent were in the hospital.

For the *treated* patients, the length of time at home between hospitalizations varied from under 1 month to over 3 years, with an average of 20 months per patient. The length of time in the hospital between releases also varied from under 1 month to over 3 years, with an average of 18 months per patient. Thus, the insulin treated patients with subsequent hospitalization spent on an average of 20 months at home and 18 months in the hospital, or an average of 2 months more at home than in the hospital.

Among the 515 non-treated patients who went home, there were 162 who returned to the hospital following their release. Of these, 86 remained in the hospital and 76 were released for a second time, 42 of them remained at home and 34 returned to the hospital. Of these 34, 19 remained in the hospital and 15 were again released for a third time, 8 remaining at home and 7 returning to the hospital for a third time. Of these 7, 6 remained in the hospital and one was released for a fourth time.

At the time of our study, between 5½ years and 6 months after the first release, 51 or 31.5 per cent of all *non-treated* patients who returned to the hospital following their release were at home and 111 or 68.5 per cent were in the hospital.

Of the patients who had to return to the hospital following their release, a larger proportion of the insulin treated than of the untreated were at home at the time of our study, 39.6 per cent as against 31.5 per cent.

For the *non-treated patients*, the length of time at home between hospitalizations varied from under 1 month to over 3 years with an average of 12 months per patient. The length of time in the hospital between releases also varied from under 1 month to over 3 years, with an average of 19½ months per patient. Thus, the non-treated patients who returned to the

hospital once or more spent an average of 19 months at the hospital and 12 months at home, or an average of $7\frac{1}{2}$ months more in the hospital than at home.

Although among the insulin treated patients who had been released a larger proportion returned to the hospital than among the non-treated patients, in the last analysis, a greater number of them were eventually released and were at home at the time of study. In addition, regardless of the number of returns the total time spent at home was longer for the insulin treated patients than for the non-treated patients. The total saving in hospitalization per insulin treated patient was an average of $9\frac{1}{2}$ months.

Table VII shows the length of time at home for patients who returned to the hospital following their first release, taking into consideration only the time elapsed from date of release to date of first return.

TABLE VII
INSULIN TREATED AND NON-TREATED PATIENTS WHO RETURNED FOLLOWING RELEASE, CLASSIFIED BY LENGTH OF TIME FROM RELEASE TO FIRST RETURN AND BY YEAR OF RELEASE

LENGTH OF TIME BETWEEN RELEASE AND FIRST RETURN	1937		1938		1939		1940		1941		1942*		TOTAL	
	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent
Under 1 year.....I N	39	57.4	47	63.5	66	66.0	44	62.9	39	75.0	17	100.0	252	66.1
	23	54.8	23	69.7	28	73.7	12	63.2	23	95.8	6	100.0	115	71.0
Over 1 year and under 2 years.....I N	16	23.5	14	18.9	23	23.0	19	27.1	13	25.0	....	....	85	22.3
	6	14.3	3	9.1	6	15.8	7	36.8	1	4.2	....	....	23	14.2
Over 2 years and under 3 years.....I N	5	7.4	7	9.5	11	11.0	7	10.0	....	....	....	....	30	7.9
	4	9.5	5	15.2	4	10.5	....	....	....	....	....	....	13	8.0
Over 3 years and under 4 years.....I N	6	8.8	5	6.8	....	....	....	....	....	....	....	....	11	2.9
	6	14.3	2	6.0	....	....	....	....	....	....	....	....	8	4.9
Over 4 years and under 5 years.....I N	2	2.9	1	1.3	....	....	....	....	....	....	....	....	3	.8
	3	7.1	....	....	....	....	....	....	....	....	....	....	3	1.9
5 years and over.....I N	....	....	....	....	....	....	....	....	....	....	....	....	....	....

Total.....I N	68	100.0	74	100.0	100	100.0	70	100.0	52	100.0	17	100.0	381	100.0
	42	100.0	33	100.0	38	100.0	19	100.0	24	100.0	6	100.0	162	100.0

I — Insulin. N — Non-treated.
* January 1 to June 30.

Of the total of 381 insulin treated patients who returned to the hospital following their release, 252 or 66.1 per cent had been at home less than one year. This proportion decreased abruptly by about two thirds in each succeeding year.

Of the total of 162 in the non-treated group, 71.0 per cent returned within a year, a larger proportion than among the insulin treated patients.

This indicates that whether the patients were insulin treated or non-treated a majority of returns, two thirds in each group, occurred within a short period after release.

SUMMARY

The findings as to length of stay in the hospital and at home among the insulin treated and non-treated patients may be summarized as follows:

1. Among the patients who were able to leave the hospital, the hospitalization period up to the time of first release was 3.8 months shorter per patient among the insulin treated group, than among the non-treated.

2. Outside of the 1937 and 1942 groups (for whom the circumstances were exceptional, as stated above) the insulin treated patients showed a consistently larger proportion of patients who did not return and were at home the entire period from date of release to date of study.

3. Among the patients who returned to the hospital following their release, the largest proportion returned within a year, with no returns after 5 years at home.

4. Among the insulin treated patients who returned to the hospital following their release, a larger proportion were at home at the time of study, 39.6 per cent as against 31.5 per cent among the non-treated group.

5. The insulin treated patients who returned to the hospital following their release spent an average of 2 months more at home than in the hospital, while the non-treated patients spent an average of 7½ months more in the hospital than at home—a total saving of an average of 9½ months per insulin treated patient.

VI. LEVELS OF USEFULNESS

Thus far we have estimated the effectiveness of insulin therapy in terms of the patient's ability or inability to leave the hospital, his movements to and from the hospital following his release, and the length of time he spent at home or in the hospital.

The next question considered was the degree of usefulness these patients were able to attain whether at home or in the hospital. For the patients at home we used as criteria their income-producing capacity and their relations to their families and communities. For those in the hospital we considered the degree of their usefulness or need of care: some patients are relatively productive in that they can perform work requiring skill and ingenuity, others are able to perform only the simplest task, while still others are unable to do work of any kind some of them requiring constant care and supervision.

The definitions adopted in estimating the levels of usefulness were stated on page 25.

The 44 patients who died and the 72 who could not be located, in both the insulin treated and the non-treated groups, were excluded from this discussion of the levels of usefulness.

In the insulin treated group, 31 or 2.7 per cent died, and 33 or 3.0 per cent could not be located. In the non-treated group, 13 or 1.5 per cent died,*

* Of the 31 Insulin treated patients who died, 24 died in the hospital and 7 in the community following their release. Of the 24 who died in the hospital, 16 did not leave the hospital after treatment, 4 of these having died during treatment, (one of lobar pneumonia, another of an acute cardiac dilatation, the third from a prolonged shock and the fourth from a cerebral accident), 8 had been released but returned and died either in Brooklyn State Hospital or another State hospital.

Of the non-treated group, 11 died in the hospital and 2 died in the community following their release.

and 39 or 4.5 per cent could not be located so that we were able to report upon 1,064 or 94.3 per cent of the 1,128 insulin treated patients and 824 or 94.0 per cent of the 876 non-treated patients.

INSULIN TREATED AND NON-TREATED PATIENTS CLASSIFIED BY LEVEL OF USEFULNESS

The distribution by level of usefulness at time of our study was as follows:

LEVEL †	INSULIN TREATED		NON-TREATED	
	Number	Per cent	Number	Per cent
1.. .. .	151	14.2	52	6.3
2.. .. .	212	19.9	141	17.1
3.. .. .	222	20.9	141	17.1
4.. .. .	42	3.9	29	3.5
5.. .. .	88	8.3	96	11.7
6.. .. .	131	12.3	153	18.6
7.. .. .	218	20.5	212	25.7
Total.. .. .	1,064	100.0	824	100.0

† Levels 1, 2, 3 and 4 apply to patients in the community. Levels 5, 6 and 7 apply to patients in the hospital.

At the time of our study, a larger proportion of insulin treated patients were getting along at home, 627 or 58.9 per cent, as against 363 or 44.0 per cent, among the untreated patients. The proportion of insulin treated patients in the hospital was smaller than among the non-treated, 437 or 41.1 per cent, as against 461 or 56.0 per cent.

The first 3 levels included the higher levels of usefulness, and the remaining levels, beginning with the category of Family Invalids (Level 4) included the lower levels of usefulness. There was a consistently larger proportion of insulin treated patients in the higher levels of usefulness, and of non-treated patients in the lower levels.

The difference is particularly striking when the two extremes of possible adjustment are considered: on the one hand, patients functioning as useful members of the community, and on the other, the less productive and deteriorated hospital invalids.

Among the insulin treated patients, there was a larger proportion functioning as useful members of the community, 55.0 per cent as against 40.5 per cent among the non-treated patients; and a smaller proportion of less productive and deteriorated hospital invalids, 32.8 per cent and 44.3 per cent respectively.

Over one third, 363 out of the total of 1,064 insulin treated patients, after having been exposed to the ordinary strains and stresses of community and social life, were getting along well and as well as or better than they did before their illness (Levels 1 and 2), and were making a normal contribution to their family and to the community.

The following case history illustrates the adjustment of a patient who was doing well and better than before his illness (Level 1):

Mr. W. was 34 years old when he was admitted to Brooklyn State Hospital, in February 1939, with a diagnosis of Dementia Praecox, Catatonic type. For a month prior to his admission, he was depressed, suspicious, had delusions and was suicidal.

Mr. W. was the youngest of three children, his two sisters being 7 and 9 years older. When he was very young the parents separated and the children remained with the mother, but continued to see the father. The financial situation was comfortable.

Mr. W. was the mother's favorite and was extremely attached to her. He could not talk clearly until he was 5 years old. When he was 17, the family moved to another city where he found it difficult to make friends and therefore directed all his efforts towards educational achievement. He graduated from college at 21 and became an engineer.

He was always quiet and liked being alone, though he had a few close friends and was well liked by his fellow employees. He was considered moody and somewhat irritable at times. He enjoyed playing golf and tennis with men friends but had only one girl friend, a childhood sweetheart to whom he became engaged.

In January, 1939, he had a quarrel with his sweetheart and broke the engagement; this precipitated his mental illness. While ill, he was antagonistic to his mother who had always been over-protective towards him.

When Mr. W. was paroled to his mother in May 1939, he was recovered, had a good understanding of his illness, and a kindly attitude towards his family. After a week's vacation he returned to work for the same people as before who throughout his illness maintained a friendly interest in him. He has since been advanced in position and salary and when seen by our worker, three and a half years after release, was earning \$360 a month. Recently he was given outstanding responsibility in organizing a branch of his company in another city.

Mr. W. has retained his old friends, prefers men but goes out dancing occasionally with women. He enjoys the same recreational activities as before his illness, such as golf, tennis, fishing, and hunting when on vacation. He is still quiet, but sociable, ambitious, energetic, even-tempered and no longer moody and irritable. He is achieving success professionally and socially and seems to be making an excellent adjustment.

The case history of Miss T. illustrates the adjustment of a patient who was doing well and as well as before her illness (Level 2).

Miss T. was 19 when she was admitted to the Brooklyn State Hospital, with a diagnosis of Dementia Praecox, Catatonic type. She was extremely apprehensive, depressed, feared that her body was drying up and felt hopeless about her condition.

Miss T. was the third of four children and the only girl in the family. The parents were foreign born, spoke broken English and maintained old world customs. The family barely eked out an existence, and the standard of living was low. Miss T. was unhappy in her home environment. Both parents seemed to favor the male children and she felt left out.

Immediately after finishing high school, she obtained a job as clerk. She was ambitious and continued her education at night, completing 3 years of college. She achieved a good deal of scholastic and social success, belonged to an organized social group and had a number of friends, although she was considered particular in her choice. She had a likeable personality, was generous, good natured, "full of pep", kind and considerate.

Just before the onset of the mental illness, she developed acne, and used a treatment which caused her face to peel. She felt so upset about this that she refused to go to work or to her classes; she ate poorly, became irritable and remained most of the time in bed. After a month's absence she went to her place of work and was informed that her job had not been held for her.

At that time she became anxious, antagonistic, withdrawn, thought she heard voices, was delusional and claimed that her mother was jealous of her and kept the father and brothers away from her. She was committed to Brooklyn State Hospital where she was given insulin shock therapy. She was paroled 3 months after the treatment was terminated.

Miss T. returned to a more favorable home situation. Two of the brothers had left home, one going into the Army and the other to an out-of-town defense job. This gave Miss T. a chance to get much more attention from her parents. The financial situation had improved as the two brothers contributed toward the support of the family.

The mother, who had been ill for a number of years, decided at this time to undergo an operation. While she was at the hospital, Miss T. rearranged the house to suit her own taste and derived a great deal of satisfaction from it. When the mother returned, she felt "like a new person", was less irritable and more considerate of Miss T.

In the three and a half years since Miss T. was paroled, she has had several jobs as sales clerk and as clerical worker, and has never been unemployed. At the time of our visit, she was working on a defense job at about \$1400 a year. She had many social outlets, liked to attend lectures, and

generally sought and found the companionship she desired. There has been no further trouble with acne.

Miss T. is as entertaining, alive, and attractive a person as she was before her illness, and is as successful socially and vocationally. She is doing as well as before her illness.

* * *

In addition to the 364 insulin treated patients who were getting along well and as well as or better than before their illness (Levels 1 and 2), there were 222, or 20.9 per cent of the total treated who were doing well but needed some slight degree of protection (Level 3).

The following is an illustration of such a patient:

Mr. R. was 34 years old when he was admitted to Brooklyn State Hospital with a diagnosis of Dementia Praecox, Paranoid type, after having been ill for two months.

Mr. R. was the oldest of 4 children, his three sisters being six, thirteen and fourteen years younger. As the oldest child and only son, he was his mother's favorite and she was over-protective towards him. He went as far as the 8th grade at grammar school and afterwards helped his mother in running a newsstand.

When Mr. R. was 20 years old his father died of tuberculosis and he assumed the father role in the family, helping his mother to raise the children. He went to work as a taxicab driver and out of his earnings contributed towards the young children's education.

In March 1939, two months before his admission, a fellow taxicab driver had been forced by robbers to drive them while they were escaping from the police. Mr. R. was very much upset by this event. He became irritable, restless, could not sleep at night, and gradually developed the idea that he was one of the robbers, that detectives were after him and he threatened suicide.

He was admitted to the hospital and given insulin shock treatment. He did not respond immediately and he remained at the hospital for over a year and a half, showing slow but steady improvement. At the end of that time he was released to his mother.

In preparation for his homecoming, the family moved to a more attractive apartment in a less crowded neighborhood. Arrangements were made with a friend of the family to give Mr. R. a factory job. Other members of the family worked in the same factory and Mr. R. went with them to and from work. His employer, knowing of his illness made allowances and did not expect too much of him.

When he insisted on keeping the hospital routine at home regarding hours of getting up and retiring, his mother permitted him to do so and even encouraged him though it conflicted with the running of the household.

Due to the special consideration Mr. R. was getting from his mother, members of his family and his employer, he was still functioning usefully when he was seen by our worker one and a half years later.

* * *

Of all the insulin treated patients, 55.0 per cent were social assets instead of liabilities. Forty-two, or 3.9 per cent, were at home but were not income-producing (Level 4), and were a burden to be carried by their families. Since this burden was assumed without complaint, there seemed to be no obvious reason why the patients should be returned to the hospital.

In applying the same criteria to the non-treated group, we found a substantially smaller proportion, under one fourth, who were doing as well as or better than they did before their illness (Levels 1 and 2). An additional 141 or 17.1 per cent were able to maintain themselves with some slight degree of protection (Level 3). Thus, 40.5 per cent of the non-treated patients were social assets while 3.5 per cent were family invalids (Level 4), making no contribution to their families or to the community. (See Table on page 50.)

INSULIN TREATED AND NON-TREATED PATIENTS CLASSIFIED BY LEVEL OF USEFULNESS AND BY DIAGNOSTIC GROUP

We have found so far that there was a relation between the diagnostic group to which the patient belonged and his ability to leave the hospital.

Was there a similar relation between the diagnostic groups and the level of usefulness the patients were able to attain? How did the insulin treated and non-treated patients compare in this regard?

Table VIII shows the distribution of levels of usefulness among the different diagnostic groups:

TABLE VIII

INSULIN TREATED AND NON-TREATED PATIENTS CLASSIFIED BY LEVEL OF USEFULNESS AND BY DIAGNOSTIC GROUP

LEVEL	CATATONIC		PARANOID		HEBEPHRENIC		SIMPLE AND OTHERS	
	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent
1 Insulin.....	113	18.2	32	9.3	5	5.6	1	.....
Non-treated.....	38	10.0	8	2.3	6	6.7	.....	.....
2 Insulin.....	124	19.9	73	21.2	14	15.5	1	.....
Non-treated.....	73	19.2	53	15.2	15	16.7	.....	.....
3 Insulin.....	134	21.5	78	22.7	9	10.0	1	.....
Non-treated.....	76	19.9	55	15.7	10	11.0	.....	.....
4 Insulin.....	15	2.4	20	5.8	5	5.6	2	.....
Non-treated.....	10	2.6	15	4.3	2	2.2	1	.....
5 Insulin.....	41	6.6	34	9.9	12	13.3	.....	.....
Non-treated.....	22	5.8	60	17.2	13	14.4	.....	.....
6 Insulin.....	79	12.7	36	10.5	15	16.7	1	.....
Non-treated.....	50	13.1	83	23.8	20	22.2	.....	.....
7 Insulin.....	116	18.7	71	20.6	30	33.3	1	.....
Non-treated.....	112	29.4	75	21.5	24	26.7	1	.....
Total Insulin.....	622	100.0	344	100.0	90	100.0	7	.....
Non-treated.....	381	100.0	349	100.0	90	100.0	2	.....

In each one of the large diagnostic groups i.e., Catatonics and Paranoids, which together constitute over 90.0 per cent of the total, the insulin treated patients showed a larger proportion in the higher levels of usefulness while the non-treated patients showed a larger proportion in the lower levels.

How did the treated and non-treated patients compare when the different levels of usefulness were considered in relation to diagnostic groups?

The insulin treated Catatonics and Paranoids had a larger proportion of patients doing well and as well as or better than before their illness than the non-treated patients in these diagnostic groups, the ratio for the Paranoids being about 5 to 3.

Among the non-treated Catatonic and Paranoids, there was a definite predominance of less productive and deteriorated hospital invalids (Levels 6 and 7) as compared with the insulin treated. The difference was particularly marked among the Paranoids who showed 23.8 per cent of the non-treated in level 6 as against 10.5 per cent of the insulin treated, and among the Catatonics who have 29.4 per cent of the non-treated in level 7 as against 18.7 per cent of the insulin treated.

In the intervening levels 3, 4, and 5, i.e. patients who needed a slight degree of protection, family invalids and productive hospital invalids, the differences, though existing, were not as significant.

Previously we found that it was among the Paranoids that the difference between the insulin treated and non-treated patients as to ability to leave the hospital was especially noticeable. We found also that it was this diagnostic group that showed the most significant difference as to the level of usefulness between the treated and non-treated patients, a larger proportion of the insulin treated group attaining levels 1 and 2 and the lowest proportion level 6.

HOSPITAL FORECAST AT TIME OF DISCHARGE AND ACTUAL LEVEL OF USEFULNESS AT TIME OF STUDY

When the patient leaves the hospital, he is released on parole for a period of one year. During this parole period, he has to report to a parole clinic at regular intervals when he is seen by a psychiatrist and his condition is considered. He is returned to the hospital if his condition requires it. If the patient is considered well enough after a period of 1 year, he is usually discharged.

At the time of the patient's discharge, a year after the parole date, his condition is recorded as recovered, much improved, improved, or unimproved, these terms being defined by the State Department of Mental Hygiene as follows:*

"Recovered indicates the condition of a patient who has regained his normal mental health so that he may be considered as having practically the same mental status as he had previous to the onset of his psychosis."

"Much Improved denotes a marked degree of mental gain but less than Recovered."

"Improved denotes any degree of mental gain less than Much Improved, which warrants the patient's discharge."

"Unimproved, as the term implies, denotes no mental gain."

We made a comparison of our estimate of the level of usefulness at the time of study, with the classification of patients at the time of discharge, which represents the hospital forecast of the patient's ability to get along. This forecast is based on the knowledge of the patient's adjustment during the year preceding discharge and also the patient's condition during his last parole clinic visit.

Of the 897 insulin treated patients who left the hospital, 437 were discharged at the time of our study and the above classification was available for them. Of the 515 non-treated patients who left the hospital, this classification was available for 253.

We found a close relation between the hospital forecast at the time of discharge and the level of usefulness as observed by the social workers at the time of our study, in both the insulin treated and non-treated groups.

In both groups of those who had been discharged as "Recovered", about 78.0 per cent were in levels 1 and 2, and only 2.0 per cent were in level 4. Of those who were discharged as "Much Improved", about 60.0 per cent were found to be in levels 1 and 2. Of those who were discharged as "Improved" or "Unimproved", about 65.0 per cent were in levels 3 and 4. Among the "Unimproved" there were no patients in levels 1 and 2.

Thus, the doctor's forecast at the time of discharge as to the patient's ability to get along was substantiated by the condition of the patient at the time of our study.

EMPLOYMENT BEFORE AND AFTER ILLNESS

In comparing the patient's level of usefulness, another factor was the type of his employment before and after illness. The ability to hold a job has long been a criterion of a person's mental health. How did the insulin treated and non-treated patients compare in terms of their ability to hold jobs?

Of the 1,064 insulin treated patients, 892 or 83.8 per cent had been gainfully employed prior to their illness; 149 or 14.0 per cent had been employed but not gainfully, 37 being housewives and 112 students, and 23 or 2.2 per cent had never been employed.

Of the 876 non-treated patients, 728 or 83.1 per cent had been gainfully employed prior to admission; 73 or 8.3 per cent had been employed but not gainfully, 35 being housewives and 38 students, and 75 or 8.6 per cent had never been employed.

Thus, both the insulin treated and the non-treated patients had been in the main self-supporting prior to their illness, over 80.0 per cent in both groups being gainfully employed.

* Statistical Guide, State Department of Mental Hygiene, 1934. Page 62.

How did these patients, who had had a mental illness in a form sufficient to require admission to a hospital, compare in terms of their ability to hold jobs after they had been out of the hospital for a period between 5½ years and 6 months?

Of the patients who were out of the hospital, and were visited between August 1, 1942 and May 30, 1943, we were able to obtain such information on 627 of the insulin treated and 363 of the non-treated group.

Among 627 insulin treated patients, for whom this information is available, 446 or 71.1 percent were gainfully employed, 81 or 12.9 percent were employed but not gainfully, 100 or 16.0 percent were unemployed. Of 363 non-treated patients 220 or 60.6 percent were gainfully employed, 48 or 13.2 percent were employed but not gainfully, and 95 or 26.2 percent were unemployed.

The following gives at a glance the employment of the insulin treated and non-treated patients before and after their illness:

	INSULIN TREATED				NON-TREATED			
	BEFORE ILLNESS		AFTER ILLNESS		BEFORE ILLNESS		AFTER ILLNESS	
	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent
Gainfully employed	892	83.8	446	71.1	728	83.1	220	60.6
Employed but not gain-fully	149	14.0	81	12.9	73	8.3	48	13.2
Unemployed	23	2.2	100	16.0	75	8.6	95	26.2
Total	1,064	100.0	627	100.0	876	100.0	363	100.0

We thus found that among the insulin treated patients almost as many showed ability to hold a job as did before their illness, while among the non-treated patients fewer showed such ability.

Among the non-treated patients, there was a smaller percentage of gainfully employed patients and a larger percentage of unemployed. Considering the ability to hold a job as a criterion of the level of usefulness, these findings substantiate our previous findings of the better level of usefulness attained by the insulin treated patients.

SUMMARY

The findings as to the levels of usefulness among the insulin treated and non-treated patients may be summarized as follows:

1. The insulin treated group had a larger proportion of patients in the community at the time of study, 58.9 per cent as against 44.0 percent in the non-treated group.

2. The insulin treated patients had a larger proportion functioning as useful members of the community, 55.0 percent as against 40.5 percent in the non-treated group.

3. The insulin treated patients showed a larger proportion of patients with a greater degree of usefulness in the two large diagnostic groups, i.e. the Catatonics and Paranoids, the difference being particularly evident among the Paranoids, 53.2 percent and 33.2 percent respectively.

4. The proportion of less productive and deteriorated hospital invalids was considerably larger among the non-treated Catatonics and Paranoids.

5. The insulin treated patients had a larger proportion who returned to gainful employment, 71.1 percent as against 60.6 percent of the non-treated.

VII. SOME OTHER FACTORS POSSIBLY AFFECTING THE PATIENT'S ABILITY TO LEAVE THE HOSPITAL AND HIS LEVEL OF USEFULNESS

In estimating a patient's chances of recovery with and without insulin shock treatment, students of the subject will be concerned with the importance of other factors in addition to the diagnostic group, such as age, sex, length of illness prior to admission and nature of onset. The relation of the length of time which elapsed from termination of treatment and the patient's level of usefulness at the time of study is also of interest.

Did these factors affect the patient's response to insulin treatment and to what degree? And how did the insulin treated and non-treated patients compare in this respect?

It should be remembered that whatever bearing the findings relating to the above factors may have is in addition to and does not change the general conclusions previously reached.

DISTRIBUTION BY AGE

As compared with the age distribution of Dementia Praecox first admissions to Brooklyn State Hospital during the same period, the insulin treated group had a larger proportion of younger and a much smaller proportion of older patients. Thus, among the insulin treated group 9.0 percent of patients were 35 years and over as compared with 38.8 percent in the same age group among first admissions of Dementia Praecox. (See Table "B," Appendix IV.)

This may be due, at least in part, to the fact that patients in the older age groups are more apt to be subject to cardiac decompensation and other ailments, as mentioned on p. 17, which exclude them from insulin treatment.

The relation of age at admission to the patient's ability to leave the hospital, as well as to the level of usefulness he can attain is shown in Table IX. (Page 63.)

As to *ability to leave the hospital*, the insulin treated patients, as compared with the non-treated patients, had a larger proportion able to leave the hospital in *all* age groups. The difference is especially marked among patients over 25 years of age. In this age group 77.5 percent of the insulin treated and 52.2 percent of the non-treated patients were able to leave the hospital.

Did the age of the patient at admission have any bearing on the level of usefulness he finally attained?

In *each* age group the insulin treated patients showed a larger proportion in the higher levels of usefulness than the non-treated patients, the difference being especially marked among patients under 25 years of age. In this age group two-fifths of the insulin treated and less than one-third of the non-treated were doing well and as well as or better than before their illness (Levels 1 and 2). Among patients over 25 years of age, the non-treated group had 61.0 percent in the hospital at the time of study, as against 43.0 percent of the insulin treated patients.

DISTRIBUTION BY SEX

Was there a difference between the sexes as to the ability to leave the hospital and the level of usefulness attained?

Among the 1,064 *insulin treated* patients, 469 or 44.1 percent were males and 595 or 55.9 percent were females.

This differs from the distribution by sex of all first admissions with Dementia Praecox to Brooklyn State Hospital from January 1, 1937 to June 30, 1942, among whom 49.0 percent were males and 51.0 percent were females. (See Table "A", Appendix IV.) The difference may be explained in part by the fact that the average period of treatment for women is about one half week shorter than for men, and more women can therefore be treated in the course of a year.

Of the 841 *insulin treated* patients who left the hospital, 390 were males and 451 were females. Thus, in the *insulin treated* group 83.2 percent of

TABLE IX

INSULIN TREATED AND NON-TREATED PATIENTS CLASSIFIED BY ABILITY TO LEAVE THE HOSPITAL, BY LEVEL OF USEFULNESS AND BY AGE AT ADMISSION

LEVEL	INSULIN TREATED						NON-TREATED					
	UNDER 25		25-34		35 AND OVER		UNDER 25		25-34		35 AND OVER	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
1.....	86	19.2	58	11.3	7	6.9	32	10.2	16	3.9	4	4.1
2.....	97	21.7	91	17.7	24	23.5	67	21.4	58	14.0	16	16.3
3.....	83	18.6	118	22.9	21	20.6	53	16.9	75	18.2	13	13.3
4.....	9	2.0	28	5.4	5	4.9	12	3.8	11	2.7	6	6.1
5.....	28	6.3	49	9.5	11	10.8	28	9.0	56	13.5	12	12.3
6.....	56	12.5	59	11.5	16	15.7	40	12.8	92	22.3	21	21.4
7.....	88	19.7	112	21.7	18	17.6	81	25.9	105	25.4	26	26.5
Total studied.....	447	100.0	515	100.0	102	100.0	313	100.0	413	100.0	98	100.0
Total able to leave.....	363		404		74		207		221		46	
Per cent of total studied....	81.2		78.4		72.5		66.1		53.5		46.9	

NOTE: In this table and throughout this section the 44 patients who died and the 72 who could not be located were included in the discussion of the patient's ability or inability to leave the hospital but excluded in relation to the level of usefulness, as was done in Chapter VI.

all the males and 75.8 percent of all the females were released, the proportion being higher, 7.4 percentage points, among the males.

Among the 824 *non-treated patients*, 373 or 45.3 percent were males and 451 or 54.7 percent were females. Of the 474 *non-treated patients* who left the hospital, 206 were males and 268 were females. Thus, in the *non-treated group* 55.2 percent of males and 59.4 percent of females were able to leave the hospital.

These data as to the ability to leave the hospital would seem to point to somewhat better results from insulin treatment among males.

The relation between the sex of the patient and the level of usefulness he attained is shown in Table X.

TABLE X
INSULIN TREATED AND NON-TREATED PATIENTS
CLASSIFIED BY LEVEL OF USEFULNESS AND BY SEX

LEVEL	INSULIN TREATED				NON-TREATED			
	MALE		FEMALE		MALE		FEMALE	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
1.....	64	13.6	87	14.6	18	4.8	34	7.5
2.....	107	22.8	105	17.7	59	15.9	82	18.1
3.....	94	20.0	128	21.5	63	16.9	78	17.3
4.....	20	4.3	22	3.7	19	5.1	10	2.2
5.....	57	12.2	31	5.2	56	15.1	40	8.8
6.....	65	13.9	66	11.1	75	20.2	78	17.3
7.....	62	13.2	156	26.2	82	22.0	130	28.8
Total.....	469	100.0	595	100.0	372	100.0	452	100.0

As to *levels of usefulness*, the insulin treated males showed a larger proportion who were able to function as useful members of the community than the non-treated, 53.8 percent as against 37.6 percent.

Among the deteriorated hospital invalids (Level 7), the insulin treated group had twice as many females as males, while among the non-treated the proportion was more nearly equal.

The *males* profited more than the females from insulin treatment, both as to the ability to leave the hospital and the level of usefulness they attained.

DISTRIBUTION BY LENGTH OF ILLNESS PRIOR TO ADMISSION

The information regarding the length of illness prior to admission usually represents the statements made by relatives at the time the patient is admitted to the hospital, and as a rule refers only to that period during which the patient's behavior became so difficult that hospitalization was necessary.

The relation of the length of illness prior to admission to the patient's ability to leave the hospital as well as to the level of usefulness he attained is shown in Table XI. (Page 67.)

The proportion of patients able to leave the hospital both in the insulin treated and untreated groups, *decreased in direct ratio to the length of illness prior to admission*. In each one of these three groups, established on the basis of length of illness prior to admission, there was a considerably larger proportion able to leave the hospital among the insulin treated patients. This was especially significant in the case of patients ill over 3 years prior

to admission as this group of patients usually has a poorer prognosis. The difference in proportion between insulin treated and non-treated patients able to leave the hospital assumes even greater importance in view of the fact that the insulin treated group was more heavily weighted with patients whose illness was of longer duration.

As far as the *level of usefulness* attained is concerned, there was a larger proportion among the insulin treated than non-treated patients able to function in the community regardless of the length of illness, but this differential decreased as the length of illness prior to admission increased. The difference was especially marked between the insulin treated and non-treated groups among patients ill under one year. Of these, 40.6 percent of the insulin treated and 26.6 percent of the non-treated were doing well and as well as or better than before their illness (Levels 1 and 2).

The non-treated group had a larger proportion than the insulin treated group in all categories of hospital invalids regardless of the length of illness, with the exception of patients ill 3 years or over.

DISTRIBUTION BY NATURE OF ONSET

The onset of mental illness varies in different individuals; in some, the symptoms appear suddenly in an acute form, in others, there is a gradual development of symptoms, increasing in psychotic quality.

The nature of onset of the disease, whether sudden or gradual, is considered by many authorities* an important factor in estimating the patient's chances of recovery. For purposes of this study the nature of onset was judged from statements found in the hospital records and from information secured by the workers during their interviews.

Of the 1,064 insulin treated patients, 395 or 37.1 percent had an acute onset, and 669 or 62.9 percent had a gradual one. Among the 824 non-treated patients, 387 or 47.0 percent had an acute onset, and 437 or 53.0 percent had a gradual one. Thus, the non-treated group had a somewhat larger proportion of patients with an acute onset and a smaller proportion of patients with a gradual one, a condition that weighted it in favor of a good prognosis.

Another factor was whether the onset, either acute or gradual, *seemed to be related to some definite external event*. In about one-third of both the insulin treated and non-treated patients, the illness is apparently related to such an event.

The precipitating events fall into the following categories:

	Insulin, Per cent	Non-treated, Per cent
Sex and marital difficulties.....	39.0	56.0
Failure at work or school.....	21.0	12.2
Illness or accident to patient, members of family or close friends.....	23.0	21.4
Worries about health, job or other difficulties.....	17.0	10.4

Frequently there were several precipitating events, but only the most significant one was considered in this study.

In both the insulin treated and the non-treated groups approximately 60.0 percent of the patients showed a breakdown as a response to excessive demands made upon them whether at work, in school or the demands implicit in the assumption of responsibilities connected with marriage and parenthood. The failure to live up to these demands caused a loss of status and security, a re-awakening of the childhood feelings of insecurity, dependence, and inferiority. This tends to confirm the accepted view that excessive demands or circumstances may precipitate in schizoid persons acute symptoms requiring hospitalization.

* Chase, Louis S. and Silverman, Samuel: "Prognostic Criteria in Schizophrenia." *The American Journal of Psychiatry*, November, 1941, Vol. 98, Page 364.

The relation of the nature of onset to the patient's ability to leave the hospital, as well as to the level of usefulness he was able to attain is shown in Table XII.

TABLE XII

INSULIN TREATED AND NON-TREATED PATIENTS CLASSIFIED BY ABILITY TO LEAVE THE HOSPITAL, BY LEVEL OF USEFULNESS AND BY NATURE OF ONSET

LEVEL	INSULIN TREATED				NON-TREATED			
	ACUTE		GRADUAL		ACUTE		GRADUAL	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
1.....	78	19.7	73	10.9	34	8.8	18	4.1
2.....	99	25.1	113	16.9	92	23.8	49	11.2
3.....	83	21.0	139	20.8	84	21.7	57	13.0
4.....	9	2.3	33	4.9	9	2.3	20	4.6
5.....	23	5.9	65	9.7	27	7.0	69	15.8
6.....	42	10.6	89	13.3	47	12.1	106	24.3
7.....	61	15.4	157	23.5	94	24.3	118	27.0
Total studied..	395	100.0	669	100.0	387	100.0	437	100.0
Total able to leave..	329		512		266		208	
Per cent of total studied.....	83.3		76.5		68.7		47.6	

Regardless of the nature of onset, the insulin treated group had a larger proportion of patients able to leave the hospital, than the non-treated group.

Among the patients with an *acute* onset, 83.3 percent of the insulin treated and 68.7 percent of the non-treated were able to leave the hospital. The difference was even more marked among patients with a gradual onset; in this group the proportions were 76.5 percent and 47.6 percent respectively.

Among the insulin treated patients with a *gradual* onset, 76.5 percent were able to leave the hospital, and 23.5 percent were not able to leave, a ratio of about 7 to 2. Among the non-treated patients with a gradual onset the proportion able and not able to leave was 47.6 percent and 52.4 percent respectively.

Whether the onset of illness was acute or gradual, the proportion of patients who were *doing well and as well as or better* than before their illness was larger in the insulin treated than in the non-treated group. For instance, among the patients with an acute onset, 44.8 percent of the insulin treated and 32.6 percent of the non-treated were doing well and as well as or better than before their illness (Levels 1 and 2), and of the patients with a gradual onset, 27.8 percent of the insulin treated and 15.3 percent of the non-treated attained these levels.

Since patients with a gradual onset usually have a poorer prognosis,* this differential in favor of insulin treated patients is especially important.

As to patients in the hospital at time of study, the situation was reversed. (See Table XII, page 69.) A larger proportion of patients with an *acute* onset among the non-treated than among the insulin treated group were in the hospital levels, (43.4 percent and 31.9 percent respectively), the difference widening in each successive lower level. Among patients with a *gradual* onset, the non-treated group had a larger proportion in all categories of hospital invalids, (67.1 percent) than was found in the insulin treated group, (46.5 percent).

* Sullivan, Harry Stack: "The Relation of Onset to Outcome in Schizophrenia." Association for Research in Nervous and Mental Diseases. 1939, Vol. X, Page 114.

LENGTH OF TIME BETWEEN TERMINATION OF TREATMENT AND DATE OF STUDY
IN RELATION TO LEVEL OF USEFULNESS

Was the level of usefulness related to the length of time between termination of treatment and date of study?

The length of time for the insulin treated represented the period from date of termination of insulin treatment to date of study, and for the non-treated patients the period from date of admission to date of study.

Table XIII (page 71) gives this distribution by levels of usefulness and length of time between termination of treatment and date of study for the insulin treated and between date of admission and date of study for the non-treated.

As seen from Table XIII regardless of the time which elapsed between their release and the date of study, the insulin treated group had a consistently larger proportion than the non-treated, of patients who were doing well and as well as or better than before their illness (Levels 1 and 2). The only exception is found among patients in the 1939 and 1940 group in level 2. In this instance the non-treated show a slightly larger proportion than the treated patients; however, the total number of patients involved is small (70 insulin treated and 53 non-treated).

The non-treated group, on the other hand, had a consistently larger proportion of patients in the three categories of hospital invalids (Levels 5, 6 and 7), regardless of the length of time they spent in the hospital.

SUMMARY

The above findings, in Chapter VII, as to the relation of these additional factors to the patient's ability to leave the hospital, to the level of usefulness he attained, as well as the relation of the length of time between termination of treatment and date of study to the level of usefulness, may be summarized as follows:

1. In all age groups the insulin treated patients had a larger proportion able to leave the hospital and function as useful members of the community.

2. As to sex, the *males* showed a larger proportion able to leave the hospital and function as useful members of the community.

3. *Regardless of the length of illness prior to admission*, the insulin treated patients had a larger proportion able to leave the hospital and function in the community, the proportion decreasing in direct ratio to the length of illness prior to admission.

4. *Regardless of the nature of onset*, the insulin treated patients had a larger proportion able to leave the hospital and doing well and as well as or better than before their illness. The non-treated patients had a larger proportion of hospital invalids.

5. *Regardless of the time which elapsed between termination of treatment and date of study*, the insulin treated group had a consistently larger proportion of patients who were doing well and as well as or better than they did before their illness, while the non-treated patients had a larger proportion of hospital invalids.

TABLE XIII

PATIENTS CLASSIFIED BY LEVEL OF USEFULNESS AT TIME OF STUDY AND BY YEAR OF TREATMENT FOR INSULIN TREATED AND YEAR OF ADMISSION FOR THE NON-TREATED

LEVEL	1937		1938		1939		1940		1941		1942 *		TOTAL	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
1 Insulin.....	11	7.1	21	12.2	44	17.3	31	17.6	34	19.5	10	7.5	151	14.2
Non-treated.....	10	6.8	10	7.0	10	5.6	15	11.3	6	3.8	1	1.5	52	6.3
2 Insulin.....	22	14.3	32	18.6	37	14.6	33	18.8	39	22.4	49	36.6	212	19.9
Non-treated.....	19	12.9	21	14.8	32	17.9	29	21.8	25	15.8	15	23.1	141	17.1
3 Insulin.....	27	17.5	30	17.4	49	19.3	40	22.7	44	25.3	32	23.9	222	20.9
Non-treated.....	20	13.6	20	14.1	27	15.1	23	17.3	34	21.5	17	26.2	141	17.1
4 Insulin.....	5	3.3	10	5.8	10	3.9	9	5.1	4	2.3	4	3.0	42	3.9
Non-treated.....	6	4.1	3	2.1	9	5.0	6	4.5	4	2.5	1	1.5	29	3.5
5 Insulin.....	15	9.7	17	9.9	26	10.2	10	5.7	8	4.6	12	8.9	88	8.3
Non-treated.....	19	12.9	18	12.7	18	10.0	13	9.8	21	13.3	7	10.8	96	11.7
6 Insulin.....	18	11.7	23	13.4	37	14.6	23	13.1	18	10.3	12	8.9	131	12.3
Non-treated.....	26	17.7	28	19.7	34	19.0	19	14.3	36	22.8	10	15.4	153	18.6
7 Insulin.....	56	36.4	39	22.7	51	20.1	30	17.0	27	15.6	15	11.2	218	20.5
Non-treated.....	47	32.0	42	29.6	49	27.4	28	21.0	32	20.3	14	21.5	212	25.7
Total Insulin.....	154	100.0	172	100.0	254	100.0	176	100.0	174	100.0	134	100.0	1,064	100.0
Non-treated....	147	100.0	142	100.0	179	100.0	133	100.0	158	100.0	65	100.0	824	100.0

* January 1 to June 30.

VIII. ECONOMIC ASPECTS OF INSULIN SHOCK THERAPY

The foregoing chapters show clearly that Insulin Shock Therapy has resulted in substantial benefits to Dementia Praecox patients.

The query arises as to what financial gains, if any, were derived by the New York State Hospital System by reason of substantial reduction in days of hospital care.

In estimating the number of days of hospital care saved, we reckoned them for convenience, in three periods as follows:

- (a) length of hospital stay before patients are able to leave the hospital
- (b) length of time at home for patients who remained at home continuously from date of release to date of study
- (c) length of time spent at home and in the hospital for patients with subsequent hospitalization.

These savings in days of hospital care covered only the period from date of admission to date of study. No attempt has been made to estimate the savings which continued beyond that period, such savings, however, being clearly substantial.

The actual number of days of hospital care saved for these three periods was arrived at as follows:

- (a) Of the 1,128 insulin treated patients 897 left the hospital following termination of insulin treatment. The average hospital stay per insulin treated patient was approximately 114 days shorter than per non-treated patient. The total saving in the number of days of hospital care among the insulin treated group able to leave the hospital was, therefore, 897×114 days or approximately102,258 days
- (b) Of the 897 insulin treated patients who left the hospital, 516 remained at home from date of release to date of study, as against 353 of the 515 non-treated patients. The periods at home for the patients in both the insulin treated and non-treated groups ranged from $5\frac{1}{2}$ years to 6 months from date of release to date of study. The average length of time at home was 1,054 days per insulin treated patient and 907 days per non-treated patient, an approximate saving of 147 days of hospital care per insulin treated patient. The total saving in the number of days of hospital care for patients who remained at home from date of release to date of study was, therefore, 516×147 or approximately75,852 days
- (c) Of the 897 insulin treated patients 381 had subsequent hospitalization following their release, as against 162 of the 515 non-treated group, the proportion of patients with subsequent hospitalization being larger in the insulin treated group. However, the insulin treated patients spent an average of 60 days more at home, between hospitalizations, while the non-treated patients spent an average of 225 days more in the hospital between releases. This represents a saving of $225 - 60$ or 285 days of hospitalization per insulin treated patients. For the entire group of 381 insulin treated patients the saving was 381×285 , or approximately108,585 days

The Total saving in hospital time for the insulin treated as compared with the non-treated patients from these three groups amounted approximately to 286,695 days

Such saving in days of hospital care tends to be lost sight of because the influx of new patients was so great, that, in spite of this saving, there was still, until July 1, 1942, a net increase in census and in overcrowding. This increase in census and in overcrowding, however, would have been still

greater had there not been this reduction in hospital days resulting from insulin shock treatment. A decrease in census (compared with what it would otherwise have been) arising from the use of Insulin Shock Therapy at Brooklyn State Hospital would not be limited to Brooklyn State Hospital, because large numbers of patients likely to require extended care are transferred from there to other State hospitals. A potential reduction in census and overcrowding, therefore, would relate to several hospitals receiving patients from Brooklyn State Hospital. Since there is more or less of an interchange of patients generally, to diminish inequalities in overcrowding, this potential reduction would relate to the State Hospital System as a whole.

Did this reduction in number of days of hospital care result in financial savings to the State of New York, and if so, of how much?

It is recognized that the saving of approximately 286,695 hospital days does not represent an actual and immediate saving of a sum arrived at by multiplying 286,695 by the average per diem cost of maintenance i.e. \$1.10, for the entire State Hospital System for the year ending June 1, 1942.*

Expenses for food and clothing, about one fourth of the total, diminish at once in direct proportion to a reduction in the hospital census. Thus a reduction of approximately 286,695 hospital days, the costs of food and clothing being 28 cents per day, would mean a saving of approximately \$80,274.60. Other factors of maintenance, such as heat, light and similar items do not decrease unless there is a sufficient decrease in patients to permit a reduction in the number of rooms occupied. Salaries and maintenance personnel, the largest single item of maintenance costs, does not diminish in direct proportion to a census decrease. Although better service can be given by the same staff to a smaller number of patients in a given unit, the salary costs remain unchanged unless the decrease in census permits closing one or more units, or using a smaller number of nurses or attendants. The larger the census reduction, the more closely the actual savings would approximate the total per diem cost of maintenance.

A saving of approximately 286,695 hospital days equals a reduction in census of about 263 beds for a period of three years. This census reduction would be a factor of moment, when new buildings are being constructed, since the average cost of building new State Hospitals was about \$3,000 per bed.

The financial savings, like the census reduction, are obscured by the fact that new admissions have been so great that the net census continued to increase. Therefore, there was no actual decrease in the expenditures of the hospital, although there was a substantial decrease as compared with what the expenses of the hospital would have been without the saving of approximately 286,695 days of hospital care which were avoided by insulin treatment. The appropriations cannot be actually reduced under such circumstances, but they do not have to be increased as largely as would have been necessary, had there been no saving of hospital days secured by insulin shock therapy.

As was previously indicated, these savings both as to days of hospital care and cost to the State are estimated only up to the time the study was completed. A substantial proportion of the patients will remain at home, since two thirds of all patients who returned for further hospitalization did so within a year after release, the number continuing to diminish year by year (see p. 48). Also, even among those patients who had to return to the hospital, the insulin treated patients show shorter periods of hospitalization and longer periods at home than do patients in the untreated group (see p. 46). It is clear, therefore, that a considerable proportion of the savings which occurred up to date of study, would continue.

In addition to benefits to patients and savings to the New York State Hospital System, benefits also accrue to the patients' families and communities, in so far as the patients are not only self supporting, but also contribute to the sum total of community assets and of community life. Certainly the patients who were doing well and as well as or better than they did before their illness (Levels 1—2) and, to a lesser degree, those who are able to get along in their family position and in their employment with some slight degree

* Fifty-fourth Annual Report of the Department of Mental Hygiene July 1, 1941 to June 30, 1942, p. 147.

of protection, (Level 3) not only support themselves but are in addition economic and social assets to their families and communities.

A review of the insulin treated patients shows that a large majority, 71.1 percent, of those in the community at the time of study had returned to remunerative employment. Only a small proportion, 16 percent, of the white collar and manual workers previously employed, were unemployed. There were few shifts from more remunerative to less remunerative employment; and also a great many of those who returned to their previous employment, received increased salaries.

Among the patients at home at the time of study, there were five teachers, three nurses, four engineers, two lawyers, four dental technicians, one laboratory technician, one accountant, one musician, one writer, two draftsmen, five interior decorators, one photographer, one magazine illustrator, one radio operator. All of them were working in their respective fields and were earning considerably in excess of their own support. This was true also of many highly skilled clerical and manual workers whose salaries, particularly in the case of those engaged in defense industries, were sufficient to maintain a high standard of living.

A very valuable contribution was made by those women patients, who, as a result of insulin therapy, were able to resume their household duties and the care of their homes and children. Though their contribution cannot be expressed in terms of money, it represents important social values: the maintenance of family stability and the avoidance of broken homes and separation of children from parents, all of which tends to prevent additional personality difficulties and mental illness.

IX. SUMMARY AND CONCLUSIONS

The aim of this study was to evaluate the effectiveness of insulin shock therapy in the treatment of Dementia Praecox patients.

For this purpose, 2,004 Dementia Praecox patients were studied. Of these, 1,128 were treated with insulin at Brooklyn State Hospital, between January 1, 1937 and June 30, 1942; the remainder, 876, admitted to other Metropolitan State Hospitals during the same period, who did not receive any form of shock therapy but were as nearly comparable as possible in all significant factors with the insulin treated patients, were used as a control group for purposes of comparison.

Among the criteria used for measuring the effectiveness of insulin shock therapy were the subsequent ability of patients to leave the hospital and return to their homes, the length of hospital stay before leaving, the length of time patients were able to remain at home, and the extent to which they were restored to usefulness.

The facts disclosed by this study show that in respect to all these criteria there is a substantial difference between the results obtained among the insulin treated and the non-treated patients; and that as a group, the insulin treated patients did substantially better in all respects than the non-treated patients.

For convenience, we reproduce here the major findings which appear in the summaries at the end of chapters IV to VIII inclusive.

1. *As to ability to leave the hospital*, 79.5 percent of the insulin treated patients were able to leave the hospital as against 58.8 percent of the non-treated group.

2. The insulin treated patients had a consistently larger proportion able to leave the hospital in each diagnostic group than the non-treated patients. The difference was especially marked among the Paranoids, 79.4 percent as against 52.0 percent.

3. Among the insulin treated patients, the hospitalization period prior to release was 3.8 months shorter per patient than among the non-treated.

4. The insulin treated group had a consistently larger proportion of patients who were at home the entire period from date of release to date of study, than the non-treated.

5. Two-thirds of all patients who returned for further hospitalization, did so within a year after release, the number decreasing with the passage of time.

6. Among the patients with subsequent hospitalization, the insulin treated patients spent an average of 2 months more at home than in the hospital, while the non-treated patients spent $7\frac{1}{2}$ months more in the hospital than at home, constituting a saving of $9\frac{1}{2}$ months of hospitalization per insulin treated patient.

7. At the end of our study, between $5\frac{1}{2}$ years and 6 months after release, of all the insulin treated patients, 58.9 percent were at home as against 44.0 percent of the non-treated group.

8. *As to levels of usefulness*, there was a consistently larger proportion of insulin treated patients in the higher levels of usefulness (55.0 percent and 40.5 percent respectively), and non-treated patients in the lower levels. This applied to the two large diagnostic groups, i.e. the Catatonics and Paranoids, but was especially marked among the Paranoids, 53.2 percent and 33.2 percent respectively.

A larger proportion of insulin treated patients returned to gainful employment as compared with the non-treated group, 71.1 percent and 60.6 percent respectively.

9. *As to age at admission*, the insulin treated patients of *all* age groups have a larger proportion able to leave the hospital and function as useful members of the community.

10. The *sex* of the patient seems to have a bearing on the outcome of insulin shock therapy. The *males* profit more than the females from insulin treatment both as to ability to leave the hospital and the level of usefulness they attained.

11. *Regardless of the length of illness* before admission, the insulin treated patients had a larger proportion able to leave the hospital and function as useful members in the community, the proportion decreasing in direct ratio to the length of illness.

12. *Regardless of the nature of onset*, the insulin treated patients had a larger proportion able to leave the hospital and function as useful members of the community than the non-treated group. Of special significance is the fact that among patients with a gradual onset, usually indicating a poorer prognosis, the insulin treated patients showed favorable results even more marked than those obtained among patients with an acute onset.

13. In comparison with the non-treated group, the insulin treated group had a consistently larger proportion of patients who were doing well and as well as or better than they did before their illness, *regardless of the time which elapsed between their release and date of study*.

14. Insulin treatment has effected a *saving* of approximately 286,695 days of hospital care, a saving of approximately \$80,274.60 in cost of food and clothing, a substantial though undetermined saving in maintenance costs, and a still larger saving, ultimately, in construction costs.

The above facts show conclusively that insulin shock therapy produces substantially better results in the treatment of Dementia Praecox than when insulin is not administered. What is more striking, good results were obtained even in those cases in which the prognosis without insulin usually is doubtful, such as patients in the older age groups, those whose illness was of more than three years' duration and those with a gradual onset.

The finding that the highest percentage of improvement, immediate or long range, occurred among those in whom the illness was of short duration, (46.6 percent of the insulin treated and 26.6 percent of the untreated were in levels 1 and 2 at the time of study, between $5\frac{1}{2}$ years and 6 months after termination of treatment)—might be utilized in achieving even better results with insulin therapy if something could be done to help identify patients in the early stages of the illness.

Though differences in the response to insulin shock therapy by the various categories of patients exist, all of them respond, some to a greater and others to a lesser degree.

Even among those groups in which the gains are minimal, either as to the length of time they are able to remain out of the hospital or the level of usefulness they attain, they are sufficiently positive to warrant the giving of insulin because of the benefit derived by the patient, his family and the community, and the savings effected in hospitalization costs.

As was previously indicated, the insulin treated group was more heavily weighted with patients whose illness was of longer duration and who consequently had a poorer prognosis. Had we been able to match the numbers exactly, the substantially better results shown among the insulin treated patients would have been even more striking.

X. RECOMMENDATIONS

1. In view of the facts developed in this report, all reasonable steps should be taken by the State Department of Mental Hygiene to make insulin shock therapy available to all Dementia Praecox patients in its hospitals who are not ineligible therefore by reason of physical ailments or other factors,—unless and until other forms of treatment of such patients have demonstrated still better results.

2. To secure a consistent use of insulin shock therapy for suitable patients throughout the State Hospital System, a Consulting Service should be established in the State Department of Mental Hygiene. The duties of this Consulting Service should include:

(a) To see that records are kept as to the amount of each type of shock therapy being given in each State hospital and for what type or types of patients respectively.

(b) To see that records are kept as to variations in insulin shock therapy and in any other shock therapies as used in the various hospitals, by personal observation and otherwise.

(c) To hold consultations from time to time with Directors (or Associate Directors) and Directors of Clinical Psychiatry of the various hospitals with a view to establishing and maintaining consistent standards of shock treatment throughout the State.

(d) To see that records are kept as to the results of each type of shock therapy in the different hospitals and that reports are periodically made from all State hospitals as to patients receiving any form of shock therapy.

3. Follow-up studies of the results of insulin shock therapy at the Brooklyn State Hospital should be made at suitable intervals—say of five years; bringing up to date in each instance the records of the patients included in the present study or later studies. For this purpose the information gathered in the present study and all subsequent information relating to shock therapy in the Brooklyn State Hospital, should be filed in the office of the State Department of Mental Hygiene.

4. Qualified and experienced psychiatric social workers should be made available in each hospital in the ratio of one such worker to 60 patients to provide adequate supervision and aid to patients who have received shock therapy and are on parole or in family care.

5. Special courses of intensive training for administering insulin shock therapy should be arranged by the Psychiatric Institute and Hospital at the request of the State Department of Mental Hygiene, so that there shall always be an adequate supply of trained physicians to administer shock therapy in the various hospitals of the New York State Hospital System.

Respectfully submitted,

TEMPORARY COMMISSION ON STATE HOSPITAL PROBLEMS

HOMER FOLKS, *Chairman*
STANLEY P. DAVIES, Ph.D.
HESTER B. CRUTCHER
LAWRENCE KOLB, M.D.

NOLAN D. C. LEWIS, M.D.
FREDERICK W. PARSONS, M.D.
WILLIAM L. RUSSELL, M.D.
GEORGE S. STEVENSON, M.D.

APPENDIX I

INSULIN SHOCK THERAPY AT BROOKLYN STATE HOSPITAL

The treatment of psychotic conditions with hypoglycemic shock was first instituted by Dr. Manfred Sakel in 1930 and was brought to this country in 1936. In October of that year, Dr. Christopher F. Terrence accompanied by two nurses and a stenographer was sent to Bellevue to observe the first group of patients suffering from *Dementia Praecox* treated with insulin shock therapy by Dr. Joseph Wortis under the immediate supervision of Dr. Sakel. The course of treatment continued until late in December of the same year.

As the results of this form of treatment seemed to be very satisfactory, insulin shock therapy was instituted at Brooklyn State Hospital in January, 1937, the first group treated consisting of 20 cases—10 men and 10 women. Because of the favorable results obtained, and the demand for this form of treatment, the unit was increased. One floor of the large multi-storied building was taken over for this purpose and changes were made so that 30 men and 30 women, a total of 60 patients, could undergo treatment at the same time. Since the summer of 1937, we have continued to treat 60 cases of *Dementia Praecox* six days a week with insulin.

The treatment here is essentially the same as that first formulated by Sakel with minor modifications. The initial dose consists of 25 units which is increased by 15 or 20 units daily until the shock dose is reached. The average dose for men is 81 units, and for women 72 units. Every patient treated with insulin receives deep shock, no light shock treatment is given. The average deep shock dose for men is 95 units and for women 85 units. (One patient was given 400 units; he did not go into shock until he had received insulin for about one week, but this was an unusual case.) The dose necessary to induce deep shock varies in different patients and once reached is not continued automatically, but is changed to meet the needs of the patient. Each afternoon, following the completion of treatment, the doses are gone over by the psychiatrist who compares them with the reactions of the various patients and adjusts them accordingly. Patients are permitted to remain in the deep phase of shock for a period from $2\frac{1}{2}$ to $3\frac{1}{2}$ hours. The symptoms of deep shock are: rolling of the eyes in the orb, generalized spasticity, slow pulse, subnormal temperature, the disappearance of the Babinski sign which had previously been present and the loss of deep sensibility.

At least 35 treatments are administered, the average being about 42. The average number of comas is 38, which is considered a full course of treatment. The treatment is not tapered off with small doses of insulin, but is stopped abruptly, and we have had no bad results in our experience with hundreds of cases.

No patient at the Brooklyn State Hospital is given insulin shock therapy until he or she has been in the hospital a sufficient length of time for the completion of all mental, physical and laboratory examinations, and a definite diagnosis is arrived at. No special attention is given, except an examination with an electrocardiogram. Then the patient must wait until such time as he can be taken into the insulin unit, as with the available personnel we have facilities only for the care and treatment of 60 patients at any one time. The average period before a patient is put on insulin shock therapy is about six weeks.

Many patients come to us with an acute onset, and under ordinary methods of treatment they apparently recover within this period, so that the families are not desirous of having them receive insulin shock therapy.

This treatment is given only upon receipt of a statement from the relatives of the patients requesting it. When in our opinion this treatment would be beneficial, the physicians on the various services tell the relatives they believe this form of treatment is indicated, and give them blanks to take home, and after consulting with their family physician, make the necessary request. Relatives frequently ask for this treatment for their patients. In some instances they refuse to sign the request blank, whereupon the treatment is not administered.

No patients are refused treatment irrespective of the duration of the psychosis. All forms of schizophrenia are treated. Careful analysis of the statis-

tics at Brooklyn State Hospital will show that the number of patients of each type of Dementia Praecox treated corresponds with the number of patients of that particular group admitted to the hospital. Notwithstanding the fact that we have found that the shorter the duration of the psychosis before treatment, the better are likely to be the results, we still continue to treat cases of longer duration whenever they present themselves, as there is no hard and fast rule governing prognosis. Some individuals with an acute onset and short duration will not improve whereas others who have been ill for several years will respond favorably.

Patients are treated continuously without interruption except on Sundays and one rest day each month.

Although by July 1, 1943 we had completed treatment in 1,778 cases, complications have not been frequent. Four deaths occurred during treatment. One patient developed a severe frank lobar pneumonia, another what appeared to be an acute cardiac dilatation, the third had a prolonged shock and the fourth suffered from a cerebral accident. We have had little difficulty with either heart complications or prolonged shock. Intravenous glucose is used in cases of persistent coma or when for some reason or other, it is necessary to terminate the coma abruptly. Ordinarily coma is terminated by gavage, the solution used being a mixture of molasses and calcitose, made up as follows: molasses, 1,000 cc, water, 1,000 cc, calcitose, 500 cc, one lemon, 15½ grains of salt. This is an inexpensive, palatable drink, with a high sugar content, and in cases of partial coma patients are induced to drink it. Otherwise one pint of it is given by stomach tube.

Patients receive a diet which is rich in carbohydrates, with a lunch at 9 P. M. This serves to prevent a depletion of the carbohydrate reserve of the body. All patients are given careful physical examination prior to and during the course of treatment.

Patients receiving insulin shock therapy are kept together in a group on the same ward under the supervision of well trained nurses and attendants. Four psychiatrists are constantly with the patients in the morning and two in the afternoon. When patients attend entertainments, a psychiatrist always accompanies them and psychiatrists are on call at all times.

At no time during the course of treatment are patients allowed to go home for the day nor are they allowed to go to other wards of the hospital where they are not under the constant supervision of those familiar with the care of insulin shock cases. Patients are allowed to exercise under the supervision of attendants especially trained to care for them. They are permitted to dance at the regular weekly dances but always under the eye of a competent psychiatrist and nurse who have with them intravenous glucose in syringes, so that this can be promptly administered in the event the carbohydrate reserve falls to the level that secondary shock manifests itself.

Occupational Therapy classes are held on the ward each afternoon except Sundays, Wednesdays and holidays, on which patients are permitted visits from their relatives. All patients receive psychotherapy. Two of the psychiatrists who devote each morning to the patients spend the greater part of every afternoon working with the insulin treated cases.

Most patients are discharged within a short time after termination of insulin treatment. We believe that in the majority of cases the family should be instructed that patients are likely to improve sufficiently to leave the hospital and return to their homes and that they are not to arrange their lives so as to preclude the return of the patient to the home. This makes it much less difficult to make the necessary pre-parole arrangements. When a patient shows signs of improvement, we immediately contact the family and begin to arrange for the patient's return home in the event he improves sufficiently to leave. Relatives of patients are seen every week by the psychiatrists. When a patient has apparently recovered from his mental symptoms, we feel that it is a mistake, in many instances, to keep him around the hospital; in other words, we believe in early paroles in the majority of cases. Good families desire to have their relatives home and the patients wish to return home. When their home-going is delayed from week to week, patients invariably become discouraged and upset. There is no question in our minds but that delayed parole has been responsible for many a relapse. Patients lose courage and think they will

never be allowed to go home. We feel certain that in the vast majority of cases nothing is gained by retaining the patients in the hospital after their symptoms have disappeared.

The treatment is carried on under the direct supervision of four psychiatrists who are with the patients at all times during the morning hours. Two psychiatrists are assigned to the thirty female patients and two to the thirty male patients.

On either side of the insulin service there is a charge nurse who is a capable nurse with many years of experience in this particular type of therapy. Assisting each charge nurse there are two staff nurses, three attendants and one student nurse. In other words, for a group of thirty patients we have three nurses, three attendants and one student nurse. The personnel of the insulin ward is not changed. The same nurses and attendants take care of this ward exclusively and they assist in the afternoons in occupational therapy for patients. Two of the psychiatrists are assigned to the ward in the afternoon so that intensive psychotherapy may be given to these patients.

CLARENCE H. BELLINGER, M.D.
Superintendent

CHRISTOPHER F. TERRENCE, M.D.
Director of Clinical Psychiatry

November 17, 1943

APPENDIX II

COST OF TREATING A PATIENT WITH INSULIN AT THE BROOKLYN STATE HOSPITAL, OVER AND ABOVE THE REGULAR MAINTENANCE RATE: REGULAR COURSE OF TREATMENT CONSISTING OF 42 DOSES OF INSULIN; 49 DAYS CARE AND TREATMENT ON THE INSULIN SERVICE

	Cost each day patient is actually receiving Insulin (42 days)	Cost each rest day when patient is not actually receiving Insulin (7 rest days)	Total cost 49 days on Insulin service
Extra physicians and nurses: Senior assistant physician $\frac{3}{4}$ time; assistant physician $\frac{3}{4}$ time; 2 medical internes $\frac{1}{2}$ time; 2 nurses; 2 student nurses; 6 attendants; salary and maintenance.....	\$.9706	\$.9706	\$47.559
Insulin: males receive 80 units; females, 72; average dose = 76 units: \$.115 per hundred units — or \$1.15 per thousand units.....	.0874	.....	3.6708
Extra medication, etc.....	.01	.01	.49
Glucose and molasses \$.015 and .02 per day.....	.035	.....	1.47
Extra food.....	.04	.04	1.96
Breakage — flasks, syringes, needles, etc.....	.02	.....	.84
Total.....	\$1.163	\$1.0206	\$55.9898 or \$55.99
Average daily cost during entire period of treatment.....	\$1.1426	.....	.....

APPENDIX III

STUDY OF INSULIN TREATMENT OF DEMENTIA PRAECOX PATIENTS

-----State Hospital

Worker	Date of study	Level of usefulness at time of study
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A. Identifying Data

Name	Sex	Birthdate
Address	Mar. St.	Age at adm.
Ident. No.	Race	Ethnic Group
	Rel.	Birthplace

Diagnosis D. P.	Treated,	in,	out
	Non-treated,	in,	out

B. Family Composition

Fa.	No.
Siblings	
Spouse	Children
Others in Household	

Patient's Ordinal Position

C. Social Service Exchange

Agency	Date	Date Consulted
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D. Informants

Hospital Record

Study Interviews		
Date	With Whom	Address

E. Pre-Psychotic and Present Community Status

Pre-psychotic

Present

I. FAMILY COMPOSITION AND RELATIONSHIPS

Chronology of Living Arrangements		
Social Situations		
Significant Relationships		

II. ECONOMIC STATUS

Group	S.S.	P.D.	Dep.	S.S.	P.D.	Dep.
Income						
Source						
Attitudes						
Pt's Role						
Expectancy	ad.	par.	inad.	ad.	par.	inad.

III. EDUCATION

Entry age	
Leaving age	
Highest grade	
Reasons for leaving	
Vocational training	
Attitudes	

Pre-Psychotic

Present

IV. OCCUPATIONAL HISTORY

V. FRIENDSHIPS AND ASSOCIATIONS

Sex
Dur.
Type
RoleAge
No.Sex
Dur.
Type
RoleAge
No.

VI. USE OF LEISURE TIME

Part.

With Whom

Spec.

Indiv.

Part.

With Whom

Spec.

Indiv.

VII. BEHAVIOR DEVIATIONS

VIII. PHYSICAL AND HEALTH HISTORY

III. STUDY RESIDENCE

Date of Admission
Duration of episode prior to this adm. or ret.
Physical findings

(Date of Return from Parole

Date treatment began term. length

Duration of residence following treatment

Classification Date

	Early Residence	During Insulin	Term. of Insulin
Symptoms			
Behavior			
Needs			
Activities			
Weight			
Mental Content			
Visitors			

IV. PAROLES AND DISCHARGES

	Parole I	Parole II	Parole III
Date of parole			
Classification at parole			
To whom paroled			
Circumstances of parole and parole plan			
Outstanding changes during parole			
Physical condition			
Activities			
Hospital contacts			
Date of return			
Reasons for return			
Date of discharge			
Classification at discharge			
Date of readmission			
Reasons for readmission			

V. HOSPITAL RESIDENCES

	Ret. Read. Tf. C.	Ret. Read. Tf. C.	Ret. Read. Tf. C.
Hospital			
Date			
Classification			
Physical findings			
Symptoms			
Treatment			
Behavior			
Needs			
Activities			
Weight			
Mental content			
Visitors			

G. *Present Attitudes***Hospitalization****Treatment****Illness****Post-Hospitalization Contacts:****With Psychiatrist****With Social Worker****H. *Summary of Comparison*****I. *Additional Comments***

APPENDIX IV

TABLE A*

DISTRIBUTION BY DIAGNOSTIC GROUP AMONG DEMENTIA PRAECOX FIRST ADMISSIONS TO ALL STATE HOSPITALS, TO BROOKLYN STATE HOSPITAL AND IN THE INSULIN TREATED GROUP

January 1, 1937 to June 30, 1942

	DISTRIBUTION OF DEMENTIA PRAECOX FIRST ADMISSIONS TO ALL STATE HOSPITALS BY DIAGNOSTIC GROUP		DISTRIBUTION OF ALL DEMENTIA PRAECOX FIRST ADMISSIONS TO BROOKLYN STATE HOSPITAL BY DIAGNOSTIC GROUP				DISTRIBUTION OF INSULIN TREATED PATIENTS BY DIAGNOSTIC GROUP	
	Number	Percent	Male	Female	TOTAL		Number	Percent
					Number	Percent		
Catatonic.....	3,263	24.8	742	925	1,667	50.5	659	58.4
Paranoid.....	6,757	51.3	740	658	1,398	42.4	369	32.7
Hebephrenic.....	2,296	17.4	118	82	200	6.1	90	8.0
Simple and others	872	6.5	20	13	33	1.0	10	.9
Total.....	13,188	100.0	1,620	1,678	3,298	100.0	1,128	100.0

*Although the insulin treated cases included patients in the hospital on January 1, 1937 as well as some readmissions, they were compared to total first admissions to Brooklyn State Hospital for the same periods, since the numbers of readmissions to Brooklyn State Hospital were not available at the time the report was written.

TABLE B*

DISTRIBUTION BY AGE OF ALL FIRST ADMISSIONS TO BROOKLYN STATE HOSPITAL WITH DEMENTIA PRAECOX COMPARED WITH THE INSULIN TREATED AND NON-TREATED PATIENTS

AGE AT ADMISSION	TOTAL FIRST ADMISSIONS WITH DEMENTIA PRAECOX TO BROOKLYN STATE HOSPITAL		INSULIN TREATED		NON-TREATED	
	Number	Percent	Number	Percent	Number	Percent
Under 25.....	897	27.2	447	42.0	333	38.0
25—34.....	1,122	34.0	515	48.4	437	49.9
35 and over.....	1,279	38.8	102	9.6	106	12.1
Total.....	3,298	100.0	1,064	100.0	876	100.0

*Although the insulin treated cases included patients in the hospital on January 1, 1937 as well as some readmissions, they were compared to total first admissions to Brooklyn State Hospital for the same periods, since the numbers of readmissions to Brooklyn State Hospital were not available at the time the report was written.

Report by Metropolitan Division of Emergency Food Commission

ALBANY, *July 6, 1944*

A wartime nutrition program to aid New York families in the Metropolitan Area was launched on June 16, 1943, by the New York State Emergency Food Commission, acting on the authorization of Governor Dewey.

In the twelve months which ended on June 15, 1944, nutrition information and techniques on meeting their wartime food needs have been carried to thousands of interested families in the five boroughs of Greater New York and Westchester, Nassau and Suffolk counties.

In planning the program, certain important facts were taken into consideration. First, that the Metropolitan Area constitutes the greatest retail food market in the United States; second, that the diverse food habits of the families depend upon their national origins, backgrounds and purchasing capacity. The area to be reached stretches from suburban sections of Long Island and Westchester, with 360,000 resident families, to the five urban counties in the Greater City with 2,218,372 families.

The story of what has been done to aid these families varies with the density of population and the community needs. In all, the Commission has reached 223,275 families by direct contact through demonstrations, meetings, letters, bulletins and personal interviews, and it is impossible to estimate how many families through press, exhibits and radio.

The program is initiated from the offices of the Commission at 247 Park Avenue, and developed through the local offices in the following counties: New York, Bronx, Kings, Queens, Richmond, Suffolk, Nassau and Westchester. A staff of nutritionists was assembled through the College of Home Economics at Cornell University to carry out the program, and nutritionists have been added as the need for more work has been shown.

In Manhattan, the summer and winter program was largely directed to bringing nutrition aids to Harlem housewives. In that thickly congested area the churches cooperated in lending their premises for meetings and informing their women members of the new service that the State of New York was prepared to give them. A series of food demonstrations in December resulted in scores of invitations from neighborhood groups and social clubs for demonstrations in the use of meat extenders and diet supplements. Through these meetings, the Commission has won a reputation for dependable service to the people of Harlem.

In response to a request from the New York State Department of Labor, nutritionists were sent into factories to give instruction on the need of the right kind of food to war workers and to send home material to families on "How to Pack a Lunch With a Punch." Plants in Westchester, Nassau and Kings have had this help.

The Herald-Tribune Forum in October 1943, which was attended by women from 43 States, was the occasion for the setting up of a demonstration booth by the Commission. Exhibits were staged in department stores, at the Information Center of the C.D.V.O. in Pershing Square, at the Staten Island ferry, at the convention of the New York State Parent-Teachers Association, and at other large gathering places for leaders.

During March and April the largest public project undertaken by the Commission in Manhattan was planned, namely, a Wartime School for Housewives, to teach the young wives of servicemen, as well as older women, basic facts in nutrition and food preparation. It was held at 40 East 40th Street, Manhattan, with four sessions each week for four weeks, from April 24 to May 17. Over 1,000 women attended, and because "standing room only" was not permitted by fire-laws, some women had to be turned away. The school was a great success and there were hundreds of requests for further classes.

As pointed out in the special report which has been submitted on this activity, "the function of the Wartime School for Housewives was to give practical and immediately useful information on the selection, preparation, care and conservation of food consistent with modern nutrition standards and in conformity with the state war program."

In the Bronx, an educational campaign was carried on among housewives in large public housing units, before church, school and fraternal societies. Canning demonstrations were given at the Hillside Housing Development at the request of the tenants, in several settlement houses and a number of churches. and in cooperation with other groups a "How to Buy Service" was carried on at the public markets.

In Kings county, the work has been developed largely with the middle and low income groups. Demonstrations have been given to mothers at nursery schools. Teachers have been trained for the C.D.V.O., especially to work in markets. How to take advantage of "The Best Buy of the Week," and make use of the current market surplus has been a feature of the instruction to housewives. A Fair at one of the large Brooklyn department stores which was widely publicized throughout the borough, carried out the program planned with the aid of the Food Commission which was given credit in newspaper advertising and stories.

In Richmond county, the largest nationality groups are Scandinavian, Irish, German, Italian and English. The population is employed as farmers, ship builders, in fact, on a great variety of manufacturing of war supplies and in Manhattan's business and mercantile establishments.

The Commission from the beginning has worked with the C.D.V.O., the A.W.V.S., schools, churches and women's clubs on food conservation.

As in all the counties, the Cornell University film, "Canning at Home" has been shown to community groups.

Demonstrations in food storage were given in cooperation with the Victory Garden Council. Demonstrations in the use of soy beans, soy products, meat extenders, vegetable cookery, and spreads for bread were given before Parent-Teachers Associations and Mothers Clubs.

Queens county repeats the story of wartime food needs being met through the services of the Commission. Families in the South Jamaica Housing project and the Queensboro Housing Project have attended the demonstrations and lectures. Through fairs and exhibits, the importance of good eating and of food preservation have been stressed. Women have been taught the use of backyard pits to store food. Nutrition talks to workers in war production plants have been a feature of the Queens county work. The training of instructors for C.D.V.O. and Red Cross nutrition programs have been part of the Commission's service to the residents of Queens county.

In Westchester county, seven separate War Councils with nutrition chairmen and committees were at work when the Food Commission began the task of coordinating the nutrition information so that it would reach all communities.

The Nutrition Goals for 1943-44 were stressed and the work made practical for Yonkers, the largest industrial center in the county, and in the rural towns. Boards of Education, the Library Association with its forty libraries, the Westchester Lighting Company, and other groups cooperated to reach the homemakers.

On Long Island, the extension service of Cornell University had been running smoothly for a number of years. The task of the Food Commission was to deepen and extend the service to reach the war workers' families. Leader training meetings in cooperation with the Red Cross and A.W.V.S. were set up. Housewives were given direct information on the ever-changing food situation. Through cooperative efforts the Commission's nutrition program has been widely appreciated.

In Suffolk county, the Nutrition Trailer carried information on the Nutrition Goals and proper wartime feeding to women in all sections of the county. The churches gave special cooperation. Under the aegis of the Presbyterian Church of Huntington, demonstrations of "Meals that can be Quickly Prepared" were given and were enthusiastically received.

This far-flung rural county which lies on the tip of Long Island between the Sound and the Atlantic Ocean has rural homemakers as well as residents of New York who maintain summer homes there.

In Manhattan, the metropolitan press, especially the *Daily News*, *The Times*, *Herald-Tribune*, *World-Telegram*, and *The Sun*, have given generous space to the program. In the other counties, notably, the Bronx, Brooklyn, Richmond

and Queens, weekly columns on wartime nutrition have been requested by the press, and in some instances the county nutritionists have conducted weekly columns as a regular feature. In all, 314 stories have been written and distributed, as well as 10 radio scripts and 26 spot announcements.

Radio has played a vital part in the program of public information. Women commentators on the networks as well as 23 local stations, have used announcements of pamphlets, and new "angles" of the nutrition program.

In all, 134,082 pamphlets have been distributed in response to requests. Housewives have carried on a steady correspondence with the Commission, a total of 29,437 letters and inquiries having been received.

Housewives in the Metropolitan Area have demonstrated their need of scientific nutrition information, and their interest in feeding their families well, despite point rationing and other wartime restrictions.

Respectfully submitted,

(Signed) GLADYS G. STRAUS
(MRS. ROGER W. STRAUS),
Commissioner

Excerpt from Governor Dewey's Press Conference at Executive Chamber

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *July 11, 1944*

11:00 A.M.

Q. Do you wish to state the purposes (of the Conference of Governors)?

A. The purposes, yes, I would like very much to state the purposes.

There has been continuing debate ever since the New Deal took office, over the area of responsibility as between the states and the Federal government, referring to employment services, the aids to agriculture, particularly centering around the use of the Land-Grant colleges; relief, the effort three years ago to federalize unemployment insurance entirely, and, of course, the very large field of taxation in general.

The purpose of the Conference is to consider the areas of responsibility and obligation, and how these obligations to the people can best be performed. The conclusions reached will not only serve as a basis for united opinion in the Republican Party on an issue which split the Democratic Party wide open, but, even more important, to eliminate the constant and serious friction, after the Republican Administration takes office next January.

I think that is all, to print, anyway. Of course, we could talk for an hour on this, but that is about all.

Statement by the Governor—Death of Brigadier General Theodore Roosevelt

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *July 14, 1944*

The death of Brigadier General Theodore Roosevelt is sad news indeed. Never was there a warmer friend, a stouter heart or a more public-spirited American. He was my good friend and close associate in many public causes. I know his family will be comforted in their grief in the sure knowledge that everyone who knew him loved him and respected him as a great patriot who gave his life for his country.

Statement by Governor Dewey—New York State Soldier Vote Law

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *July 18, 1944*

For some time now a group with unlimited financial resources has been playing partisan politics with the right of New York State's fighting men to vote. Instead of helping soldiers to vote, they have distributed millions of misleading circulars designed to confuse both the public mind and the mind of soldiers. It is time this campaign of deceit was labeled and exposed.

Accordingly, I urge all families and friends of members of the armed services immediately to write to them telling them the truth about their right to vote in the State of New York.

The New York Soldier Vote Law is a model of simplicity, drawn to fit precisely Title II of the Federal law. Every member of the armed forces all over the world will be handed a postcard. This is required of the Army and Navy by Federal law. All a soldier has to do is to sign his name and his home and service address on that postcard and mail it to the War Ballot Commission at Albany. Even a letter or card to the soldier's friends or parents will serve the purpose if sent in to Albany. The soldier will receive a full ballot with the name of every candidate for every office printed on it.

This is the simplest application form of any State in the Union and yet it meets the requirements of the State Constitution so every ballot will be both complete and valid.

Even before the government postcards have been placed in the hands of the men and women in the armed forces and almost four months before election, the New York State War Ballot Commission has already received more than 130,000 applications.

I have been urged, in addition, to approve the Federal Supplementary Ballot for use in New York State. This is only a partial ballot for four offices and would be void and worthless under the Constitution of this State. I decline to connive with any

group advocating use of a ballot by our fighting men which under the Constitution of New York State could not be counted.

In 1917, the same problem was before the people and the State of New York then insisted upon a full ballot for its soldiers as required by its Constitution.

I appeal to the families of service men all over the State to write to them advising them not to be deceived as to their right to vote. All they have to do is send in the postcard which the Army and Navy will give them or any other piece of paper bearing their name and home and service address, and they will receive a full ballot.

Statement—Cabinet Meeting at Executive Mansion

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *July 20, 1944*

Governor Dewey will meet with members of his Cabinet today at the Executive Mansion at 12:30 P.M. Those attending the meeting are as follows:

Joe R. Hanley, Lieutenant Governor
Frank C. Moore, Comptroller of the State of New York
Nathaniel L. Goldstein, Attorney General of the State of New York
Rollin Browne, State Commissioner of Taxation and Finance
John A. White, State Commissioner of Conservation
C. Chester DuMond, State Commissioner of Agriculture and Markets
Edward Corsi, Industrial Commissioner of the State of New York
Elliott V. Bell, State Superintendent of Banks
Miss Ruth M. Miner, Executive Deputy Secretary of State in place of Thomas J. Curran, Secretary of State.
Dr. Frederick MacCurdy, State Commissioner of Mental Hygiene
Robert T. Lansdale, State Commissioner of Social Welfare
John A. Lyons, State Commissioner of Correction
Robert E. Dineen, State Superintendent of Insurance
Judge J. Edward Conway, President of the State Civil Service Commission
Dr. Martin P. Catherwood, State Commissioner of Commerce
John E. Burton, Director of the Budget of the State of New York
Richard S. Persons, State Commissioner of Standards and Purchase
Herman T. Stichman, State Commissioner of Housing
Captain John A. Gaffney, Superintendent of State Police
Lieutenant General Hugh A. Drum, Commanding General, New York Guard

Brigadier General Ames T. Brown, the Adjutant General of
the State of New York
Paul E. Lockwood, Secretary to the Governor
Charles D. Breitel, Counsel to the Governor
James C. Hagerty, Executive Assistant to the Governor

NOTE.—Charles H. Sells, Superintendent of Public Works; Dr. Edward S. Godfrey, Jr., State Commissioner of Health and John F. O'Connell, Chairman of the State Liquor Authority, are out of town on State business and will be unable to attend the meeting.

Statement by the Governor—Issue Raised by Congressman Hamilton Fish

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *July 28, 1944*

Two years ago I publicly opposed the nomination and election of Congressman Fish. The statements attributed to him confirm my judgment expressed at that time.

Anyone who injects a racial or religious issue into a political campaign is guilty of a disgraceful, un-American act.

I have fought that kind of thing all my life and always will regardless of partisan considerations.

I have never accepted the support of any such individual and I never shall.

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Governor Dewey's Final Statement at Conclusion of Governor's Conference, St. Louis, Mo.

August 4, 1944

During the past twelve years the Governors of the states have never once been permitted to exchange views with the President of the United States, and entire regions of our country have been without representation in the National Government. The resulting friction and costly mistakes can and must be remedied.

At this conference we have achieved unity of thought between twenty-six Republican Governors representing three-quarters of the Nation and the next Republican Administration. This unity will deeply affect the future safety of our country and the well-being of our people. We face the future confident that translation of the principles we have stated into action is essential to the liberty and happiness of the American people.

Notice of Leave of Absence to Be Permitted Veterans to Attend Conventions

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, August 8, 1944

Governor Dewey today re-issued for the ensuing year his order of June 9, 1943, permitting State employees to attend war veterans' conventions without loss of time or pay. The order follows:

To Heads of All State Departments, Boards, Bureaus and Commissions:

Many State employees are members of recognized military and naval veterans' organizations. These organizations from time to time hold State and National Conventions and some of our State employees desire to meet with their comrades at these conventions.

Heads of State departments should give such employees who actually desire to attend these conventions and who may be excused from duty without handicapping the service of their department, permission to do so. Where such permission is granted absences to attend veterans' conventions are not to be charged against vacation time, nor should any reduction in compensation from time off duty be levied against war veterans employed by the State.

(Signed) THOMAS E. DEWEY

Telegram from Malcolm McEachin, Secretary of State of Nevada, to Thomas J. Curran, Secretary of State of New York, and Reply by Charles D. Breitel, Counsel to the Governor, in Relation to Expenses Incurred by States in Soldier Vote Matters

[TELEGRAM]

August 2, 1944

CARSON CITY, NEVADA

HON. THOMAS J. CURRAN, *Secretary of State:*

Relative recent ruling Treasury Department holding states cannot be reimbursed for expenses necessarily incurred cooperating in administration Public Law 277 stop Although Nevada electors can vote only under State Absentee Law, have vigorously protested ruling in view of duty imposed on Secretary of State to handle Federal Postcard applications and the broad appropriating language section 401. If you share my view, will you immediately similarly protest to under Secretary Treasury Bell, and advise.

MALCOLM MCEACHIN,
Secretary

[TELEGRAM]

ALBANY, August 9, 1944

HON. MALCOLM MCEACHIN, *Secretary of State, State of Nevada, Carson City, Nevada:*

DEAR MR. MCEACHIN. The Secretary of State of the State of New York has referred to me your telegram of August 2, in which you ask New York to join in a protest to Under Secretary of the Treasury Bell against the refusal of the Federal Government to reimburse states for expenses incurred in handling Federal postcard applications for soldiers' ballots.

New York cannot join Nevada in that protest. The State of New York is glad to pay for all expenses attendant upon voting by servicemen. Our Legislature has already appropriated sufficient funds to permit us to handle postcard applications both Federal and State.

Sincerely yours,

CHARLES D. BREITEL,
Counsel to the Governor

**Statement by the Governor—Proposed Conference on Permanent
International Organization to Maintain Peace**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, August 16, 1944

Simultaneously with smashing military victories which bring the day of peace ever nearer, it is good that representatives of the British, Russian and Chinese governments will meet shortly with our State Department for preliminary discussion of a permanent international organization to maintain the peace. Partial proposed plans have already been made public by the American, British and Russian governments. The American people are agreed upon the need for world organization. It is a bipartisan objective. It has been repeatedly urged by the Republican Party and its leaders. The future of the world will depend upon the ideals, the sound thinking and the justice of the results achieved at these conferences.

I have been deeply disturbed by some of the recent reports concerning the forthcoming conference. These indicate that it is planned to subject the nations of the world, great and small, permanently to the coercive power of the four nations holding this conference.

In order that there may be no misapprehension, I should like to make clear some fundamentals as I see them. The problem of future peace has two aspects. One relates to Germany and Japan. They must, of course be wholly and conclusively defeated. More than that, they must be rendered permanently powerless to renew tyranny and attack. Their defeat will be achieved primarily by the united power of Britain, Russia, China and the United States. To insure that Germany and Japan shall never again be able to disrupt the peace of the world, these four Allies must maintain their present unity.

I have consistently advocated the maintenance for some time after the war of close military cooperation among the four powers so that if the Germans or the Japanese hereafter seek to evade their disarmament, we may strike quickly, together and with overwhelming might. That is a specific responsibility of the victors. It is an essential part of the winning of the war. This responsibility to keep Germany and Japan disarmed should be shared with liberated peoples, but it cannot immediately be delegated to a world-wide organization while such organization is yet new and untried.

In organizing permanent peace among the rest of the world, after the difficult postwar period, a very different attitude must be taken. In some of these proposals there appears to be a cynical intention that the four great allied powers shall continue for all time to dominate the world by force and through individual agreements as to spheres of influence. I hope and pray that no such reactionary purpose will be allowed to dominate the conferences, else the peace of the world will as surely as night follows day again be destroyed.

The fact that we four have developed overwhelming power as against our enemies does not give us the right to organize the world so that we four will always be free to do what we please while the rest of the world is made subject to our coercion. That would be the rankest form of imperialism. Such a proposal would be rejected by the American people.

Within the area of peace-loving nations, peace is a task of cooperation among equal and sovereign nations. Force is essential in any realistic program for the permanent maintenance of peace. But in the long term solution of international problems, peace and security cannot be left to the sanction of force alone. To leave them exclusively in the hands of a permanent military alliance of four victorious powers would be immoral. It would be a denial of the ideals for which we are fighting.

The millions of Americans are not fighting and dying to dominate the world or impose our will upon freedom-loving people. We are fighting for our own freedom and to establish once and for all the rights of people everywhere to live in peace and freedom, safeguarded from the coercion of more powerful nations.

As Americans we believe with all our hearts in the equality and the rights of small nations and minorities. We believe in the essential equality and dignity of the individual wherever he lives. We believe in his right to freedom as well as our own. We do not believe that we or any other power has the inherent right to control his destiny. We are fighting this war to a victorious conclusion for these very principles. They must not be lost in a cynical peace by which any four powers dominate the earth by force.

We must not sink into the abyss of power politics. We must rise to a new high level of cooperation and joint effort among respected and sovereign nations to work for and to preserve the peace of the world through all the years to come, based on freedom, equality and justice.

The kind of world organization we seek must concern itself with the basic causes of world disorder. It must promote a world opinion that will influence the nations to right conduct. It must develop international law. It must create an international tribunal to deal with international disputes.

In the kind of permanent world organization we seek, all nations, great and small, must be assured of their full rights. For such an organization, military force must be the servant, not the master. Only thus can we achieve the fellowship of peoples which is the essence of lasting peace. It would be a tragedy if the coming conference among the British, Russians, Chinese and ourselves should be distracted from the task of planning for a genuine world organization for peace by proposals which amount merely to a permanent four power military alliance to control the world.

Telegram from the Governor to Cordell Hull, United States Secretary of State, Accepting Invitation to Conference and Designating John Foster Dulles as Governor Dewey's Representative

[TELEGRAM]

ALBANY, August 18, 1944

HON. CORDELL HULL, *Secretary of State, Washington, D. C.:*

I am happy to accept your proposal for consultation made at your press conference yesterday and to designate Mr. John Foster Dulles as my representative.

Mr. Dulles, who is well known to you and to President Roosevelt, has given a lifetime of study and constructive action in the field of foreign affairs. I consider him one of the very ablest of American authorities on international relations. He is fully acquainted with my views and has my complete personal confidence which I am happy to say is shared by a number of members of the United States Senate of varying political views.

In view especially of the progress of the war in Europe I am convinced that every effort to organize both temporarily and permanently for the establishment of lasting peace should be accelerated and I am happy to extend my fullest cooperation to the end that the result should be wholly bi-partisan and should have the united support of the American people.

Mr. Dulles is prepared to come to Washington and be available regularly for conference and consultation as soon as I receive your reply.

THOMAS E. DEWEY

Telegram Received by Governor Dewey from Cordell Hull, United States Secretary of State, Expressing Gratification at Proposed Meeting with John Foster Dulles

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *August 18, 1944*

Governor Dewey today received the following telegram from Cordell Hull, Secretary of State, Washington, D. C.:

THE HON. THOMAS E. DEWEY, *Governor of New York, Albany, N. Y.:*

I am in receipt of your telegram of August 18 in which you say quote I am happy to accept your proposal for consultation made at your press conference yesterday and to designate Mr. John Foster Dulles as my representative unquote I am immensely gratified to receive your assurance of bipartisan cooperation in the effort to establish lasting peace. I shall be delighted to see Mr. Dulles and to confer with him on any date or dates convenient to him.

CORDELL HULL,
Secretary of State

Statement Announcing Forthcoming Speeches by Governor Dewey at Philadelphia and Louisville

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *August 18, 1944*

Governor Dewey will speak in Philadelphia, Pa., on Thursday, September 7, and in Louisville, Kentucky, on Friday, September 8, it was announced today by Paul E. Lockwood, Secretary to the Governor.

The Governor accepted the invitation of the Republican State Committee of Pennsylvania, of which Senator M. Harvey Taylor is Chairman, for the Philadelphia address. Mrs. W. Glenn Suthers, of Chicago, extended the other invitation on behalf of the National Federation of Republican Women's Clubs, which is holding its biennial National Conference at Louisville, September 7 and 8. Mrs. Suthers is President of the Federation.

The Philadelphia address will be delivered in the Convention Hall there. It will be broadcast nationally.

The Louisville address will be delivered in the Armory in that city to climax the two-day meeting of the Federation which consists of 4,000 women's Republican clubs, with an aggregate of 300,000 members. Governor Dewey's address will be broadcast nationally. The Women's Federation will inaugurate, in connection with the address, a series of "Neighborhood Listening In" parties throughout the Nation by the club members and their friends.

Notes of Press Conference Held by Governor Dewey, John Foster Dulles and General Hugh Drum at Executive Mansion

EXECUTIVE MANSION—ALBANY

August 19, 1944

GOVERNOR DEWEY.—Mr. Dulles is here and has been for some time. And General Drum is coming up to join us for our discussions, and he was due at 3:30—there is no story in this—My guess is, because he is the most punctual man in North America, that his car has broken down. I would prefer it, as the porch has cooled off and is comfortable, if you would just relax until General Drum gets here. Then we can dispose of the pictures and

then have the Press conference. If agreeable to you, shall we let it go that way? I do not think there will be very much at the first conference.

Q. Saturday afternoons we all have early deadlines. Isn't it likely, while General Drum will be a participant in the general talks, he would be less of a figure at the Press conference, and maybe we could go ahead with the Press conference and stall the pictures off?

GOVERNOR DEWEY: Well, the pictures will wait.

Q. Can we ask a few of the simpler questions, as to the time Mr. Dulles arrived, when he will leave and when he is going to Washington?

GOVERNOR DEWEY: He got here an hour ago. He will be here for the week-end, probably going back to town tomorrow night. General Drum will probably have a canvass of the military aspect of the discussion today, and the General may perhaps go home tonight, I don't know. A good many of the problems involve current military problems and immediate post-war military issues that may arise.

Q. Governor, that will include Occupation and those things as they may arise?

A. Yes, those all impinge on the problems.

Q. Island bases also?

A. Whether we reach this with Mr. Dulles or not, that is a question that may be asked. The General and I have had the question up a dozen times.

Q. Have you any views on that, Governor?

A. I think that is a matter I will leave for development in speeches during the campaign.

Q. When is Mr. Dulles' appointment with the secretary?

A. He will speak for himself on that.

MR. DULLES: We are planning to meet Wednesday afternoon.

Q. Just he and you?

A. We fixed on Wednesday afternoon as a time to meet. Who will be with him I don't know, if anybody.

Q. Mr. Dulles, is there any indication that you will be asked or invited into the conference itself?

A. No indication.

Q. Do you contemplate making such a request?

A. Well, I will want to keep informed, as the representative of the Governor, of what is going on. Whether that will be best done by actually participating in the meetings, or not, I don't know. I should think that probably the purpose we have in mind would be adequately served without my actually attending the meetings. This is only preliminary, with the first people, preparing the ground for a more formal, higher conference later on.

Q. You think your purpose would be adequately served without your attendance at the conference?

A. I would think so, yes.

Q. In other words you do not plan on taking part there?

A. Well, I am going to discuss with Mr. Hull what the various programs are, and I want to have some facilities for keeping me informed of the developments. I should doubt very much whether it would be necessary or desirable for me to seek to be an actual participant in these negotiations at the present time.

Q. Mr. Dulles, what can they hope to accomplish in the conference of the so-called second class officials, when they have not established a basic policy?

A. Well, I think probably the areas of agreement and the areas of probable differences will develop out of that, leaving for later discussion the differences that may arise.

Q. May I ask a question off the record? For my own information: One of the purposes of that discussion is to find out whether basic principles have been arrived at?

MR. DULLES: That is what I mean, that the conference is going to develop areas of agreement, and areas of difference.

Q. When you state, Mr. Dulles, you expect to have facilities for being kept informed, while you are being informed do you intend to state the views of the Republican Party whose representative you are, as they tell you what they are doing, are you going to say, Aye, Yes, or No?

A. I certainly am not going to say that I am speaking in any sense for the Republican Party, because I am not doing that. I am there as the Governor's representative. There are certain rather basic views that he has and which he expressed pretty fully in his statement three or four days ago, which reflect certain fundamentals that he holds to, and which I think the Republican Party holds to. Now, my job is to be the intermediary representing the Governor there, to find out whether **things** are moving along the lines of the basic fundamental propositions which he enunciated in that statement. Incidentally, that statement has got in it, I think, a great deal more than the public has yet realized. It is far more than a negative statement, which it is generally interpreted as being. It has some very positive, constructive ideas in it, which, so far, have been lost sight of.

Q. This is a good chance for us to get those to the public, will you tell us about them?

MR. DULLES: Do you want me to do it, or would you not rather have the Governor? Of course I could give you my slant on it.

Q. Then I think we could use it, with your slant.

MR. DULLES: Let us take what the Governor said about separating the after-control of Germany and Japan from the tasks of the new world organization: Now, that is a very fundamental and very constructive idea, which goes very much to the heart of one of our biggest problems, which he also touched upon, namely, the question of the Four Power control of a world organization. You

see, if you put the problem of controlling Germany and Japan in future into a world organization, you almost necessarily have to have a Four Power control of that world organization, because the four great powers who win this victory are not going to take any chances with the fruits of victory, of losing them through turning the control of Germany and Japan over to a world organization which is so diffuse and general in its organization that there cannot be an assurance that the terms of the peace would be carried out. Now, that is the dilemma which you face as soon as you envisage the control of Germany and Japan as a task of the world organization. If you envisage it as just a world organization you are almost forced to the second step, that the four great powers that won the war must control the world organization, because that is the way to control Germany and Japan. The alternative solution, as I see it, a direct arrangement between Russia, Great Britain and China, as regards Japan, and in the case of Germany, certain liberated countries, like France, The Netherlands, Belgium, and the United States of course, whereby the four big powers and the liberated nations that can play an effective part, assume certain specific tasks in relation to Germany and Japan. That has got to be a long-range program. The trouble with the treaty of Versailles was that when the provisions of the treaty were interpreted the provisions of the treaty of Versailles were adequate to keep Germany for a thousand years, but when they were written into the treaty from that time on it was everybody's job, in fact nobody's job to see that they were enforced. Now we know we have a very specific problem of how best to keep Germany and Japan disarmed and under control for a substantial period of time. That is a specific task which properly devolves upon the nations which have won the war, and that should be worked out in my opinion, and that is the view the Governor has expressed. That is a specific task which for a considerable time at least will be a task of the principal allied victors, and not a task of a world organization, not a task of some sixty nations who are put together in a new and untried organization, when we don't know how it will work. If you turn it over to that sort of an organization is to say we shall control all the organization, then you are controlling the organization not only for the purpose of keeping Germany and Japan under control, but you are more or less forced into a position where you control the organization for all of its purposes, that keep all of the world under control. That is not the thing we want, which the governor has spoken against.

Q. This is somewhat similar to the proposed Anglo-French-American alliance drawn at the time of the Versailles Treaty, never ratified by the Senate, wasn't there a three-party treaty then?

A. No it would not be like that, that was a specific security pact in favor of France.

Q. That is right.

MR. DULLES: What I think the Governor's statement envisaged here was not that, so much as a specific delineation of the kind of

major controls we are going to have, not only the technical military controls, but the facilities for producing armament, airplanes, etc., and that must be a joint task which we will work together to perform for a considerable period of years.

Q. I don't think I got that clear, maybe you made it clear in your statement, however, which of the nations would control Germany, and which would control Japan?

A. I should say as far as Japan was concerned that that would be a task primarily of the United States, Great Britain and China. If Russia should come into the war she would be a participant in that task. At the moment she is not at war with Japan.

As far as Germany is concerned that primarily would be a task for Great Britain, the United States and Russia, with a very substantial contribution from the liberated countries, particularly those geographically close to Germany: France, Belgium, The Netherlands.

Q. You would leave out Poland, Estonia and Lithuania?

A. Well, I did not speak of them because the future there is subject to vicissitudes which are not present in the case of the others.

Q. Mr. Dulles, do you think we should go forward immediately with the two problems—

GOVERNOR DEWEY: I would like to interrupt: You don't mean by that you would exclude Poland—

MR. DULLES: I would think that Poland would certainly be able and want to take part. The status of Lithuania and Estonia is more doubtful. I also mentioned the others more particularly, because of the military standpoint, from the standpoint of disarmament, most of the heavy ammunition, steel, coal, etc., for Germany.

Q. I asked a question before and I used a characterization which possibly I should not have used. In your conference with Mr. Hull, you said you would be there to get information. Are you in turn going to express definite views of your own, as you are informed of those facts?

A. I do not expect to express definite views of my own, I may express definite views of the Governor's.

Q. Do you envision the organization immediately of this international group while this other work is carried on separately, or does that postpone the organization of the international organization?

A. I don't see any reason why one should wait on the other; and that works vice versa, there are two separate problems, as I see it.

(Summary follows)

Q. Mr. Dulles, would you like to summarize for us the benefits you hope to obtain from your participation in the Washington activities next week?

MR. DULLES: The one thing which I think all Americans or practically all Americans are united on and want to achieve, is a practical and effective organization for a durable peace. Certainly that is the thing to which I have devoted practically all of my life, and I think that that is something which the great mass of the American people want and demand. Now, it is not so easy, however, to pass from generalities to particulars. It is an exceedingly delicate operation. It involves coming to agreement with a large number of foreign countries, and also requires a program which will commend itself to the great bulk of the American people and their constitutional representatives. So that the task is one which ought to demand the constructive effort of all people of good will in this country irrespective of party.

That is the Governor's attitude toward the thing. Secretary Hull suggested that that attitude might be given practical expression through the Governor knowing what is going on and from that the concrete development of the suggestion that I should be the intermediary, and I will be glad to be that if it will serve not only the purpose of the Governor and myself, but the great mass of the people.

Q. Mr. Dulles, did you contemplate the event, from what in your conversation, in which you have given expression to us here, did you contemplate the result would be the elimination of foreign policy or international security organization as a campaign issue? In other words you say you are approaching it on a non-partisan basis. Do you think it can be eliminated? Do you think it desirable that it should be eliminated?

MR. DULLES: I don't think it is healthy or desirable to eliminate from the campaign a discussion of these international problems. The only way in which a Democracy makes up its mind, and makes up its mind in a way that it sticks, is by having these issues debated and discussed. Now what we hope is that out of that discussion will come a synthesis of views, a crystallization of views. I think it would be a great misfortune if the position was taken that we are not going to talk about foreign policy in the course of this campaign. This campaign, a recurrence once in four years, is one of the great educational opportunities that come to the American people.

Q. Mr. Dulles, in your discussion with Secretary Hull did you get the impression that he viewed this as a continuing series of conferences with you, that you would remain there for sometime, available?

A. I did not discuss that with him. You can infer as much as I can from the exchange of telegrams. The telegram from the Governor spoke of my being with him such date or dates as mutually agreeable.

Q. Whether he regarded it, or you got the impression that he regarded it as a series of independent conferences, or a sort of continuing arrangement while negotiations are going on?

A. I have no idea how the Secretary regards it, and our talk did not develop that, at all.

Q. When you go there Wednesday, how long do you plan to stay the first time?

A. Well, that depends somewhat on what happens on Wednesday.

THE PRESS: Thank you.

Exchange of Telegrams Between Governor Dewey and Wendell L. Willkie Concerning Forthcoming Conference Between Cordell Hull and John Foster Dulles

Governor Dewey made public the following exchange of telegrams:

August 19, 1944

MR. WENDELL L. WILKIE, *1010 Fifth Avenue, New York, New York:*

I tried to reach you by telephone tonight but was informed you had retired. I am sorry to have missed you. Foster Dulles and I have conferred extensively today and I should like to have the benefit of your views if you could join us at any time on Sunday or Sunday evening before Mr. Dulles goes to Washington. I would appreciate it if you would telephone me when convenient in the morning so that we could discuss the possibility of such an exchange of views.

THOMAS E. DEWEY

August 20, 1944

HON. THOMAS E. DEWEY, *Executive Mansion, Albany, N. Y.:*

Received your wire this morning requesting the expression of views concerning subjects of discussion in forthcoming conference between Secretary Hull and Mr. Foster Dulles. I shall be glad to meet Mr. Dulles on his way to the conference which I understand will be held on Wednesday. I wish I had known of your desire for my views prior to your original statement. For several years I have been deeply concerned about the ill fate of the small nations inherent in military alliances between any or all of the great powers. But I have been equally concerned that there should not arise among our allies the notion that our party would in any way obstruct or endanger the success of an international conference. I therefore made inquiry about ten days ago of the Washington authorities to determine if our government intended to insist upon the protection of the position of small nations in the forthcoming Dumbarton Oaks Conference. I was given strong affirmative assurances. Therefore I had determined to await results before entering into any public discussions. However since according to your latest statements both you and Secretary Hull have agreed that the discussions between the Secretary and Mr. Dulles are to be of a nonpartisan character I shall be glad to give your representative Mr. Dulles freely of my views. Cordially

WENDELL L. WILLKIE

August 20, 1944

MR. WENDELL L. WILKIE, *1010 Fifth Avenue, New York, New York:*

I am sorry that you could not accept my invitation to join Mr. Dulles and me for discussions of his forthcoming conference with Secretary Hull. However, I am delighted that you will confer with Mr. Dulles in New York on his way to Washington, and I am confident that this will promote the constructive results which I am sure we all want. Cordially,

THOMAS E. DEWEY

Statement by Governor Dewey—Liberation of Paris

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *August 23, 1944*

The liberation of Paris means the beginning of the end of Nazi domination in Europe. All freedom-loving peoples rejoice in that liberation and welcome the great center of culture, civilization and human liberty to a new life of hope and accomplishment. Let this inspiring event underscore the warning to Germany and Japan that every day they delay surrender the consequences to them will be more severe.

The uprising of the people of Paris themselves to throw off the yoke of slavery and tyranny will serve as an inspiration to the millions of others in Europe still living under the heel of Nazism. That uprising was made possible because Allied arms had come to the outskirts of the city and stood as a mighty force to bolster the liberation of Paris.

That force will sweep onward now toward Berlin. For until Nazi barbarism is crushed right at its source and Germany itself is conquered, neither Paris nor any other area in the world can be truly free.

The free people of the world take great hope from the events of today, but we cannot, we must not relax for one moment in our all-out war effort until Germany and Japan are so utterly defeated that the peoples of their countries shall vow "never again."

The liberation of Paris is one further assurance of the inevitability of final victory. It is an inspiring demonstration to all the world that the French people have triumphed over their Nazi oppressors and emerged with their passion for freedom not dimmed but stronger than ever. The American people feel great elation in this moment of release for millions of people in France. The course of freedom which has marked the history of France can be taken up anew now that she is joined again with her true Allies in the cause of liberty, equality and fraternity.

**Statement by the Governor after Reading Announcement by War
Ballot Commissioner Simpson of Success of New York State
War Ballot Law**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *August 24, 1944*

I have just read Commissioner Simpson's announcement. The good news it contains is most gratifying. It means that New York State is safeguarding for its men and women in uniform their constitutional right to a full ballot.

This proof that the system adopted by New York State is working so well is the best possible answer to those who sought to sabotage its effectiveness by making blind partisan attacks upon it.

I hope that the men and women in uniform, and their families here at home will remember that it was the Democratic Party and its satellites that made false and irresponsible charges against the State's War Ballot Law. That campaign of deception and demagoguery failed. It failed because the soldiers and sailors—and their families—saw through the misleading propaganda of those who sought to scuttle the system.

The voting right of a member of our armed forces is guaranteed by our State Constitution. Any attempt to make political capital by tearing down the procedure provided by law is an attack on the soldier's right to vote. I am happy that attack has failed.

Statement by Commissioner Simpson

NEW YORK STATE WAR BALLOT COMMISSION—ALBANY

August 27, 1944

New York State's War Ballot Law is now established as a tremendous success. Of the national total of ballot applications received thus far from soldiers and sailors, one-fifth have come from New Yorkers. Since the population of New York State and its proportion in the armed services is one-tenth of the nation, this means that New York has already established voting contact with twice as many servicemen as the national average. No better evidence could be had of the simplicity and efficiency of the law recommended by Governor Dewey and adopted by the Legislature.

It can now be estimated that approximately 75 per cent of the New York servicemen of voting age will receive a full State ballot. That is exactly the percentage of all eligible voters in New York State who voted in the 1940 peace-time presidential election and it greatly exceeds the percentage of eligible voters who voted in the gubernatorial elections of 1938 and 1942.

As we anticipated when the State War Ballot Law was enacted, a great influx of ballot applications has followed the distribution of application cards by the Army and Navy as required by law. Under Army regulations these postcards were not to be released until August 1 in distant theatres of war (Persian Gulf, China-Burma-India), August 7 in middle distant theatres (Southwest Pacific, Middle East, South Pacific, North Africa, Greenland, Iceland, Eastern Canada, Central Canada, Alaska, Caribbean and South Atlantic) and August 15 for nearby foreign theatres (European [except Iceland], Central Pacific, Newfoundland, Bermuda and Northwest Service Command).

The cards for soldiers within the Continental United States are not required to be distributed until August 25, 1944.

As a result of the release of these cards the number of applications received has more than doubled since August 7. To date approximately 385,000 have come to the offices of the War Ballot Commission alone. I estimate that 58,000 have been sent directly to the local boards of elections without passing through the War Ballot Commission. Allowing 10 per cent for possible duplications, this means that the State has already received ballot applications from 400,000 servicemen or approximately 50 per cent of the New Yorkers of voting age in service.

According to an Associated Press dispatch dated August 24, a total of 2,000,000 applications have been received in the whole country. New York's share—20 per cent of the Nation's total—is ample proof of the success of the New York War Ballot Law.

Yesterday's morning mail brought 19,000 applications. In view of the timetable set up by the Army for distribution of application cards, I anticipate that the current load of applications will continue for another two weeks.

During the week from August 7 to August 14 we received approximately 60,000 applications. For the week from August 14 to August 21 we received approximately 91,000. For the first four days of the current week we received 61,000 or an average of 15,000 a day.

Even if this volume continues only for 10 days, it means that we will receive at least 150,000 more applications, while probably 22,000 more will be received directly by local boards of elections. This, added to the 400,000 already received, gives a total in excess of 550,000. That is approximately 75 per cent of the estimated 765,000 qualified New York voters in service (1,165,000 total less 400,000 minors, aliens and others who entered the service from New York although they did not have voting residence in the State).

Announcement of Additional Appropriation for Aftercare of Children Developing Poliomyelitis

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *September 2, 1944*

Governor Dewey today announced he had made available the sum of \$209,000, in addition to its regular appropriation, to the New York State Department of Health for the aftercare of children developing poliomyelitis in the present outbreak occurring in New York State.

In making the announcement, Governor Dewey said:

I have signed a certificate transferring this amount from the Governmental Emergency Fund. The money is to be utilized chiefly to enlarge the New York State Reconstruction Home at West Haverstraw, New York. Extra personnel and facilities will thereby be provided to care for an additional one hundred children above the one hundred and thirty beds already in use. Funds for additional beds will be made available as the need arises and the personnel can be found to care for the boys and girls admitted.

Dr. Edward S. Godfrey, Jr., Commissioner of the State Department of Health, had advised Governor Dewey as follows:

Through September 1, 2,001 cases of poliomyelitis had been reported to the central office of the New York State Department of Health from the State, exclusive of New York City, and 808 cases have been reported by New York City to the State Health Department. It appears, therefore, that

this will be the largest outbreak in up-State New York since 1916. Reports indicate, however, that one-third of the cases reported are without paralysis and the majority of the remainder probably will recover without permanent disability.

It appears likely that the peak of the outbreak has been reached so far as up-State New York is concerned. The number of cases reported through the current week apparently will be essentially the same as the week ending August. 26. The outbreak is centered principally in two areas—one in Erie county and the other in Chemung and Steuben counties combined. The outbreak in the Chemung-Steuben area is definitely on the decline but Buffalo is still experiencing some increase.

Other steps which the State Department of Health has taken to assist in the control of the outbreak this summer have been the concentration of specially trained orthopedic nurses in the areas particularly affected and assignment of medical personnel to the district offices in those areas. As a further assistance in diagnosis and treatment specially trained orthopedic surgeons have been brought into the affected areas for consultation service. Furthermore, in cooperation with the New York State Medical Society, post-graduate poliomyelitis instruction for physicians has been provided in every area of the State covering diagnosis, treatment, and methods of control. These courses have been very well attended.

The State Health Department has cooperated closely with other official and voluntary agencies in seeing that no patient has suffered from lack of adequate care. Patients in the acute stage have been cared for through the usual welfare facilities or through funds made available by the local chapters and Central Office of the National Foundation for Infantile Paralysis. When patients are beyond the acute stage of the disease they are cared for under the provisions of the Physically Handicapped Children's Act through funds appropriated to the State Department of Education, and if age 21 or over, through provisions of the Shaw Act.

The State Department of Health recognized in June that there would probably be an unusually large prevalence of the disease in New York State. The New York City and New York State Health Departments jointly appointed an advisory committee of medical authorities to assist in formulating policies to be followed in coping with the situation. The New York State Health Department has kept in close touch with the local situations in the areas affected and everything of known value has been applied.

Statement by Governor Dewey—Jewish New Year Greetings

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *September 14, 1944*

As Governor of the State of New York and on my own behalf, I am happy to extend to the people of Jewish faith my heartiest greetings and sincere good wishes at the beginning of their New Year.

There never was a time, I believe, in the history of the Jewish people when the celebration of Rosh Hashonah was so pregnant with meaning. At this particular date, it should also bring consolation and hope.

This year marks the destruction of the enemy who made it the first article of their creed to torture and destroy the Jewish people. In these painful years, all have learned the grim truth: that those oppressors are the enemies of all decency, of all freedom, of all civilization.

In the battle for freedom, soldiers of Jewish faith have played a brilliant and thrilling part, notable for valor and endurance.

While we all rejoice with you, we also mourn with you for all the brave fighting men who have perished. We mourn with you, too, for the untold, unparalleled sufferings and destruction inflicted upon those of your faith in the conquered countries. We feel with you, too, the horror and the incredulity at the unexampled and unbelievable mass destruction which has been visited upon the Jewish communities in Europe as the Nazi hordes flee desperately from the doom that pursues them throughout the Continent of Europe.

You have occasion to celebrate your 5705th New Year in the spirit of hope, such as has not been possible for a long, long time. You have cause, too, for hope that the quickening tempo of our victorious armies may soon bring to an end the assault upon civilization in Europe.

The people of Jewry also have the consolation that from each successful trial that they have undergone, they have emerged stronger. Persecution after persecution has served only to toughen and weld the character of the Jewish people to a vitality which nothing can corrode.

Our Americans of Jewish faith have contributed mightily to our culture, our polity, our citizenship, our respect for the dignity of the individual. May these essential qualities of a civilized world be brought to suffering peoples everywhere.

We have reason to believe that the coming year will be inscribed as a truly happy one.

Statement for Use in Connection with National Newspaper Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *September 25, 1944*

Governor Dewey has issued the following statement for use in connection with National Newspaper Week, October 1—8, 1944:

National Newspaper Week serves to call the American people to a re-examination and revaluation of the free press which serves them so well and which has contributed in so many important ways to the winning of the war.

As American troops help liberate Europe, it would be well if every citizen of America would study what happened to Continental Europe, where the press developed very differently from that of America and Great Britain. The press of Europe grew soft and cynical in its dependence for income upon the subsidies and patronage of special pressure groups and blocs. Advertising never developed to the point of establishing an independent financial foundation. So the press of many European countries became merely propaganda sheets for various blocs and political groups. Freedom of the press, as America knows it, became unavailable. The kept press of the European blocs thought it could not afford freedom. Events demonstrated that it could not afford to do without freedom.

The freedom of press and speech amendment was added to our youthful Constitution because of a deep-seated fear of government dominance. The founding fathers wrote a defense in the fundamental law against the arbitrary suppression of a free press by government, such as had taken place at times in England before and during Colonial days. They were determined to leave no loopholes for such development here.

The dictators have given the world a bitter and bloody demonstration that government tyranny is still the great enemy of free press and speech. Measures to suppress completely the freedom of the press were carried out by every one of the dictators as natural and essential steps to their success. The lesson is not without some application to our own country, as has been indicated by some of the tendencies of the government in power, against which most editors and publishers have been watchful. In the midst of a paper shortage, a single week's output of government releases sent to a single newspaper weighed sixteen and three-quarters pounds net. If reprinted in one of our large Metropolitan dailies, those releases, exclusive of advertising, would have required the entire space for five full days. I have every confidence that our free press will continue to resist government domination of its contents, and that such examples as this will be rebuked as sheer waste and arrogance.

To the publishers and staffs of America's newspapers, our people are indebted for a great service of enlightenment. As custodians of a public trust they have given America by far the freest, most interesting and most informative press in the world. I know our publishers and editors will hold high that precious tradition.

(Signed) THOMAS E. DEWEY

**Statement by the Governor Indicating Campaign Course He Will
Take Following Speech by the President**

September 24, 1944

In six speeches since the opening of this campaign I have started to show the course I believe our country should take in the critical years ahead of us. My opponent, in his speech last night, indicated that he has no program and has sunk to mere quoting from "Mein Kampf" and to charges of "fraud" and "falsehood".

It is now more clear than ever that four terms as President is too many for any man and that sixteen years would be far too long.

Since the man who wants to be President for sixteen years has now dropped the mask of a "non-political" campaign, and is campaigning on the remote past, I shall feel free to examine his record with unvarnished candor in the future, beginning with a national broadcast from Oklahoma City, Monday night, at 9:00 o'clock, Central War Time.

Nothing will deter me, however, from continuing to preserve our national unity for war and for the building of the peace or from presenting the forward-looking program necessary if we are to have a successful America here at home.

Statement by the Governor—Death of Alfred E. Smith

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 4, 1944*

Our State and Nation have just suffered the loss of a truly great American—Alfred Emanuel Smith.

A vibrant, lovable personality, Governor Smith always had the complete trust and affection of those who knew him. As Governor of New York State for eight years, presidential nominee of his party and a leading statesman of our time, he represented all that was fine and good in public service.

Governor Smith will never die. The progressive measures which he sponsored are now a part of our American heritage. His distinguished career will always stand as an inspiration to the people of America.

Statement by Governor Dewey on Appointment of Advisory Committee on Technical Industrial Development

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 6, 1944*

Early in 1943, upon my recommendation, the Legislature appropriated funds for a postwar business development program to be undertaken by the New York State Department of Commerce. Since that time the Department of Commerce offices throughout the State have been working with and for business and labor, and both elements have been helped toward the universal goal of increased postwar job opportunities, particularly for returning veterans and for those war workers who might find themselves without employment after war production is curtailed.

The over-all problem of reconversion is many-sided. Some of the individual problems can be met only through national action; others, while national in scope, can be most effectively approached at the State and community level. An outstanding example lies in the field of technical development, where the New York State Department of Commerce has found a wide-spread demand by small business for more complete information and advice on new processes, new products and new materials.

To help us more fully meet this demand, I have invited a group of representatives from both large and small business, labor leaders and technical experts to serve on an Advisory Committee on Technical Industrial Development.

This committee will work with the Department of Commerce in identifying all existing facilities for industrial research and technical advisory service. It will appraise these facilities in the light of postwar expectations, and will propose a program to meet our business needs in this field.

Several decades of technical industrial development have been telescoped into a period of a few years as a result of the war. A large portion of this vast store of knowledge can be made available to business generally. While large industry with trained personnel and complete research facilities is in a good position to capitalize promptly on such developments, it is my hope that the work of this committee will assure every businessman in the State reasonable access to current information on new products, new processes, and new materials.

Obviously, labor has a primary interest in this problem. Half of the industrial labor force of the State is employed in small industry. Progress in meeting the technical problems of small industry will, of course, mean more jobs for our citizens and an even higher standard of living.

What little thinking our National Administration has done on the subject of postwar business reconversion has expressed itself chiefly in attempts to evolve a completely regulated adjustment. This deplorable preoccupation indicates our government's conviction that there is little enterprise left in our Nation's business.

Thus I feel that one of the most encouraging by-products of the work done by the Department of Commerce is the fact that business in New York is independently determined to achieve a higher level of production and employment after the war than has been reached in any peacetime year. Our businessmen know that full employment is the key to our future prosperity. While they recognize that attainment of their objective depends to a large extent upon the reconversion program that may evolve in Washington, they are nevertheless ready to take the initiative in plans of their own for peacetime expansion.

It is the policy and program of the State of New York to give these businessmen every possible aid within our power to encourage such initiative, so that there may be provided the fullest possible measure of postwar employment and prosperity.

NOTE.—For membership of committee, see Appointments, page 342.

Statement on Future of Coal Mining in Reply to Newspaper Question

CHARLESTON, WEST VIRGINIA, *October 7, 1944*

Following the Regular Press Conference at The Daniel Boone Hotel, Charleston, West Virginia, Governor Dewey was asked the following question by a local newspaperman:

Q. As you know, West Virginia is the leading bituminous coal mining state in the Union. What do you think of the future of coal mining in this country?

To this the Governor replied:

A. Coal mining in America will have a stable and an expanding future under a national administration, which will encourage the enormous technological advances in consumption and use of coal. I have long favored legislation to stabilize the coal industry to prevent the return of ruinous, cut-throat competition which would impoverish the people of the coal producing areas. With a floor under the industry and the technical advances ahead of us. I am confident of stable conditions for the industry and a living wage for the coal miners commensurate with the hazards of their work.

Statement by the Governor—Death of Wendell L. Willkie

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 8, 1944*

Wendell Willkie was one of the great men of our times. His death will be mourned throughout the world.

A forceful and courageous man, he made a notable contribution to the political and philosophical discussions of these critical years. His passing is a loss not only to the Republican Party, whose Presidential nominee he was in 1940, but to all of us—Americans of both parties who shared his faith in representative government and his earnest hopes for world peace.

Mrs. Dewey and I extend our deepest sympathies to his family in their great personal loss.

Statement by Governor Dewey on Results of Dumbarton Oaks Conference

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 9, 1944*

The work of the British, Russian, Chinese and American experts makes a fine beginning in a momentous task. I am very happy over the result. All peace-loving people must rejoice that we found so large an area of agreement about world organization for peace. The unanimous recommendations open the way to the next steps.

We must find agreement as to voting rights within the Council, particularly in case one of the permanent members of the Council is itself involved in controversy. We must seek the views of other nations who will be members. Not only the great but the small nations must have a full share in shaping the peace structure if

it is to work. The reactions of other nations should, therefore, be obtained as soon as possible. Then there must be drafted the definitive treaty establishing the new organization and that in turn must be submitted to the member states for adoption.

There is thus much still to be done and we should push forward steadily to do it. The structure we plan derives from the present war coalition of more than 30 United Nations. We must take advantage of that mood of common purpose to assure continuing unity for peace. This makes it important to act promptly rather than to delay in the search for perfection. We must not be discouraged or become disunited if every detail is not immediately solved to perfection. The initial organization will in any event need to be perfected as we go along.

We can feel confident as we enter these next phases of our task. We know that there is in this country bi-partisan agreement upon the end to be achieved; that there is already a large measure of accord with our British, Russian and Chinese friends, and that our approach to other nations is animated by a genuine desire to deal with them as equal partners. With all of this we cannot fail.

Statement by Governor Dewey Urging All Qualified Citizens to Vote

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 11, 1944*

Never before has the responsibility of citizenship been more important than today. The exercise by every qualified American man and woman of the right to vote cannot fail to inspire freedom-loving people everywhere. It is to preserve this sacred right of self-government that we are fighting a world war.

Our fighting men on the far battlefronts of that war and we here at home will decide together, by the ballots we cast on November 7, the future of our country for generations to come.

I cannot emphasize too strongly my own hope that every qualified citizen will recognize this great responsibility by registering and by voting on November 7.

Statement by Paul E. Lockwood—Theme of Governor Dewey's Forthcoming Speech at Herald-Tribune Forum

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 11, 1944*

The title of Governor Dewey's speech at the New York *Herald-Tribune* Forum next Wednesday, October 18, will be "This Must Be the Last War." The speech will be broadcast over the Blue Network at 9.30 P.M., Eastern War Time.

Governor Dewey made his first speech exclusively on foreign affairs at Louisville, Kentucky, on September 8, under the title of "The Building of a Lasting Peace." While Governor Dewey has discussed foreign affairs during the campaign in a number of statements and press conferences, as well as in part in a number of addresses, this will be his second address of the campaign devoted exclusively to foreign affairs.

Indorsement by the Governor of the Palestine Plank in Republican Party Platform

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 12, 1944*

I heartily indorse the Palestine plank in the Republican Party platform. Again I repeat what I previously stated to the great leader of the American Zionist movement and distinguished American, Dr. Abba Hillel Silver, that I am for the reconstitution of Palestine as a free and democratic Jewish commonwealth in accordance with the Balfour Declaration of 1917 and the resolution of the Republican Congress in 1922. I have also stated to Dr. Silver that in order to give refuge to millions of distressed Jews driven from their homes by tyranny I favor the opening of Palestine to their unlimited immigration and land ownership.

The American people have time and again declared themselves in favor of these principles. The Republican Party has at all times been the traditional friend of the movement.

As President I would use my best offices to have our government working together with Great Britain to achieve this great objective for a people that have suffered so much and deserve so much at the hands of mankind.

Statement by Governor Dewey Relating to President Roosevelt's Reply to Oklahoma City Speech

October 15, 1944

I have read Mr. Roosevelt's statement issued by him as "The White House" in which he belatedly attempts to answer my speech of three weeks ago at Oklahoma City.

But this statement he puts out is not new. Exactly the same statement was put out by the Publicity Director of the Democratic Party to its speakers ten days before. Mr. Roosevelt has found it necessary to dust it off and issue it with the sponsorship of the White House.

In this statement, Mr. Roosevelt confesses that every single statement I made in my Oklahoma City speech was exactly correct down to the last period and comma.

Mr. Roosevelt's failure to prepare this country and the resulting price we have had to pay is established out of the mouths of his own followers. As I have said, I did not intend debating the tragic results of Mr. Roosevelt's total failure of leadership. But the facts are even more clearly etched as a result of his statement of yesterday.

It is the fact that the Chief of Staff of the United States testified that in 1940 our army was "only 25 per cent ready."

It is the fact that General Arnold, on January 4 of this year, stated that "December 7, 1941 found the army air force equipped with plans but not planes."

It is the fact that four months after Pearl Harbor Mr. Roosevelt's current running mate admitted on the floor of the United States Senate the responsibility for the shocking state of our defense program was right in the White House.

It is the fact that both Senator Truman and Senator Barkley have publicly admitted that our Nation was not prepared for the attack on Pearl Harbor.

The list is endless. The record is dreadfully bad. It cannot be concealed by epithets or by hiding behind the symbol of the White House.

It is equally amazing that Mr. Roosevelt should find it necessary to get his subordinate and close associate, Mr. Berle, the Assistant Secretary of State, to write him a letter accusing me of "misquoting," "dishonesty" and of having "ripped" a sentence from its context. Mr. Roosevelt also released this from the White House.

Once again, the facts are very simple. Mr. Roosevelt and Mr. Berle again admit my statement that Mr. Berle said in a memorandum:

Over a period of years, the government will gradually come to own most of the productive plants of the United States.

Mr. Berle claims that he meant the opposite and cites other language in the memorandum. But he skillfully omits to quote the relevant language in the very same passage from which I have quoted above: It reads:

If the country desires to make wealth creation a function of government (I personally believe it must do so in larger measure than it has heretofore) the choice should be the considered choice of the country, and not the result of a policy of drift.

The government's ability to create wealth efficiently is denied by a good many people. It seems to me a good many of these attacks are unjustified, though *I am frankly biased in favor of public ownership of certain forms of wealth.*

There is more of the same doctrine in Mr. Berle's memorandum. The conclusion seems to be that Mr. Roosevelt is continuing the slippery tactics the New Deal has always employed.

It seems regrettable that the man who wants to be President for 16 years should find it necessary to hide behind evasions by his associates and should sink to using the White House to make a headline for a 10 day old release by the Publicity Director of his party.

Statement by the Governor Warning Nazis of Punishment for Crimes

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 19, 1944.*

Information comes to this country from unquestionably reliable sources that the Nazis, trapped and knowing that they are faced with inevitable defeat, are now resorting to the known gangster terror device of threatening to exterminate their very victims—Poles, Jews and other non-German nationals—now imprisoned by them in their horrible concentration camps in parts of Poland and other countries still occupied by the Nazis.

The civilized world is now in a position in unmistakable terms to warn the Nazis—military commanders, members of the German Government, their aiders, abettors and supporters—that certain and inevitable justice awaits them for these brutal and wanton murders if their schemes should be carried out.

I am happy to note that our State Department has issued a warning that “if those plans are carried out those guilty of such murderous acts will be brought to justice and pay the penalty for their heinous crimes.” American public opinion will fully support the statement issued by our Department of State.

Statement by Paul E. Lockwood—Theme of Governor Dewey's Forthcoming Speech at Pittsburgh, Pa.

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 19, 1944*

Governor Dewey will discuss at Pittsburgh Friday evening on the radio what happens to free labor under personal one-man government and what labor in America has a right to look forward to under a new administration.

Report of Emergency Food Commission on Postwar Farm and Food Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 21, 1944.*

Governor Thomas E. Dewey today made public the summary and recommendations of an exhaustive report by the Emergency Food Commission of New York State on a postwar farm and food program, submitted in response to a request by the Governor last May 24.

The report was submitted by Harold M. Stanley of Skaneateles, Chairman of the commission and Secretary of the New York State Grange.

The commission, made up of representatives of farm organizations, of business in the farm field, and of State agricultural agencies, was appointed in 1943 to help meet wartime problems in the food field.

“This is an important and stimulating contribution to our thinking by a group which has rendered most valuable service to the

State in meeting its wartime food problems," said Governor Dewey. "What pleases me most about it is its recognition that full production and employment in business and industry are the first fundamental necessity for a prosperous agriculture. Only if all elements in our country pull together can we attain the twin goals of prosperous farming and a good diet for all our people."

FOOD AND FARMING—A POSTWAR PROGRAM FOR NEW YORK

SUMMARY AND RECOMMENDATIONS

If everyone in the United States had a good diet our national health and vigor would be greatly improved and the problem of maintaining a prosperous agriculture would be largely solved. A good diet for everyone would necessitate a large increase in the production of the protective foods—dairy products, meats, eggs, fruits and vegetables. A substantial increase in the per capita consumption of these foods would both improve our health and make fuller use of our farm plant.

In working toward the twin goals of a prosperous agriculture and a good diet for all, many problems must be faced. Farm incomes must be such as to enable efficient farm operators to pay operating expenses, maintain their farms and provide a good living for themselves and their families. Consumers must have enough money to buy the food they need which means they must have jobs. In addition, education in what constitutes a good diet is called for, and for those who are hopelessly handicapped with respect to income, some form of aid is necessary for them to get the amounts of protective foods required for good health.

In 1936, approximately two-thirds of the Nation's families had incomes of less than \$30 a week. There were 10 million unemployed and 15 per cent of all families were on relief some time during the year. Under such circumstances not only is national health endangered but a prosperous agriculture is impossible. Studies of food consumption at different income levels in 1941 indicate that families with incomes of less than \$30 per week consumed 9 per cent less milk, 17 per cent less eggs, 20 per cent less meat, 34 per cent less fresh fruit and 9 per cent less fresh vegetables than the amount required for a reasonably good diet. This extra production at fair market prices would have materially improved farm income which in turn would have enabled farmers to buy more of the products of business and industry.

NEW YORK STATE'S FOOD AND FARM PROBLEM

Fifteen per cent of the total urban population of the United States lives in New York State. This large urban population depends upon New York's agriculture for nearly all of its fluid milk and cream, three-fourths of its fresh vegetables and two-fifths of its fresh eggs and fresh fruit. Since these are the foods required in generous quantities to provide a good diet, the stake of New York's consumers in the agriculture of the State is evident. Likewise, New York farmers have an important stake in the welfare of New York consumers since to the extent consumers have jobs and full pay envelopes there is an active demand for the products of New York farms. To assure a continuing and ample food supply, it is essential that farm prices and incomes be such as to provide a fair return to agriculture.

Here then is a problem in which all groups in the State have an interest—to find ways and means for *everyone* in the State to have a good diet and to maintain New York's agriculture on a prosperous basis.

A NEW YORK STATE PROGRAM

During the two years of its existence the work of the New York State Emergency Food Commission has given its members an opportunity to acquaint themselves at first hand with almost every phase of New York's food and farm problem. The Commission's work was to assist producers, processors, distributors and transportation services in meeting the many

emergency problems growing out of the war so that New York State's large population would be assured at all times of an adequate food supply. A further task was to assist consumers in making the best possible use of available food supplies by providing them with information on how to meet wartime nutritional problems.

During the course of its work the Commission has had impressed upon it the interdependence of various segments of New York State's economy—the dependence of New York consumers upon New York farmers for adequate supplies of food; the dependence of farmers on consumers for a market for their products; and the dependence of both upon business and industry to provide jobs at good wages for the large non-farm population. Farmers in turn provide an important market for the products of business and industry.

This interdependence is frequently overlooked by farmers, workers and businessmen who tend to think in terms of their own immediate problems and interests. If, however, the State and Nation are going to accomplish the difficult task of reconversion at the end of the war and raise the American standard of living to the levels that our all-out war effort has demonstrated to be possible, we must not forget that each group is dependent upon the others. While various groups and industries have different problems and while such problems must be dealt with individually, they must be handled in such a way that all parts of the economy move forward together and not one at the expense of another.

Looking forward to the postwar period the Food Commission believes that the State of New York should set up certain longtime objectives and work toward them, including the objective of making it possible for everyone to have a good diet and of placing its food producing, processing, transportation and distribution industries on an economically sound basis.

After careful study and consideration of the many problems involved the Commission recommends the following program which it believes will enable the people of the State to make real progress toward this objective.

1. Bring all the resources of the State to bear upon the basic problem of maintaining employment and income for the people of the State.

To the extent that business and industrial activity is maintained at a high level there are jobs and full pay envelopes to purchase the food necessary for a good diet. To the extent consumers purchase a good diet at fair prices New York agriculture prospers.

Such problems as prices, employment and incomes present questions that for the most part must be dealt with on a national basis. In any event they are outside the scope of the Food Commission's activities. They are so important, however, to the food and farm situation in New York that it would be unrealistic to ignore them. Furthermore, the Food Commission believes that the State of New York, through the Department of Commerce and other State agencies, should continue to do everything possible to create conditions within the State that will contribute to the solution of the problem of maintaining full employment and a high level of industrial and business activity.

2. Increase efficiency and reduce production costs on New York farms by continuing to actively support research, extension and other programs to assist farmers in reaching these objectives.

Between 1870 and 1900 farm production per worker in New York increased by 25 per cent. It about doubled between 1900 and 1940. This remarkable increase resulted from improved varieties of crops, improved cultural practices, improved control of insects and diseases, improved breeding of farm animals, improved feeding and management practices and great improvement in farm machinery. It is important to both the producers and consumers of the State that we continue to increase the efficiency of farm production as a means of increasing net farm incomes and reducing costs to the consumer. Therefore, the State must continue to support research, extension and other programs to help farmers improve their operations.

No need of agriculture is greater than the development of low-cost many-purpose machinery adapted to the family-size farm—particularly machinery

which will reduce peak loads during haying and harvest. Machinery manufacturers should be stimulated to actively pursue this objective. Experiments with new types of haying equipment are progressing in New York State. The possibility of developing new and improved machinery for other important farm operations should also be investigated.

Better livestock is important. Much progress has been made in breeding poultry not only for increased production but for longer productive life. New York farmers have made great advances in artificial breeding of cattle. In 1944 the State's resources were put behind this program and a central bull barn and laboratories are now being built. These facilities provide the opportunity and impose the responsibility for rapidly increasing both the average annual production and the productive life of New York dairy cows.

These breeding programs need to be supplemented by increased research on the causes of disease, sterility and other factors which make for short productive life including the nutritional aspects involved. Cows in New York herds are retained in production for an average of less than five years after they first freshen. Large numbers have to be discarded because of failure to breed, udder troubles and other causes before the time they have even reached the age of maximum production. They represent a heavy loss. Similarly, one quarter of New York's laying hens die before they have been laying eggs for one year. Obviously this adds to the cost of eggs.

3. Get Top-Quality Foods to the Consumer More Cheaply and Conveniently.

New developments in processing and handling food, including the expansion of quick freezing, are certain in the postwar period. These will have an important influence particularly on the fruit and vegetable industries of New York State. Much needs to be learned about the best varieties of fruits and vegetables for freezing and the best stage of maturity for harvesting. Information is also needed on processing, distributing and merchandising frozen products in view of improvements for home storage. It is important that New York's great fruit and vegetable industries not merely keep abreast of developments in food processing and distribution but that they set the pace. Attention must be given to both nutritive values and palatability. New York should maintain its present position in the industry and it is important that growers, processors, transportation agencies, distributors and research and regulatory agencies of the State cooperate to this end.

Upstate regional markets have demonstrated their value in the prompt and efficient distribution of perishable farm produce. The New York Metropolitan Area is still in desperate need of up-to-date facilities that will provide for the efficient handling of perishable products from New York State and other nearby areas as well as from more distant points. This is a project for immediate postwar attention.

4. Continue to recognize the place of farmer-owned and controlled cooperatives in New York agriculture.

Although the family farm is an efficient production unit, the individual farmer operates under a handicap in both buying and selling because of the small volume of his business. Cooperatives have made important contributions to the prosperity and efficiency of New York agriculture by making possible the economies of large-scale business.

5. Continue on a permanent basis the State's wartime program to provide consumers, both urban and rural, with better information on how to use available foods to obtain a good diet and provide for research and the training of workers in human nutrition.

Rapid discoveries about food values and body needs have run ahead of most people's knowledge. Special facilities for spreading this information are the only way it can reach housewives who are trying to feed their

families in the best possible way. The wartime program of the Food Commission has had substantial success in this direction and has met enthusiastic response.

Research should be expanded to speed up the accumulation of the basic scientific knowledge that is still needed to make a postwar food and nutrition program most effective.

6. Assure the availability, especially for children, of the amounts of milk and other protective foods needed to provide good growth and health.

Thousands of New York children have not received the amounts of milk and other protective foods they need. Rejections of young men and women by the armed services as unfit for military duty provide evidence on this point.

Considerable experience was obtained in the 1930's with school lunches, penny milk and a food stamp plan. These and other approaches to the problem of public aid for better nutrition should be carefully studied as a basis for developing a practical program.

7. Provide the advantages of modern health, educational and recreational facilities, good roads and electric service in areas suited to farming and rural residential use. Resume State purchase and reforestation of land not suited to either of these uses.

About two-thirds of up-State New York, outside the Adirondack and Catskill Parks, is suited to farming. One-third is not suited to farming under any foreseeable conditions although areas located close to employment opportunities may be used for residential purposes.

It is important that schools, roads, electricity, health and recreational facilities be made available in all productive areas as well as in areas suited to rural residential use. It is equally important that non-agricultural land be reforested or developed for recreation in order to put it to productive use and save people the calamity of trying to farm against hopeless odds.

Since an inventory of the State's land resources and studies of economic factors affecting their use is basic to the development of a sound land-use program, it is recommended that soil surveys and land classification surveys be completed for each of the State's 55 agricultural counties.

It is also recommended that the State reforestation program provided for in the Constitution under the Hewitt Amendment and abandoned early in the depression be resumed. The 1945 Conservation Department appropriation should provide for growing seedling trees in preparation for planting when labor becomes available.

8. Give strong support to the recently established program of advising and helping ex-service men and war workers who desire to locate in the rural areas of New York State.

New York has already made an excellent start in setting up facilities to assist ex-service men and women to get re-established after the war. At the last session of the Legislature the New York State Veterans' Commission was created. Representatives of the Veterans' Commission, together with representatives of the Extension Service and public and private agencies are working with the county agricultural defense committees of the State in establishing an advisory service in each county for persons returning from the armed services and war industries who wish to farm or live in the country. The county agent in each county is supplying general information relative to agricultural opportunities. Experienced farmers in each community are advising ex-service men who want to buy farms. This is important particularly in those parts of the State where there is land unsuited to farming.

In many instances a major problem will be to help persons seeking advice to make up their minds as to whether they should farm for a living, operate a part-time farm or move to the country at all. Having reached a decision on this important point, the next problem is to assist them in finding properties suited to their needs. There are many kinds of rural properties

in New York State. Some are suited to farming, some are not. Some are suited to rural residential use or part-time farming, others are not. Mistakes in selecting and financing a farm or rural home are one of the most frequent causes of failure. Every effort should be made to help returning service men and war workers avoid mistakes.

Statement by Charles D. Breitel Announcing Conference with New York City Election Board Officials on Hours of Voting

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, October 23, 1944

At the Governor's direction I have today invited the four members of the bi-partisan Board of Elections of the city of New York to confer with me on the question of extending the voting hours for the election on November 7. The President of the Board, Mr. Cohen, has accepted the invitation on behalf of the Board and we are meeting at 2:30 p.m. tomorrow.

Messages Received by Governor Dewey Following Address at Herald-Tribune Forum

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, October 24, 1944

The following messages were received by Governor Dewey following his Herald-Tribune Forum speech:

1. I am in hearty accord with your discussion of plans for permanently organizing international peace, and I am confident that a Republican Senate will loyally support you in this great objective.

(Signed) **ARTHUR VANDENBERG**, *Chairman,
Senate Republican Conference Committee*

2. Your statements in the Herald-Tribune Forum speech give vigorous support to the cause of security and increase confidence in the establishment of the United Nations before cessation of hostilities which is vital prerequisite to a peace that will prevail.

(Signed) **WARREN R. AUSTIN**, *Chairman,
Republican National Convention Foreign Relations Sub-Committee*

3. Concerning your foreign policy speech, I thoroughly approve your discussion of a necessary world organization and am confident it would be confirmed and ratified by nearly all Republican Senators.

(Signed) **ROBERT A. TAFT**,
Chairman, Republican Steering Committee

4. Your statements in support of a postwar organization and your vigorous leadership in developing and clarifying our country's foreign policy have my respect and approval. Your views will be accorded enthusiastic and loyal support by Republicans of the Senate and by the American people.

(Signed) **WALLACE H. WHITE, JR.**,
Acting Minority Leader, United States Senate

5. Enthusiastically endorse your proposals for a permanent organization to bring about world peace. A Republican Senate will back you up.

(Signed) **KENNETH WHERRY**,
Republican Whip, United States Senate

6. When elected President, you can count on enthusiastic support of the Republican House of Representatives to carry into effect your plan for United States leadership in organization to cooperate with other nations for world peace. I shall personally be very pleased to follow your splendid leadership in bringing this plan into reality.

(Signed) JOSEPH W. MARTIN, JR.,
Republican Leader, House of Representatives

NOTE.—See Address, page 759.

Statement by the Governor Announcing Calling of Legislature into Extraordinary Session

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 27, 1944*

On the basis of the attached report by Charles D. Breitel, Counsel to the Governor, I have today called an Extraordinary Session of the Legislature to be held at 12 noon on Monday, October 30, 1944, for the sole purpose of extending the hours of voting in the coming general election and adjusting the compensation of election officials.

NOTE.—For Report mentioned hereinabove, see Messages to Legislature, page 124.

For Proclamation, see page 314.

Statement by the Governor—Death of Father William Charles

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 27, 1944*

The passing of Father Charles is a loss not only to the parishioners of the Church of St. Vincent de Paul in Albany and the communicants of all Roman Catholic parishes but to the entire community.

During forty-two years of devotion to his sacred calling, the life of Father Charles has been one long record of dedication to spiritual inspiration and practical application of his energy and talents to creating better conditions for human beings of all races and all confessions.

We shall remember him particularly for his interest in young people. It was not a matter of mere sentimentality. Father Charles embodies it in the Vincentian Institute which he created and brought to successful fruition and to Camp Tekakwitha. They will be monuments to his memory finer than any statues of marble or tablets of brass.

Statement by Governor Dewey at Time of Signing Bills Extending Hours of Voting

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 30, 1944*

These are non-partisan bills which both Houses of the Legislature have now passed unanimously in response to my call for an Extraordinary Session. The bi-partisan support of these bills just a week before a great National election is a tribute to the spirit of the teamwork and unity in our State.

It is my earnest hope that every eligible citizen in the State of New York will cast his ballot on Election Day as a message to all the world that free government is the strongest bulwark of liberty.

NOTE.—These bills became chapters 797 and 798, Laws of 1944.

Statement by Paul E. Lockwood—Theme of Governor Dewey's Speech at Buffalo

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 31, 1944*

The Governor will talk in Buffalo about promises unfulfilled which are no better for a fourth term than for a first term.

He will also state his specific, constructive program for the future of America, with special emphasis on small business and jobs.

Statement by Paul E. Lockwood—Theme of Governor Dewey's Speech at Boston

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *October 31, 1944*

The Governor will discuss in Boston, Massachusetts, the question of who will out-bid the One Thousand Club for control of the captive Democratic Party. He will talk about the subversive elements who now seek to take over the country. He will also outline the principles by which we must live if we are to be free.

Statement by the Governor—Death of Harold W. Mason

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *November 4, 1944*

The sudden and tragic death of Harold W. Mason was a great shock. He was a close personal friend and had accompanied me as an advisor throughout the campaign.

As Secretary of the Republican National Committee and Committeeman from Vermont, Mr. Mason represented all that was fine

and good in American politics. His passing leaves me with a sense of great personal loss. The Republican party and the Nation have lost a staunch believer in the highest ideals of America—a man who unselfishly devoted much of his life to their service.

**Statement by the Governor after Receiving Delegation of Members
of Women's Reserve of U. S. Coast Guard**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *November 10, 1944*

Governor Dewey today received in his Executive office at the Capitol a delegation of members of the Women's Reserve of the United States Coast Guard. They included Lieutenant M. A. Karlin, Yeomen Ruth Lynch and Mary Northey, all of the Albany Coast Guard office. After receiving the delegation the Governor issued the following statement:

On November 23, 1944, the members of the Women's Reserve of the United States Coast Guard will celebrate the second anniversary of their founding. As Governor of the State of New York, I am happy to congratulate the SPARS for the splendid patriotic work which they are doing. In their service to their country in wartime they are living up to the best traditions of the Coast Guard and the people of the State are proud to honor them.

Statement by the Governor—Pearl Harbor Anniversary

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *December 7, 1944*

Three years ago the Japanese launched the infamous sneak attack on Pearl Harbor. They and their Nazi partners boasted that the freedom-loving peoples of the world would soon be enslaved by the "New Order."

Today, as our fighting men carry the attack to the homelands of our enemies, the war lords of totalitarianism know that they made their greatest mistake when they attacked the United States of America.

We are now moving into the final phases of a victorious war. We can bring that war to an end if all of us here at home unite and remain united in backing up our armed forces abroad. American industry and American labor have astonished the world with the massive production of the instruments of war. But we now know of grave shortages and still more must be done. The American people have subscribed as never before to War Bonds. But still more remains to be done. We must put in the extra effort, now, every day to bring victory.

As Governor of the State of New York I urge every citizen to memorialize Pearl Harbor Day by buying another War Bond—and then one more. Let everyone express his gratitude that war has not reached our own shores and his determination to achieve quick victory by doing more—today—to bring victory about.

**Statement by the Governor in Response to Question from Press
as to Whether John Foster Dulles Represented Him on Visit to
Washington**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *December 8, 1944*

Last Monday Mr. Dulles and I discussed at length his proposed visit to Washington today for conferences with Secretary of State Stettinius and Senators Vandenberg and Austin.

Mr. Dulles and I worked very closely together during the campaign while he acted as my representative in conferences with Secretary Cordell Hull in lifting the organization for lasting peace above partisanship. Our deep interest in the building of a lasting peace in the world and our joint efforts to that end will continue.

**Statement by the Governor—Death of Supreme Court Justice
Ely W. Personius**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *December 12, 1944*

The sudden and tragic death of Supreme Court Justice Ely W. Personius shocked me deeply. His fine legal capacity combined with personal warmth and charm made him beloved by litigants, lawyers, witnesses, jurors and all who knew him. His upright character was a guaranty of his high judicial standards. A distinguished jurist, his passing is a great loss to the people of the State of New York.

**Statement by Governor Dewey in Making Public the Report of
Interdepartmental Committee of Delinquency**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *December 18, 1944*

This report is a demonstration of what can be accomplished by State department heads working together in the interest of the people of the whole State.

The State has taken three unprecedented steps: first, its officers have put forward an integrated proposal to organize, support and supplement a program of delinquency prevention; second, the State is directing its attention to prevention rather than punish-

ment or custodial care; and third, a report of this magnitude in an interdepartmental field has been accomplished without any additional cost to the State in the survey, analysis or the making of the report.

There are many problems of government which defy classification within departmental lines. The successful work of this informal and unpublicized committee demonstrates the effectiveness with which such problems can be attacked. Delinquency is the first. Racial and religious discrimination should be the next.

I am sure that this forward-looking program will receive the thoughtful consideration of the Legislature, of all those who have a specialized interest in the field and of the public generally.

SUMMARY OF REPORT OF INTERDEPARTMENTAL COMMITTEE ON DELINQUENCY

December 18, 1944

Establishment of a New York State Youth Service Commission, empowered by law to assist localities in preventing juvenile delinquency, is recommended in the interim report of the Interdepartmental Committee on Delinquency made public today by Governor Dewey.

The committee, appointed by Governor Dewey in October, 1943, to study the State-wide problem of delinquency, asserts that while delinquency prevention programs must be initiated and conducted in the localities under local auspices and administration, the State of New York has a "definite responsibility to give guidance, leadership and financial aid, where necessary," in the interest of stimulating and developing the programs.

"The development of an effective prevention program requires leadership of public officials and other citizens to focus all constructive community forces on a cooperative approach to the problems of young people," the report declares. "Only in this way can be insured services and activities necessary to meet diversified needs."

The report summarizes a fifteen-month survey of the problem by the members of the committee—John A. Lyons, Commissioner of Correction; Dr. George S. Stoddard, Commissioner of Education; Dr. Frederick MacCurdy, Commissioner of Mental Hygiene; Robert T. Lansdale, Commissioner of Social Welfare, and Frederick A. Moran, Chairman of the State Board of Parole.

At various times the committee was assisted by the New York State Department of Labor, the State Liquor Authority and the New York State War Council. The committee members frequently conferred with Charles D. Breitel, Counsel to the Governor, and Lawrence E. Walsh, Assistant Counsel.

In recommending that localities initiate and conduct delinquency programs, the report outlines in detail "a community plan for prevention of juvenile delinquency." This plan calls for the establishment of a central community organization which will direct and coordinate all problems of delinquency in a locality. This organization, the report recommends, should be headed by a full time public officer whose status is equivalent to the head of a municipal department. This director would operate in cooperation with two advisory groups; a small committee of experts and a large committee composed of representatives of public and private agencies in the delinquency field and outstanding citizens who are interested in the subject. In addition, the local director will work in close touch with the local education authorities, the police, public and private welfare agencies, children's courts, churches and voluntary youth organizations.

Once the local community organization is established it would then work in close cooperation with the proposed State Youth Service Commission and, when necessary, would be provided with additional funds by the State Commission for its work.

The report recommends that bills be introduced at the coming 1945 legislative session establishing a Youth Service Commission and that its membership be comprised of the Commissioners of Correction, Education, Mental Hygiene, Social Welfare and the Chairman of the Board of Parole.

The report recommends that the establishment of a lay advisory committee, composed of representatives of interested groups throughout the State, should be considered.

Once the commission is established the State would then be able to place the experienced services of the various State departments interested in juvenile delinquency at the disposition of the local communities. In this way, existing facilities which are presently divided between State departments would be coordinated under one head. In addition, the report points out the new commission would be able to coordinate and broaden the prevention resources of the State in the following manner:

1. By coordinating relative activities and efforts of all State departments working in the field of delinquency;
2. By stimulating localities to set up programs for coordinating its own community program;
3. By assisting schools in their important work of locating and reporting potential delinquents;
4. By assisting localities to extend recreational programs, by broadening their content thus enabling them to reach every child;
5. By assisting to extend the child care program to reach into homes where help is needed;
6. By assisting in recruiting and training leaders for voluntary youth organizations;
7. By assisting localities to secure needed specialized services such as psychiatric, psychological and social work services when existing local agencies are not able to supply them;
8. By assisting localities in making surveys of existing needs and available resources;
9. By assisting in appraising achievement of local programs;
10. By serving in a general consultative capacity—acting as a clearing house, developing materials and arranging conferences;
11. By developing and maintaining enlightened public opinion in support of a program to prevent delinquency;
12. By formulating a permanent patent to take over the work being provided by the commission.

In the section of the report suggesting "what the locality can do," the committee outlines procedure for guiding a locality in setting up a plan for taking steps essential to delinquency prevention. The report describes as essential characteristics of an effective plan, the following:

1. The locality takes the initiative. One of the essential elements in the plan is to unite all groups and agencies in a coordinated program. The community must do this itself; it cannot be ordered from without. Each locality will also have particular problems and particular resources, which call for the adaptability of local control.
2. The plan is centered in the municipal government—the city, village or county body, as the case may be. Voluntary cooperation among various agencies can accomplish real gains, but the fullest accomplishment requires funds and the fixing of definite responsibility on a unit responsive to public opinion.
3. The various existing agencies and groups, public and private, are used to the full. The central unit operates to increase the service which each group can render by developing agreement upon methods, by directing the groups to places where their services are most needed and by helping to strengthen groups through every possible means.
4. The school plays an important part in the total program because it is the public agency set up to care for all children. It has a basic responsibility for building better behavior; it is the most central place for locat-

ing the vulnerables; it has an extensive, well-trained staff which can be still further improved through in-service programs; it has facilities to assist other groups.

5. The program is set up on a long-time basis. It would be misleading to think of the problem of preventing delinquency as a temporary emergency which will be over six months after the cessation of hostilities. Progress in this fight against undesirable behavior will usually be slow. The integration of separate agencies into a unified team takes time. Patterns of cooperation are not learned in a few weeks. It may take five years to show much gain.

6. The development of a sound program of constructive recreation is of the utmost importance in preventing delinquency. While the basic problems of behavior adjustment rest upon habits built through all experiences, the specific opportunities to practice delinquency are most apt to arise during those periods when children are not under the guidance of persons with a constructive point of view. Careful survey of existing facilities should be made and full opportunity should be given to the young people to participate in the planning and the development of the program. Experience with teen-age canteens, so much publicized at the present time as a measure against delinquency, indicates that their success rests largely upon the acceptance of responsibility by young persons. No single measure, of course, will meet all needs. Efforts must be continued until every child has adequate opportunity to use his energies and abilities in constructive activities.

7. Recognition should be given to the considerable economic and cultural differences among areas of an urban community by developing real participation and sustained consultation with the people in each area. In particular neighborhoods, for example, efforts should be concentrated upon democratic ways of assisting the people of these areas to organize themselves to prevent crime and delinquency, rather than trying to impose plans on these areas in an authoritarian manner.

A second report of the committee, dealing with the treatment of delinquents, will be issued later.

Interim Report of the Interdepartmental Committee on Delinquency

PART I

PREVENTING JUVENILE DELINQUENCY PROPOSALS FOR A STATE PROGRAM

INTRODUCTION

The guiding of youthful behavior into desirable channels is a continuing social responsibility. In addition to the home, many agencies are actively working to achieve this goal. Youth groups enlist the interest and participation of boys and girls in socially approved activities. Public and private social agencies work to improve family conditions. The schools strive to develop the best in our children. In numerous aspects the local prevention programs, assistance and supervisions are rendered by various State agencies. Moreover, State and local laws prohibit acts which jeopardize the health and welfare of children.

Delinquency did not begin with the war and will remain when the war is over, but dislocations and tensions growing out of war-time conditions have intensified maladjustments among young people. Public attention has been focused on the problem by spectacular examples of delinquent behavior and community agencies have been stimulated to greater efforts at prevention. Despite much excellent work now being done, the many competent people engaged in this work, and the vast quantity of available knowledge, delinquency prevention is not as effective as it should be. Prevention is "every-

body's business" but a coordinated attack tends to be "nobody's business." There is need for a better coordinated program on both the State and local levels. Furthermore, sufficient services should be provided to cope with the diversity of behavior problems found among children.

Recognizing these gaps, the Governor, in October 1943, appointed an inter-departmental committee to work on the problem with his counsel. This committee consisted of the heads of five State agencies—the Departments of Correction, Education, Mental Hygiene and Social Welfare and the State Board of Parole. At various times, this inter-departmental group was assisted by the Department of Labor, the State Liquor Authority and the State War Council. Technical assistance was rendered by the regular staffs of the agencies directly concerned.

It is the purpose of this report to present some of the fundamental elements in a satisfactory program of delinquency prevention from the point of view of the State as well as the localities. A subsequent report, to be released shortly, will contain recommendations for improving the present methods of State care and institutional treatment.

The inter-departmental committee agreed that the focus of a prevention program should be in the localities, under local auspices and administration. It is not intended that the exercise of State responsibility should supersede or interfere with local efforts. Effective results cannot be obtained by imposing a program on the locality. On the other hand, the State has a definite responsibility to give guidance, leadership and financial aid, where necessary, in the interest of stimulating sound programs in local communities. The development of an effective prevention program requires leadership of public officials and other citizens to focus all constructive community forces on a cooperative approach to the problems of young people. Only in this way can we insure services and activities necessary to meet diversified needs.

I. BASIC CONSIDERATIONS AND RECOMMENDATIONS

Delinquency, like sin generally, is something that everyone is opposed to, on the record. On the job, when concrete decisions are being made, the unanimity is less clear. Too often ways are found of dodging the issue and putting off the steps that might be effective in preventing delinquency. A certain amount of delinquency seems to be a price people are willing to pay in our modern society, just as the death and injury toll from automobile accidents is a price we pay for that phase of modern transportation in its present form. Society is still willing to consider a certain fraction of our population "expendable." The price is too high, especially when the knowledge and means are available to reduce it.

In view of the number of studies and reports which have been made on the problem of delinquency, the interdepartmental committee agreed from the start to concentrate on measures which could be concerned with action. The need is to find ways and means of applying what is known. By assisting communities to formulate plans on the basis of generally accepted ideas, and by helping appraise the results as these plans are carried out, a basis will be provided for a general state plan.

The committee made a sufficient review of current statistics from children's courts and schools to assure the group that the situation has been getting worse for several years. On the other hand, evidence of recent improvement in many places indicates that even the intensified delinquency problems generated by war conditions are not insuperable.

DEFINITION OF DELINQUENCY

The Children's Court Act defines a delinquent child to be one:

- (a) who violates any law or any municipal ordinance or who commits any act which, if committed by an adult, would be a crime not punishable by death or life imprisonment;
- (b) who is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian, custodian or other lawful authority;

- (c) who is habitually truant;
- (d) who, without just cause and without the consent of his parent, guardian or other custodian, repeatedly deserts his home or place of abode;
- (e) who engages in any occupation which is in violation of law;
- (f) who begs or who solicits alms or money in public places under any pretense;
- (g) who associates with immoral or vicious persons;
- (h) who frequents any place the existence of which is in violation of law;
- (i) who habitually uses obscene or profane language;
- (j) who so deports himself as wilfully to injure or endanger the morals or health of himself or others.¹

POINTS OF AGREEMENT REGARDING DELINQUENCY

In the current discussions on delinquency there is considerable agreement on certain basic facts. These facts must form the foundations of sound proposals for preventing delinquency. Authorities tend to agree that:

1. A delinquent act is "learned." It represents the efforts of an individual to satisfy certain basic needs, such as the need to be loved and wanted and the need to experience success a certain proportion of the time. In unfavorable environments, it is relatively easy, in fact sometimes necessary for the child to satisfy these needs in ways which society disapproves. This is particularly true in communities in which there is considerable disorganization and confusion of standards.

2. The significance of a particular delinquent act varies from one situation to another and can be appraised only in terms of a full understanding of the total situation. Frequently the parents, the gang or the employer is primarily responsible for the delinquent act. To understand the total situation does not make the act right or harmless. From the standpoint of the group welfare such acts are not good. Understanding does enable us to deal constructively with the child.

3. Children need help to learn acceptable behavior. Particularly do they need consistent standards of what is acceptable and unacceptable. If the school or the church teaches one behavior and the child sees persons practicing the reverse with impunity, the formation of sound behavior patterns is made very difficult.

4. The solution of the problem of delinquency will involve the whole community. Certain agencies like the home and the school will have particularly important parts to play, but even in these agencies the whole community is reflected. There will be no easy remedies; no panaceas.

5. Delinquency is not primarily a wartime phenomenon. Growing up always involved learning to choose among conflicting values. War conditions have accentuated the amount of undesirable behavior in certain communities, particularly in the larger urban centers and in localities where the pattern of living has been especially disarranged. In some communities, however, the effect of the war has been used to decrease delinquency. Britain through a coordinated program was able to reduce delinquency after a sharp rise in the initial years of the war.

6. The home is of basic importance in the formation of the child's behavior. Any program of delinquency prevention must give attention to strengthening home conditions. Communities generally have inadequate provisions to meet the modern needs of parents for help in guiding their children. Educational efforts and adequate provision of social services are illustrations of activities relating to parents that must be part of any good prevention program.

7. The extreme types of socially unacceptable behavior defined under delinquency are generally preceded by less extreme acts such as excessive

¹ Children's Court Act, Section 2.

restlessness, excitability, bullying and cheating. Such early signs reveal the possibility of later serious maladjustments and the need for careful preventive treatment. The earlier the diagnosis, the better the prognosis.

8. The percentage of the total number of children showing delinquent behavior is small. The actual percentage will vary depending upon how the term is defined and upon local conditions but it will seldom be more than two to three per cent. Although the percentage of delinquent children is small, intensive programs are required to reach them. Communities very understandably tend to be satisfied with "good" schools, "good" playgrounds, "good" volunteer youth organizations. Yet the children who are the potential delinquents are all too frequently not reached by these activities. The school program often leaves them bored or frustrated by constant failure; the playgrounds are not in their neighborhoods; they do not belong to the "Y" or the Scouts.

ESSENTIAL STEPS IN PREVENTING DELINQUENCY

From these basic ideas it is clear that anything which makes the community a better place to live in will work to reduce delinquency. The better we can make our schools, the more good recreation facilities we can provide, the more happy homes we have with good housing and incomes sufficient to provide the necessities for modern living, the less delinquency there will be. At the same time it is necessary to deal more specifically with the small group that are particularly susceptible—the children known as "vulnerable," because of the likelihood of developing into delinquents if not given special help. The interdepartmental group agrees upon three simple and direct proposals:

1. Locate the vulnerables. At the earliest possible age see that these children are noted so they can receive special help. The schools because they reach all children between 6 and 14 are particularly important.
2. Make full use of all existing resources to meet the needs of these children. This will involve strengthening and coordinating existing agencies to serve better this special group of children.
3. Create and support services not now available through existing agencies and groups.

WHAT THE LOCALITY CAN DO

The interdepartmental committee has outlined a procedure for guiding a locality in setting up such a plan at the community level. In addition, the Education Department, with the support of the other members of the committee, has outlined specific suggestions for the schools. These are described in the pamphlet "Schools Against Delinquency" issued by that department. The following activities are characteristic of an effective plan:

1. The locality takes the initiative. One of the essential elements in the plan is to unite all groups and agencies in a coordinated program. The community must do this itself; it cannot be ordered from without. Each locality will also have particular problems and particular resources, which call for the adaptability of local control.
2. The plan is centered in the municipal government—the city, village or county body, as the case may be. Voluntary cooperation among various agencies can accomplish real gains, but the fullest accomplishment requires funds and the fixing of definite responsibility on a unit responsive to public opinion.
3. The various existing agencies and groups, public and private, are used to the full. The central unit operates to increase the service which each group can render by developing agreement upon methods, by directing the groups to places where their services are most needed and by helping to strengthen groups through every possible means.
4. The school plays an important part in the total program because it is the public agency set up to care for all children. It has a basic

responsibility for building better behavior; it is the most central place for locating the vulnerables; it has an extensive well-trained staff which can be still further improved through in-service programs; it has facilities to assist other groups.

5. The program is set up on a long-time basis. It would be misleading, as was indicated above, to think of the problem of preventing delinquency as a temporary emergency which will be over six months after the cessation of hostilities. Progress in this fight against undesirable behaviors will usually be slow. The integration of separate agencies into a unified team takes time. Patterns of cooperation are not learned in a few weeks. It may take five years to show much gain.

6. The development of a sound program of constructive recreation is of the utmost importance in preventing delinquency. While the basic problems of behavior adjustment rest upon habits built through all experiences, the specific opportunities to practice delinquency are most apt to arise during those periods when children are not under the guidance of persons with a constructive point of view. Careful survey of existing facilities should be made and full opportunity should be given to the young people to participate in the planning and the development of the program. Experience with teen-age canteens, so much publicized at the present time as a measure against delinquency, indicates that their success rests largely upon the acceptance of responsibility by young persons. No single measure, of course, will meet all needs. Efforts must be continued until every child has adequate opportunity to use his energies and abilities in constructive activities.

7. Recognition should be given to the considerable economic and cultural differences among areas of an urban community by developing real participation and sustained consultation with the people in each area. In particular neighborhoods, for example, efforts should be concentrated upon democratic ways of assisting the people of these areas to organize themselves to prevent crime and delinquency, rather than trying to impose plans on these areas in an authoritarian manner.

WHAT THE STATE CAN DO

The success of any program for preventing delinquency in New York State depends upon the effective action in every locality in the State but the achievement of this end will depend upon help from the State. While the localities are instituting their plans, a corresponding plan for increasing the effectiveness of the services rendered by the various departments is needed. The interdepartmental committee believes that this function can best be served by a State Commission.

A STATE YOUTH SERVICE COMMISSION

It is suggested that a central body, known as the New York State Youth Service Commission, be created. This would be a temporary body to initiate appropriate steps along lines indicated above. It would make full use of existing agencies, State and local.

The interdepartmental committee represents a logical nucleus for such a commission. By restricting its membership largely to heads of existing State departments many of the disadvantages resulting from the creation of a new governmental agency can be avoided. The experience of the past year in cooperative efforts insures the fullest possible utilization of the services of the member departments. A lay advisory group, representative of the major interested groups throughout the State, might be appointed to assist in developing policies.

Major Functions of a State Youth Service Commission

1. Coordinate related activities and efforts of State departments working in the field of delinquency.
2. Stimulate localities to set up programs for coordinating the total community program.

3. Assist schools to extend their particular contribution in locating and helping vulnerables.
4. Assist localities to extend recreational programs so as to broaden the content and to reach all children.
5. Assist in extending the child care program so as to reach all homes needing such help.
6. Assist in recruiting and training leaders for voluntary youth organizations.
7. Assist localities to secure needed specialized services such as psychiatric, psychological and social work services when existing agencies are not able to supply them.
8. Assist localities in making surveys of existing needs and available resources.
9. Assist in appraising the achievement of local programs.
10. Serve in a general consultative capacity—acting as a clearing house, developing materials, arranging conferences.
11. Develop and maintain enlightened public opinion in support of a program to prevent delinquency.
12. Formulating a pattern to provide for this work on a continuing basis.

Financial Aid

The commission should have a sufficient appropriation annually for a five-year period to enable it to carry out these responsibilities. The experience of the interdepartmental committee in trying to find a "pilot" community underlines the importance of financial assistance. We cannot weaken the general services in order to provide for this special group of children. Such would be the dilemma if the locality were expected to bear the major financial burden. The communities that need this kind of program most are often the ones least able to finance it. The important thing is to get sound programs started in every locality.

Services by State Departments

Under the Youth Service Commission the services now available through the various State departments would be utilized even more fully in developing sound behavior patterns which would prevent delinquency. The commission would help to make these services available at the points of greatest need, to coordinate them with local resources and to strengthen and to extend them when necessary. Each of these departments has extensive resources of staff, of accumulated experience and materials and of established relations with localities, all of which are important in a state-wide program.

The Education Department is working closely with the school districts in strengthening the school programs as outlined in the pamphlet on preventing delinquency previously mentioned. The Department of Social Welfare exercises broad supervisory power and administers State and Federal aid in relation to the local public assistance and child welfare programs. In addition, the Department of Social Welfare visits and inspects public and private agencies rendering services to dependent, neglected or delinquent children. The Department of Correction, through the Division of Probation, improves methods of study and supervision of delinquents. Travelling child guidance clinics are operated by the Department of Mental Hygiene as well as educational activities in local communities regarding mental hygiene principles. The Department of Health provides services to make communities healthier places in which to grow up. The Labor Department and the State Liquor Authority work to enforce regulations designed to protect minors from influences making for delinquency.

Recreation

As pointed out above the development of a sound program of constructive recreation is of the utmost importance in preventing delinquency. The respon-

sibility for assisting localities on recreation is not specifically assigned to any one of the existing State departments. The State Youth Commission should, therefore, give particular attention to assisting in the development of this aspect of the program on a broad and comprehensive basis.

Legislation

It is recommended that steps be taken at once to enact appropriate legislation to achieve the objectives outlined above. This means the creation of the New York State Youth Service Commission as a temporary body for five years to encourage and to promote programs which will help prevent delinquency. It should have adequate powers and funds to achieve these purposes. Provision should be made for a review and evaluation of the work of the commission at the end of five years with specific recommendations as to how its work can be integrated into the permanent structure of the State Government.

Respectfully submitted,

JOHN A. LYONS, *Commissioner of Correction*
GEORGE D. STODDARD, *Commissioner of Education*
FREDERICK MACCURDY, *Commissioner of Mental Hygiene*
ROBERT T. LANDSDALE, *Commissioner of Social Welfare*
FREDERICK A. MORAN, *Chairman, Board of Parole*
LAWRENCE E. WALSH, *Assistant Counsel to the Governor*

II. A PROPOSED COMMUNITY PLAN FOR PREVENTING JUVENILE DELINQUENCY

The plan has three purposes: (1) the coordination of public and private agencies furnishing treatment to possible delinquents; (2) the extension of services rendered by individual agencies; and (3) a community attack on particular causes of delinquency. The proposed administrative setup must be flexible enough to be adapted to the needs of each city and the abilities of available personnel.

There must be a central community organization for direction and coordination and there must be programs for the individual agencies. The central unit should have seven functions:

1. The initiation of the plan: making the necessary arrangements with the existing public and private agencies, supervising the education of the personnel of the public departments and maintaining harmony among all participants.
2. The analysis and referral for proper treatment of troublesome children coming to the attention of schools, police and other agencies (This work will be greatly reduced as referral units within the school systems and police department start work.)
3. The development of new agencies for treatment in fields where no agency exists.
4. Research: keeping of necessary records to prove the weakness of existing systems and the benefits of new methods tried.
5. The focusing of the attention of municipal authorities on danger spots in the community and gaps in municipal and State programs.
6. The conduct of campaigns to educate the adult population and direct the forces of the community against particular practices.
7. The stimulation of interest and effort in local areas of the community; assistance to the people in such areas in organizing to improve the area and to prevent delinquency.

This organization should be headed by a full-time public officer whose status is equivalent to the head of a municipal department. He should operate with the cooperation of two advisory groups: (1) a small committee of experts and (2) a large committee composed of representatives of the public and private agencies in the field and outstanding citizens who are interested in the subject. If the person selected to head this movement is chosen because of his public

standing rather than on the basis of carrying out the executive leadership, he should have an executive director on a full-time basis to do the work required.

Under this person, or his executive director, there should be at least two units: (1) a service unit for the actual supervision of the handling of cases; (2) a research unit to be staffed by local agencies assisted and advised by specialists of the appropriate State departments. A staff of case workers can be developed by borrowing from public or private agencies, either on a full-time or part-time basis. An advisory unit of experts, including a psychiatrist and vocation counselor, can be made up of persons furnished by local or State agencies.

In addition, the person in charge of the new organization must develop the assistance of a public relations expert, an attorney and such other professional advisors as may be needed from time to time. The necessary stenographic help should be obtained from other city departments.

At the beginning, schools, police and other organizations are to refer children presenting behavior problems directly to the central municipal organization. If the child or his family is known to an existing agency, that agency will be requested to act on the case. Otherwise, the central service unit will determine the proper agency for referral and see that the child receives attention. If no agency exists which can help, the service unit will temporarily treat the child itself. Such treatment by the service unit must be kept at a minimum to prevent overloading. If existing agencies cannot be persuaded to expand their work to include all cases, new agencies must be created.

The schools and police, in time, will develop their own organizations for the routine treatment of possible delinquents, thus relieving the pressure on the central municipal organization. The local school board should have a panel made up of the best qualified staff members supplemented by such experts as the community and budget will afford, to review cases discovered by the teachers. Similarly, the local police department should develop a juvenile aid bureau. The newly developed school and police units would be able to refer cases directly to existing agencies and thus reduce the load on the central municipal organization and to some extent permit the return of borrowed workers as the work of the central service unit falls off.

At regular periods, probably monthly, the person in charge of the new organization should report to the committee of agency representatives the results of the new organization's work. This frequent review should tend to prevent the new organization from being loaded down with case work, because the existing agencies should be willing to adapt themselves to meet newly discovered needs.

PLANS FOR INDIVIDUAL LOCAL AGENCIES

1. The Schools

The pattern for local school systems is outlined in the guide "Schools Against Delinquency" published by the Education Department and distributed to each school principal. The program calls for locating early the children who show signs of later serious behavior difficulties, for strengthening the provisions which the schools make for them and, where necessary, for bringing them to the attention of other community agencies. Within the school attention will be given to needed modification of the curriculum, to improving the guidance services, to expanding the recreation program in relation to the total community program, to working more closely with parents and with community agencies, both public and private. All of this requires a continuous in-service program for improving the staff; as rapidly as possible needed increased services of specialists, visiting teachers, psychologists and psychiatrists should be provided.

2. Police Department

An organization similar to the Juvenile Aid Bureau now functioning in the city of New York should be set up in each large community. It would require

one patrolman in each precinct and one superior officer. This group should have intensive training in case work and in the recognition of sources of delinquency in the community.

In smaller communities the entire police staff could be given instruction in the modern approach to behavior problems in order to assist in locating children in need of special help.

Where there is no framework for such an organization in the community, the best method of training would be a visit to the Juvenile Aid Bureau in the city of New York. The Department of Correction through its Division of Probation can assist in the preliminary planning of this unit.

The purpose of this bureau would be to facilitate the referral of juvenile cases within the Police Department. The bureau should have the aid of expert consultants. The cases of each precinct would be referred to the juvenile expert of that precinct and he in turn would see that the case was properly analyzed by himself or the consultants of the bureau, and referred to a community agency.

3. The Children's Court

It is the purpose of this plan to keep as many children out of the court as possible. Children improperly brought to the attention of the court should be referred by its probation department to the central municipal service unit, or to the proper agency without entertaining a complaint. The courts are, of course, independent of the control of the municipal authorities. How they will fit into the municipal plan will depend upon working out a cooperative understanding.

4. The Social Agencies

The effectiveness of the plan depends upon the full cooperation of all social agencies, public and private. The central bureau will have no power to compel action on the part of private agencies. Cooperation will be achieved through planning. Studies in which all agencies are represented should be made of the services available and plans worked out to obtain the maximum results from these present services and to outline the characteristics of additional required services. In some of the larger communities progress along such lines has been accomplished through councils of social agencies.

5. Voluntary Youth Serving Agencies

The various groups like the Scouts, boys' and girls' clubs and similar groups are important resources in meeting the problems of providing worthwhile activities for boys and girls during their free time. The big problem in most of these voluntary organizations is to get leaders and to provide necessary training and supervision. Any community plan should give careful attention to this problem. The Volunteer Office of the War Council can be of help in getting potential leaders and the experiences of the Council in training Wardens and Nurses Aids should be of help in the problem of developing programs of training.

6. Home and Church

The most important single agency in developing behavior patterns either good or bad is the home and any plan must give careful attention to strengthening its influence. Most parents are eager to cooperate and will respond to invitations to utilize help which may be provided to increase their understandings of the problems of their children. Where the parents are careless about responding to invitations of this kind the power of the children's courts should be utilized. A number of communities have had good success with pre-hearings through the schools at which parents are given a final chance before the case is referred to the court.

The church can render invaluable service along a number of lines. It can develop programs for working with parents, and in certain sections it will be the most effective channel to reach parents. It can provide constructive programs of moral instruction and of recreation particularly if these will be made available to all children in the neighborhood and not restricted. The church can be of help in providing space and leaders for some of the youth organizations.

7. Recreation

Almost all of the above groups will contribute in one way or another to recreation but this part of any program for preventing delinquency is so important that special attention must be given to see that the results are adequate. Too few persons realize the amount of time the growing boy and girl have without constructive opportunity to use the energy that is theirs. If this free time is left completely without guidance it can hardly be surprising that some children find socially unacceptable ways of using their energy.

The important thing in terms of the overall program is to see that provision is made for the needs of *all* children. A teen-age canteen, if it draws upon the ability of young people to accept responsibility may be an excellent thing for a community, but it is only a part of a total recreation program. It will not touch many of the children who most need help and it will not absorb all the surplus energies of most of the young persons who do use it. It is recommended that a careful study be carried out on a comprehensive basis so that a thorough picture of the total needs can be the basis for planning.

III. CONTRIBUTIONS OF STATE DEPARTMENT IN PREVENTING JUVENILE DELINQUENCY

The various State departments provide help in a number of ways for preventing juvenile delinquency. The following section describes briefly some of these services. It should be remembered that in most instances a State department provides supervisory help and sometimes financial aid, but does not operate a local program. Some of the activities described will therefore not be uniform in every locality. The described services do indicate what is being sought.

Department of Correction

The Department of Correction has as its major responsibility the administration of institutions for the care, custody and treatment of persons convicted of crime and committed to these institutions by the courts. The department, therefore, is not primarily a crime prevention agency if prevention is interpreted to mean the preventing of the first delinquency. In the broader sense of the term, the department performs a preventive function through programs of institutional treatment designed to prevent the recurrence of delinquency on the part of former offenders after release from the institution.

The Division of Probation, however, in the Department of Correction is quite closely connected with the problem of prevention in the communities of the State. This division supervises probation activities in connection with children's courts and other courts of the State, with the objective of improving both methods of investigation of the individual delinquent and supervision of such persons placed on probation. Good probation procedures involve not only the prevention of further delinquencies on the part of the probationer but also the discovery of conditions which produce delinquency either in families or in the community. If such officers work closely with other welfare and law-enforcement agencies in the community, the information so gathered provides material on which delinquency prevention agencies can act.

Similarly, Parole Boards are concerned with the prevention of further delinquent behavior on the part of parolees. In addition, Parole Boards are designed to prevent the premature release of persons from custody who might become "centers of infection" by influencing others to commit delinquent acts.

Education Department

The chief responsibility of the Education Department is to improve the quality of education for the entire State. This continuous program for better education is basic in any plan for preventing delinquency. The development of sound behavior in *all* children requires a sound education for *all* children. To provide a good education for 90 per cent or for 95 per cent is not enough; it is from the remaining 10 per cent or 5 per cent that a large share of the delinquents will come.

The department administers the financial aid to the schools. Through field visits, correspondence, research and the development of materials it assists the local school systems to improve their programs. While in one sense it is inaccurate to pick out particular aspects of the department's program, it will be useful here to illustrate some of the specific services relating to preventing delinquency.

The department has, through a special committee, formulated a program for the schools in preventing delinquency. This program has been outlined in a guide entitled "Schools Against Delinquency" which was sent to every school in the State. It applies the basic ideas of this report to school situations, showing how the school can administer its part of such a program and giving suggestions as to how the school can modify its various activities to meet the special needs of children showing signs of later more serious maladjustments.

The department is working constantly to keep children in school. It cooperates with the local districts to improve the quality of the attendance service. It sponsored a very successful campaign at the beginning of the current school year to get children back to school from various jobs and to encourage them to finish their school program. It helps schools strengthen the procedures relating to work certificates so that these will be granted in terms of the welfare of the pupils and supervised at every step. It further reduces drop-outs by helping to improve the guidance services.

A strong guidance program is very important in securing for each pupil the best possible program to meet his particular abilities and interests. This is important for every pupil but it is of special importance for those children who because of a combination of circumstances have less stability of personality than the average child. The department works with the schools to secure better personnel and to develop adequate records and improved methods.

Sound health is basic to sound behavior. The child who cannot compete on equal terms of energy, skill and stamina with his companions is more likely to develop undesirable behavior. The basic program of health and physical education is an important part of the department's work. In addition it is assisting the schools in such activities as school lunch programs, which contribute in an important way to better health. The physical fitness program is another activity in this area.

In combating delinquency, recreation programs are very important because energetic children left unsupervised often find socially undesirable outlets for their energy. The department works closely with the schools in strengthening the recreation programs, both during and outside of school hours. It also encourages schools to make their facilities available to other community groups. A program of summer camps is another part of this program.

The work which the department has done to increase the effectiveness of vocational training has been important in enabling thousands of persons to find constructive opportunities to participate in the war effort. The development of skills and knowledges basic to earning a good living is very important for those persons who show unusual susceptibilities to serious maladjustments.

The education of parents is a crucial factor in preventing delinquency and the department provides help to the schools in this area. In addition it has cooperated with the War Council in carrying on a program for the children of working mothers. Also bearing upon the parent aspect is the Adult Education program and the education for home and family living in the Home Economic Bureau.

The Research Division gives help to the schools in collecting basic statistics on the activities relating to behavior needs and in appraising the effectiveness of programs to meet them. Special studies, such as the study of pupils leav-

ing high school before graduation help provide a basis for adaptations to meet the special needs of certain groups of pupils.

The endeavor through such means as has been illustrated is to work out a strong cooperative relation between the department and the local schools. The basic responsibility for carrying through a program rests with the locality. The department assists and coordinates. When there is clear evidence of agreement it facilitates expansion of good ideas to all children through regulations and laws.

Department of Mental Hygiene

In 1920 the Department of Mental Hygiene initiated its formal program of preventive work.

Traveling child guidance clinics were established at various points throughout the State where such service was not available. At certain dates each month the psychiatrist would see a group of children referred from the community because of emotional, behavior, social or educational problems. At the beginning emphasis was placed on the mentally retarded child. Later children with special disabilities and emotional and behavior problems were examined, treatment was given, and a program was outlined. Still later, emphasis was placed on the treatment of selected patients rather than upon the diagnosis of a larger group.

Prior to the war the staff of the Bureau of Prevention included a chief child guidance psychiatrist, three child guidance psychiatrists, a supervising clinic worker, and eight clinic workers. From a beginning of about fourteen communities, a total of approximately two hundred was reached where clinics were held each month. Clinics have been held more often in about thirty-five communities. Because of loss of personnel due to the war, it has been necessary to reduce this service sharply.

A recently completed survey in which the outcome after five years was determined in 1,859 cases, showed a satisfactory adjustment in 44 per cent, much improvement in 8 per cent, and improvement in 27 per cent.

In addition to the work of the Bureau of Prevention, each of the State hospitals and State schools established community clinics in their hospital districts staffed by psychiatrists and social workers from the institution. Although patients on parole from the State schools and hospitals attended some of these clinics, they were set up primarily for the children or adults in the community requiring psychiatric diagnosis and treatment. Some of these were expressly child guidance clinics and were held at weekly intervals. Cooperation was extended to the children's courts, schools, physicians, and various social agencies.

The hospitals also carried on extensive educational programs throughout their districts. Psychiatrists and social workers gave single discussions or short courses on mental hygiene principles to groups of parents, teachers, students, and other groups. Supplementing this program the department itself published educational pamphlets together with the Psychiatric Quarterly and Supplement and Mental Hygiene News.

The department is now conducting a survey of the need for child guidance clinics throughout the State in the postwar period. It plans to provide adequate psychiatric clinic service in each community where there are not such facilities, if adequate personnel can be secured. This service will be maintained through the Bureau of Prevention and the institutions themselves. The matter has already been discussed with representatives of the Education Department who have agreed to reduce the load in the child guidance clinics by providing competent psychological service in their own department for purely educational problems. In this connection it may be noted that two counties have already set up their own service and that representatives of the Department of Mental Hygiene are advising groups in three other counties who are planning to provide such facilities on a county or city level.

It is the belief of the department that if children with emotional, behavior, and social problems can receive psychiatric diagnosis and treatment,

preferably during the preschool period, the emotional factors, tending to produce delinquency, psychoneuroses, psychopathic personality, psychoses, and emotional maladjustment can be ameliorated and the failure of the individual averted. At the same time from the standpoint of the department it is felt that training in extramural psychiatry as provided in such clinics is an important requisite in the development of competent psychiatrists and social workers. Finally it may be pointed out that the intent of the department in 1920 was to set up demonstration clinics which would prove to the respective communities their need for such facilities as a local responsibility. Ultimately such clinics should be part of the out-patient departments of each municipal or county hospital.

Department of Social Welfare

The State Department of Social Welfare has broad supervisory powers in relation to the welfare programs of local communities. With respect to local public welfare agencies it administers State and Federal aid for both public assistance and child welfare activities. Although its jurisdiction over private welfare organizations is primarily inspectorial in character, the department has used the limited authority it has to stimulate better performance and wider recognition of the human needs of the State.

In the field of child welfare, the department has within the past two years concentrated its efforts on the provision of preventive and constructive services for children. Through a series of public hearings conducted throughout the State, the attention of local citizens and welfare leaders was focused upon the need for joint efforts to offset circumstances growing out of war conditions that were creating behavior problems among children. The results of these hearings were published in a booklet, "The Effects of the War Upon Children," that has been circulated widely throughout the State.

A number of special studies have been conducted aimed at the improvement of local social services in behalf of children. The city of Elmira was selected as a sample community for special study of war-related problems of children. The report of this inquiry was published in a pamphlet, "Children on the Home Front." Currently an appraisal has been made of facilities provided by local communities for the detention of children awaiting action by the children's courts. This will be published shortly.

Through its six area offices the department keeps in close touch with community welfare programs. The advisory services of its field staff have been centered during the past year on the strengthening of services for children among both private and public agencies. Individual agencies, for example, have been urged to extend their activities with particular reference to juvenile delinquency. Thus within the past year eleven private institutions have been induced to amend their charters to include provision for delinquents committed by the children's courts.

Through furnishing skilled staff, the department has aided local agencies in developing better individualized services for children. Part of this program consists in the provision of training supervisors who conduct intensive training for child welfare workers on the job. Substitute workers have been made available to local public welfare departments to enable promising younger workers to take educational leave for further training. Furthermore, State staff members have been loaned to local communities to assist in establishing new programs for children or to help in the coordination of existing activities.

All of these activities should and will be continued. Their effect will be greatly augmented, however, if joint efforts of all State agencies having a supervisory relationship to local services for children can be brought together in a joint program. Likewise the activities of local welfare agencies, public and private, can be made more effective if the unit of government can provide central leadership for an integrated program through which they may participate more directly in joint action with the schools, the courts, the police, the churches, and other constructive community forces.

Department of Labor

The child labor laws of the State prohibit the employment of minors under fourteen years of age in retail stores or in bowling alleys. Employment of children fourteen to sixteen years of age after 6:00 P.M. in bowling alleys is also prohibited. All children from fourteen to eighteen years of age must have employment certificates before they can be employed. It is a responsibility of the department to safeguard the welfare of children in connection with employment by lodging complaints against violators of these laws. Through this service the department sees to it that many children are not subjected to influences which might contribute to their delinquency or which might impair their health and impede their education.

State Liquor Authority

This agency is authorized by law to revoke or suspend the license of persons who sell alcoholic beverages to minors under the age of eighteen years, or who admit children under the age of sixteen years to premises where liquor is sold, unless they are accompanied by their parents or other authorized adult. The State Liquor Authority acts only on the basis of evidence of law violations since responsibility for direct enforcement is placed on local law enforcement agencies. The Authority aids, therefore, in combatting one of the contributing factors in juvenile delinquency.

PART II

THE INTERDEPARTMENTAL COMMITTEE

JOHN A. LYONS, *Commissioner of Correction*
 GEORGE D. STODDARD, *Commissioner of Education*
 FREDERICK MACCURDY, *Commissioner of Mental Hygiene*
 ROBERT T. LANSDALE, *Commissioner of Social Welfare*
 FREDERICK A. MORAN, *Chairman, Board of Parole*
 LAWRENCE E. WALSH, *Assistant Counsel to the Governor*

To: *His Excellency, THOMAS E. DEWEY, Governor of the State of New York*

We have the honor to transmit herewith Part II of our report on delinquency, entitled "The State's Role in Treating Delinquency."

Respectfully submitted,
 JOHN A. LYONS
 GEORGE D. STODDARD
 FREDERICK MACCURDY
 ROBERT T. LANSDALE
 FREDERICK A. MORAN
 LAWRENCE E. WALSH

Albany, New York

MAJOR RECOMMENDATIONS

As a result of its review of the present system of dealing with delinquents, particularly of the juvenile and youth group, the interdepartmental committee makes the following general observations on the State program:

1. A greater variety of State facilities is needed to provide better care and treatment for the younger delinquents.
2. More flexibility in the use of both existing and needed facilities is required.
3. All treatment for the individual delinquent should be based on study of his needs at a reception center.
4. The programs of State institutions should be organized and conducted to meet the particular needs of the individual.

5. The close working relationships among the State departments concerned with delinquency begun under the interdepartmental committee should be continued.

6. The State cannot do a wholly satisfactory job until better services are provided by the local communities to deal with young people in difficulty.

The committee makes the following major recommendations for immediate action:

1. The following specialized facilities for juvenile delinquents should be established in the Department of Social Welfare:

a. A secure institution for runaways and over-aggressive boys who cannot be properly cared for in an open-type institution.

b. A reception and treatment center for girls who present serious emotional and personality problems.

2. The following specialized facilities for young male offenders, 16 to 21 years of age, should be established in the Department of Correction:

a. A reception center to receive, study and determine treatment needs of those sentenced to an institutional term.

3. Increased authority should be given to State departments to utilize existing or proposed State and private facilities for care and treatment of juveniles and youths by:

a. Granting of legal authority for *interdepartmental* transfers of certain offenders among the Departments of Correction, Mental Hygiene and Social Welfare.

b. Granting of legal authority for *intradepartmental* transfers within the Departments of Social Welfare and Mental Hygiene.

c. Expansion of the Department of Social Welfare's legal authority to board out selected children in private institutions and family homes.

4. The number of psychiatric and psychological personnel for institutions in the Department of Correction should be increased to strengthen and improve classification and treatment of offenders.

5. The law with respect to Elmira Reformatory should be amended to limit the maximum sentence to five years for persons committed to this institution.

6. The supervision of parolees from all institutions in the Department of Correction should be consolidated under the State Board and Division of Parole.

7. The powers of the State Division of Probation should be extended to give that body authority to improve the operation of local probation services.

8. The State Youth Service Commission, recommended in the previously issued report, "Preventing Juvenile Delinquency," should be designed as a coordinating agency to:

a. Achieve better operating relationships among the various agencies handling offenders, particularly those dealing with juveniles and youths.

b. Foster the development of more uniform standards and practices with regard to the commitment of offenders.

c. Assist in obtaining necessary social history and background material for the use of institutions.

d. Work for uniformity in determination of mental incompetency.

e. Evaluate and develop state-wide programs for dealing with problems of delinquency.

INTRODUCTION

Dispensing justice prior to 1800 was simple. An offender against the law, young or old, male or female, wise or simple, sane or insane, was whipped, executed, or locked up for a specified length of time. Primary emphasis was placed upon punishment and retribution rather than on the reformation and rehabilitation of the offender. Furthermore, life and social relationships were cast in a much simpler mold in those days.

Today American life is complex. There are many more laws to be broken and much more opportunity to break them. Legal procedures and treatment of offenders have been changed and modified. Of necessity, they have become more intricate, but they have not kept pace with scientific and sociological study, despite many improvements in correctional methods since the establishment of the first State prison almost 150 years ago.

The treatment of people in conflict with society is in a state of transition. The old idea of vengeance and arbitrary punishment based on the offense committed and the chronological age of the offender, is giving way to treatment resulting from study of the individual and the attendant environmental circumstances. Nevertheless, the early ideas are still deeply embedded in the Penal Law, the judicial system and correctional methods. Probation, parole and therapeutic institutional programs represent relatively new social devices to implement the idea of individual readjustment. These developments emphasize the fact that, after all delinquents and criminals are boys and girls, men and women, even though the community must protect itself against their anti-social acts.

The evolution of the present system of correctional care in the State of New York has been spasmodic and piecemeal. The mutual responsibilities of the agencies participating in the process—the localities, private agencies, the courts, and the State—are neither properly coordinated nor even clearly defined. There is great need to modernize our machinery for care and treatment since traditional practices tend to thwart or defeat the application of scientific methods. A sound treatment program is indispensable to the protection of society, as well as the reclamation of the delinquent. Remedial action urgent. Current wartime tensions will undoubtedly be followed by a postwar residue of personal and psychological conflicts. There is danger that part of this maladjustment will manifest itself in a higher incidence of criminal behavior.

This report is the result of cooperative effort by five State agencies—the Departments of Correction, Education, Mental Hygiene and Social Welfare, and the State Board of Parole. At the request of the Governor, the heads of these agencies have been meeting with his Counsel for the past fifteen months to study the prevention of juvenile delinquency and problems of the care and treatment of offenders as well as to make recommendations for improvement. The work of the committee has set a pattern and precedent for continued cooperation among State departments.

The interdepartmental committee fully realizes that the first and most fundamental step in delinquency control is the development of a sound prevention program. Such a program was proposed by the committee in Part I of the interim report, entitled "Preventing Juvenile Delinquency."

The present report deals with the custody, care, and treatment of convicted offenders, young and old, in State institutions. The current picture of commitment and institutional treatment programs, together with the closely related problems of probation and parole, are described herein, and recommendations designed to develop a more modern and coordinated system of correctional treatment are presented.

I. COMMITMENT TO STATE INSTITUTIONS

State institutions constitute only part of the resources used for the care and treatment of delinquents. In order to understand many of the State's problems, it is necessary to clarify the relationships among the various agencies which deal with all or part of the offender population. These include the courts, the local units of government, private institutions and agencies, as well as State departments. All these instrumentalities are involved in any proposed measures for solving or alleviating the problems faced by the State in providing care for delinquents.

LEGAL CLASSIFICATION OF OFFENDERS

Before offenders may be committed to State institutions or otherwise disposed of they must first pass through the courts, which not only determine

the guilt or innocence of the person but also what disposition is to be made of the case. As soon as alleged law violators are arrested or brought into court, a sorting system begins to operate; the sexes are kept separate, the young are segregated from older persons, and those charged with serious crimes are segregated from persons held for less serious offenses.

The law specifies certain differentiations which the courts must make in trying and disposing of different types of offenders. The legal classification is determined largely by the age and mental condition of the offender, and the nature of the offense. Law violations fall into three categories, which rank in ascending order of severity as follows:

- a. Offenses, such as disorderly conduct, vagrancy, etc.
- b. Misdemeanors
- c. Felonies

Misdemeanors and felonies are classified as crimes under the penal law. For young offenders under 21 years, however, there are three additional classifications provided, one mandatory and two optional:

- a. Juvenile delinquency—applies to all children under 16 years who commit criminal acts or other specified acts of misbehavior, except a crime punishable by death or life imprisonment.
- b. Youthful offender—for persons 16 to 19 years of age held on a criminal charge and not previously convicted of a felony. Upon recommendation of the district attorney and approval by the court, the criminal charge may be dropped and the case handled under a special procedure.
- c. Wayward minor—applies to persons 16 to 21 years who have not committed a crime but whose habits, behavior or associations indicate moral depravity or likelihood thereof.

The court procedure and disposition of offenders are affected by the offender's mental condition since persons falling in any one of the classifications mentioned above may also be mentally ill or defective. Special proceedings are prescribed for offenders alleged to be mentally incompetent.

In general, court jurisdiction is decided according to the legal classification of the offender and the place where the crime occurs. There are, however, at least 10 different types of courts which handle criminal cases and their jurisdictions overlap in most instances. The number of courts having jurisdiction over certain types of offenders is limited only in the case of felons who are tried in either the Supreme or county courts, and juvenile delinquents over whom the children's courts have exclusive jurisdiction.

DISPOSITION OF OFFENDERS BY THE COURTS

Naturally, if the charges against any person are unjustified or he is found not guilty, the court will dismiss the charge and release the person. If found guilty, a case may be disposed of in several ways, at the discretion of the court. In most cases, however, one of the following dispositions will be made.

1. Discharge to a public or private agency for care (juvenile delinquents), or suspend sentence, or
2. Impose a fine, or
3. Place on probation, or
4. Commit to a local institution (city or county jail, or penitentiary, city reformatory, house of detention), or
5. Commit to private institution (juveniles and females), or
6. Commit to State institution.

Except for its supervision of probation, the State does not enter the picture directly until a court commits an offender to a State institution. In making commitments, the judges have authority to commit directly to specific State institutions, with the exception of felons, where the commitment is made to one of the receiving prisons designated by the Commissioner of Correction.

RESPONSIBILITY OF THE STATE FOR INSTITUTIONAL CARE

The State does not assume full financial responsibility for the care of all offenders requiring institutional care. The State has accepted *full* financial responsibility only for persons convicted of serious crimes—felons, and offenders adjudged mentally incompetent. With respect to other types of delinquents, the State provides only limited facilities—three training schools for juvenile delinquents, two for boys and one for girls, and two reformatories, one for males, 16 to 19 years; and the other for females, 16 to 30 years. No State facilities are provided for persons older than these specified ages who are convicted of misdemeanors or lesser offenses. This latter group, as well as that portion of the younger offenders not sent to State institutions, remain a local responsibility, to be cared for at local expense either in local penal institutions or in private institutions.

It should be kept in mind, however, that the State does have responsibility for the quality of care and treatment given offenders in local institutions, public and private. All public and private institutions caring for juvenile delinquents are subject to the supervision, visitation and inspection of the State Board of Social Welfare. The State Commission of Correction has the function of visiting and inspecting all institutions for the detention of sane adults charged with or convicted of a crime.

JURISDICTION OF STATE DEPARTMENTS IN THE DIRECT CARE AND TREATMENT OF OFFENDERS

The State institutions for the care and treatment of offenders are divided between two departments,¹ Social Welfare and Correction, which were

¹ The Department of Mental Hygiene, although not authorized to care for convicted offenders who are defective or mentally ill, does receive a number of defectives and mentally ill persons who have been originally charged with an offense. Courts sometimes drop the charges against such persons and commit them to the Department of Mental Hygiene. That department also receives, on a temporary basis, persons charged with a crime, for examination purposes only, or for care and treatment pending a return to mental competency. Also, at the discretion of the Commissioner of Mental Hygiene, that department may receive, by transfer from the Department of Correction, mentally ill or defective offenders whose sentences have expired.

created as part of the general reorganization of State Government in 1927. It should be noted that, in addition to the administration of training schools for juvenile delinquents, the Department of Social Welfare is also charged with broad responsibilities for the supervision of all welfare programs in the State, including public assistance, child welfare and institutional care generally. The Department of Correction, on the other hand, has as its major function the care, custody and treatment of older delinquents and criminals. The Division of Probation in this department supervises local probation service.

The Department of Social Welfare is authorized to receive in its three training schools juvenile delinquents, committed by a children's court, who have not reached their sixteenth birthday, and who are not insane or mentally or physically incapable of being substantially benefited by the training and discipline of the training schools maintained by the department. Admission to such training schools may be suspended by the State Board of Social Welfare if, in the judgment of the superintendent, the number of inmates exceeds the proper capacity of the institution. Insofar as practicable, the several counties and New York City are entitled to have in these schools inmates in the ratio of their population to the State's total population.

The Department of Correction is authorized to receive for institutional care all convicted offenders, 16 years and over, who are guilty of a felony or who are adjudged mentally incompetent.² Two of the reformatories, one for males, 16 to 19 years, and the other for females, 16 to 30 years, may receive persons convicted of misdemeanors and lesser offenses, as well as wayward minors and "youthful offenders." (See Chart 1 for more specific

² The Department of Correction also receives children under 16 years who are convicted of a crime punishable by death or life imprisonment.

details.) Essentially the same restrictions obtain with respect to receptions in reformatory type institutions as those described above in connection with training schools in the Department of Social Welfare.

STATE INSTITUTIONS FOR THE CARE AND TREATMENT OF OFFENDERS

The individual institutions in the Departments of Social Welfare and Correction are shown in Chart 1 classified by degree of security, limitations on admission, and type of offender received. The Department of Social Welfare includes the following institutions:

New York State Training School for Girls, Hudson
New York State Training School for Boys, Warwick
State Agricultural and Industrial School, Industry

The Department of Correction maintains the following institutions for various types of offenders:

Young Offenders

Elmira Reformatory for first-offender male felons, 16 to 30 years.
New York State Vocational Institution for male youths 16 to 19 years.
Westfield Reformatory for female offenders, 16 to 30 years.

Adult Felons

Six State maximum security prisons for males. (Auburn, Attica, Clinton, Great Meadow, Green Haven,³ and Sing Sing.)
Wallkill Prison for more intensive education and training of selected males transferred from maximum security prisons.
Westfield Prison for females.

Mentally Defectives

Napanoch and Woodbourne for male defective delinquents, 16 years and over.
Albion State Training School for female defective delinquents, 16 years and over.

Mentally Ill

Dannemora and Matteawan State Hospitals for mentally ill offenders.

In addition to institutions in these two State departments, there are 30 or more private institutions which receive juvenile delinquents on a selective basis, as well as local penal and correctional institutions, to which other offenders are committed by the courts.

PROBLEMS OF COMMITMENT

The influence of certain developments on commitments to State training schools and State correctional institutions are not generally recognized. Since 1900 the use of probation has been widely extended. The development of children's courts has also resulted in earlier and more frequent attempts at adjustment of children in difficulty. Private institutions have tended to develop their programs with the less serious offender in mind. *All these factors have undoubtedly tended to concentrate in State institutions those children and youths who have already been given several chances at adjustment and have failed.* This does not mean that many of these delinquents cannot be salvaged. The fact is that many are being reclaimed every year. Scientific research has demonstrated that proper guidance through the critical youth years often results in a stable, law-abiding citizen even though in earlier years the behavior pattern may have been one of frequent and serious delinquencies.

³ Now leased to Federal Government for offenders from the United States Army.

Any new or radical plans to change treatment programs or institutions for delinquents should give full recognition to the influence of the developments mentioned above. This is essential because the serious types of delinquents require careful individual study, better placement, and more expert treatment.

Problem I

The development of the present system of commitment to institutions has been sporadic and unrelated to a broad view of the entire delinquency field.

Much of the confusion and many of the problems stem from two basic weaknesses in our present system:

1. Lack of coordination among the agencies handling offenders, especially those dealing with young delinquents (over 16 years as well as under 16). Coordination would insure more effective use of available facilities in an integrated program.

2. The State and localities, which share the financial responsibility for the care of young delinquents, do not have a fixed formula whereby the costs are divided between these two levels of government. The division of costs is dependent upon the number of delinquents committed by the courts to State institutions in relation to those cared for at local expense in other facilities, public or private.

Consequently, the courts, the State and local units of government, in executing their responsibilities, are often limited by factors which prevent an effective and harmonious solution to the problem of protecting society and also providing for the treatment needs of the offender.

In the case of younger delinquents, where the division of costs is determined by the number committed to State facilities in relation to those cared for elsewhere, some of the factors which hamper proper consideration of the treatment needs of offenders may be mentioned briefly:

- a. The courts, in making commitments, may be influenced by which unit of government will pay the bill.

- b. There are limitations on commitments to the State training schools and reformatories based upon statutes, institutional capacity, or the discretionary powers with regard to types of cases received.

- c. The number and type of local facilities available to committing judges varies in different parts of the State.

- d. Restrictive financial and other policies are frequently adopted by local government units. Some local government units may refuse to pay for care in available private facilities for a variety of reasons.

- e. Individual and selective intake policies are maintained by private institutions caring for delinquents.

- f. When admissions to a State training school or reformatory are suspended in accordance with the law or when a committed child or youth is returned to the court because of improper commitment, the court may have no adequate facilities for disposing of the case if it is not acceptable to a private institution. This creates an undesirable situation, as well as friction between the courts and the State departments. The problem is intensified in many instances because such cases are either severe delinquency cases where institutional care is most needed or borderline mental defectives.

Recommendations: That the State take immediate steps to establish a Youth Service Commission for the coordination of the various agencies handling offenders. The efforts of the commission should be directed toward securing:

- a. Effective and economical use of existing treatment facilities, public and private.

- b. Adequate planning for the over-all needs of the delinquent population in harmony with the welfare of all the State's population.

- c. The establishment of smooth and cooperative working relationships among the various agencies.

Problem II

Improper commitments frequently are made because (1) statutory provisions and some court procedures place major emphasis on the age of the offender and the type of offense committed rather than upon the basic characteristics and treatment needs of the individual and (2) too many courts do not make adequate study of the offender before sentence.

The fact that two people are the same age, or that they have committed the same type of crime does not mean that they are alike. Persons convicted of misdemeanors may be much more hardened and dangerous criminals than an offender convicted of a felony. The widespread practice of reducing a charge from a felony to a misdemeanor or less adds another contradictory element to the picture.

For example, the provisions for commitment to the New York State Vocational Institution at West Coxsackie are too broad. As a result this institution receives a heterogeneous population, ranging from genuine young first offenders to older boys who have been in trouble many times and who, in some cases, have spent time in a number of juvenile institutions. In some cases they have served sentences in penitentiaries and prisons in other states. A recent survey indicated that ages at this institution ranged from 16 to 28. This situation can be taken care of in part either by return to court or by transfer to other institutions within the Department of Correction. Either procedure, however, arouses the antagonism of judges and other sections of the public. To relieve overcrowding the department did transfer a number out of this institution recently and thereby removed many of the older and less suitable inmates.

Another example is found in the Elmira Reformatory, which is supposed to be an institution for first offender felons. In actual practice many persons committed there are decidedly not first offenders, although convicted of a felony for the first time. This often results from the fact that offenders, originally charged with a felon in previous crimes, received a reduced charge, and were sentenced for a misdemeanor instead of a felony. It can also occur when acts equivalent to a felony were committed prior to age 16. As a result, Elmira also gets many inmates who do not fit into the program.

This report does not attempt a criticism of the structure of our courts and deals with matters relative to sentence only as they directly affect the work of State departments. In Section II, recommendation is made for the establishment of a reception center in the Department of Correction for offenders, 16 to 21 years, which would remedy many of the difficulties resulting from the present system.

Probation service, which should provide adequate information to the courts, is maintained at local expense and is administered by the various courts, which operate, for the most part, separate and independent systems. While the Division of Probation of the State Department of Correction is empowered to supervise local probation services, this division has no authority to force localities to follow its recommendations. The quality and amount of probation service available to the courts is inadequate in many areas of the State. This subject is treated at greater length in Section IV of this report.

Problem III

Except for felons, there are no State institutions to which young males from 19 to 21 years of age may be committed.

Of the two reformatories for males, the New York State Vocational Institution (Coxsackie) receives young offenders, but only those less than 19, while Elmira Reformatory may receive offenders up to 30 years of age, but only those convicted of a felony. At present, young offenders, 19 to 21 years, such as wayward minors and those convicted of misdemeanors and lesser offenses, can only be sent to local jails or penitentiaries. In the interests of providing a coordinated program for the age group 16 to 21 years, as outlined in the Reception Center Proposal discussed in Section II, State reformatory facilities for

males should be permitted to accept these offenders. In many instances, the treatment needs of those excluded are similar to the needs of the young offenders accepted under current rules of admission.

Recommendation: That State reformatories for males be authorized to receive all types of offenders from 16 to 21 years.

Problem IV

There are no State institutions to which female "youthful offenders" may be legally committed.

Such offenders are now being received at Westfield State Farm, Reformatory Division, under an opinion of the Attorney-General, but the law needs clarification.

Recommendation: That section 298, paragraph 2 of Part 3, Article 12, of the Correction Law be revised to include female youthful offenders.

Problem V

Inadequate preliminary psychological and psychiatric examinations, and lack of uniform practices in the handling of alleged offenders who may be mentally ill, mentally defective or epileptic result frequently in commitments to institutions not best suited to the treatment needs of the individual. The most pronounced problems relate to the mentally defective.

Children who are too defective to profit from the program are committed to the Department of Social Welfare institutions whereas others who are not mentally defective are sometimes sent to the Department of Mental Hygiene institutions for the mentally deficient. Similarly, defective offenders over 16 years, who are not seriously delinquent are sometimes committed to the Department of Correction institutions. Others who are primarily delinquency problems are sent to institutions in the Department of Mental Hygiene, criminal charges being dropped to permit this procedure.

There is a lack of uniform policy relating to the definition of mental deficiency, particularly in regard to the varying emphasis placed on psychological examinations, psychiatric diagnoses and social factors.

Recommendation: That uniform standards with regard to the psychiatric interpretation of psychological tests, particularly in relation to mental defectives, be established and followed by the various agencies dealing with delinquents. The State Youth Service Commission should take initiative in solving this problem in cooperation with representatives of the courts, the State and the localities.

Problem VI

There is a lack of suitable detention facilities provided by the localities for juveniles and youths awaiting trial.

Detention of children in county or city jails is undesirable and should be prohibited. The mere segregation of minors and adults as required by law is not enough. Many of these local institutions are not suitable places either physically or psychologically for the detention of these young offenders.

The "youthful offender" law also requires segregation of this group but in practice this requirement creates an anomalous situation. For example, the "youthful offender" will be grouped with other youths awaiting trial up until the time he is adjudged a "youthful offender." He may, therefore, come in contact with more hardened offenders for a much longer time prior to being adjudged a "youthful offender" than after he is so designated.

Recommendation: That the localities be required to provide adequate detention facilities for young people awaiting and during court action.

CHART 1
INSTITUTIONAL FACILITIES OF STATE DEPARTMENTS FOR THE CARE AND TREATMENT OF OFFENDERS

Department, Type and Location of Facility	Degree of Security	Geographic Jurisdiction (Commitments)	Sex and Age Restrictions	Other Limitations Governing Admission	Type of Offender Received
DEPARTMENT OF CORRECTION					
Prisons:					
Attica, Attica, Wyoming Co.	Maximum.	5, 6, 7, 8 Judicial Districts.	Male, generally 16 years and over.	Receiving prison for court commitments.	Felon.
Clinton, Dannemora, Clinton Co.	Maximum.	3 and 4 Judicial Districts.	Male, generally 16 years and over.	Receiving prison for court commitments.	Felon.
Sing Sing, Ossining, Westchester Co.	Maximum.	1, 2 and 9 Judicial Districts.	Male, generally 16 years and over.	Receiving prison for court commitments.	Felon.
Auburn, Auburn, Cayuga Co.	Maximum. ....	.....	Male, generally 16 years and over.	Receives prisoners transferred from receiving institutions.	Felon.
Great Meadow, Comstock, Washington Co.	Maximum. ....	.....	Male, generally 16 years and over.	Receives prisoners transferred from receiving institutions.	Felon.
Green Haven, Green Haven, Dutchess Co.	Maximum.	Not operated by	State at present.		
Wallkill, Wallkill, Ulster Co.	Medium. ....	.....	Male, generally 16 years and over.	Receives selected prisoners by transfer from maximum security prisons for more intensive education and training.	Felon.
Westfield State Farm, Bedford Hills, Westchester Co.	Maximum.	State-wide.	Female, generally 16 years and over.		Felon.
Reformatories:					
Elmira, Elmira, Chemung Co.	Maximum.	State-wide.	Male, 16 to 30 years.	(1) Admissions may be suspended by Commissioner of Correction, if number of inmates has reached capacity of inst. to provide proper care. (2) Persons admitted must be of proper age, and not insane or mentally defective or otherwise mentally or physically incapable of benefiting from program. Same as Elmira.	Felon, convicted for 1st time of felony; misdemeanants and other felons by transfer from other institutions in the department.
Westfield State Farm, Reformatory Division, Bedford Hills, Westchester Co.	Medium. (cottage-type)	State-wide.	Female, 16 to 30 years.		Misdemeanant; offenses for vagrancy under subdiv. 3 and 4 of Sec. 887 of the Code of Criminal Procedure, habitual drunkenness or prostitution; youthful offender, 16 to 19 yrs.; and wayward minor, 16 to 21 years.

N. Y. State Vocational Institution, West Coxsacke, Green Co.	Medium.....	State-wide.....	Male, 16 to 19 years.	Same as Elmira.....	Felon convicted of a crime not punishable by death or life imprisonment, mis- demeanant, offenses, way- ward minor, youthful offender and juvenile de- linquents over 16 years.
Hospitals for Criminally Insane: Matteawan, Beacon, Dutchess Co. . .	Maximum.....	State-wide.....	Both sexes, generally 16 years and over.	Commitments from courts of criminal jurisdiction; transfers from Commissioner of Mental Hygiene; misdemeanor offend- ers; offenders declared insane while undergoing sentence of 1 year or less; and all females who become insane while undergoing sentence.	Felons (female) and male felons insane prior to court commitment; misdemean- ants; offenses, wayward minor, youthful offender and potential criminal by legal transfer from Dept. of Mental Hygiene.
Dannemora.....	Maximum.....	.....	Male, generally 16 years and over.	Receives prisoners transferred from other institutions in Dept. of Correction.	Felon only.
Institutions for defective delinquents: Albion State Training School, Albion, Orleans Co.	Medium..... (Dormitory)	State-wide.....	Female, 16 years and over.	Court commitments or transfers from other penal or correction- al inst. after conviction for criminal offense.	Felon, misdemeanor, of- fenses, wayward minor and youthful offender.
Institution for Male Defective De- linquents, Napanoch, Ulster Co. Institution for Defective Delinquents, Woodbourne, Sullivan Co.	Maximum..... Maximum.....	State-wide.....	Male, 16 years and over. Male, 16 years and over.	Same as Albion..... Receives cases by transfer from other institutions.	Same as Albion. Same as Albion.
DEPARTMENT OF SOCIAL WELFARE Training Schools: N. Y. State Training School for Boys, Warwick, Orange Co. State Agricultural & Industrial School, Industry, Monroe Co.	Open-cottage type. Open-cottage type.	N. Y. City and Nassau Co., Upstate except Nassau Co.,	Male, under 16 years.... Male, under 16 years....	WARWICK AND INDUSTRY: State Board may re-assign districts from which commitments can be made and Commissioner may authorize transfer from one school to another with approval of committing judge. ALL TRAINING SCHOOLS: (1) Ad- missions may be suspended by State Board if number of children has reached capacity of institution to provide proper care. (2) Child under 12 years cannot be committed for crime less than felony. (3) Children committed must be not insane	Juvenile delinquents. Juvenile delinquents. Juvenile delinquents.
N. Y. State Training School for Girls, Hudson, Columbia Co.	Open-cottage type.	State-wide.....	Female, under 16 years.		

CHART 1
INSTITUTIONAL FACILITIES OF STATE DEPARTMENTS FOR THE CARE AND TREATMENT OF OFFENDERS — (Continued)

Department, Type and Location of Facility	Degree of Security	Geographic Jurisdiction (Commitments)	Sex and Age Restrictions	Other Limitations Governing Admission	Type of Offender Received
DEPARTMENT OF SOCIAL WELFARE — (<i>cont'd</i>) Training Schools (<i>cont'd</i>):				nor mentally or physically incapable of being substantially benefitted by the training and discipline of such school. (4) All children received by the training schools remain under their institutional or parole care until the age of 21 years unless officially discharged.	

¹ Based upon determination by State Board of Social Welfare which has legal authority to re-assign districts.
NOTE: The Department of Mental Hygiene has the following limited responsibilities with respect to offenders or alleged offenders, although its facilities are generally restricted to the care of mentally ill or defective persons, other than those held on a criminal charge:

- a. Receives on court order (outside N. Y. City) alleged offenders for observation and examination to determine competency for trial.
- b. Receives on court commitment alleged offenders incapable of understanding the charge or of making a deferee, pending a return to mental competency. (Subject to discretion of the court, such cases may also be sent to Matteawan State Hospital).
- c. Receives, at the discretion of the Commissioner of Mental Hygiene, mentally ill or defective offenders from the Department of Correction, whose sentences have expired.
- d. Institutions in the Department of Correction for the care of the criminally insane or mentally defective are subject to the visitation and inspection of the Commissioner of Mental Hygiene or his authorized representatives.

II. INSTITUTIONAL CARE AND TREATMENT

In recent years, serious charges have frequently been leveled at training schools for delinquents, and particularly at reformatories for young offenders. Prisons have also been sharply criticized. These charges usually refer to such institutions as "crime schools" and indicate that some new agency is necessary to do an adequate treatment job. The book *Youth in the Toils* sets forth this view in detail.¹

Most charges of this nature are leveled at the treatment program or lack of it, in present institutions. It cannot be denied that there is some truth in these accusations with regard to certain institutions. On the other hand, careful comparison of treatment programs in almost any institution in the State with programs carried on at those institutions ten, fifteen or twenty years ago will reveal marked improvement. Furthermore, no better plan than is represented by the objectives and procedures of the best institutions has yet been proposed for reclaiming delinquents and criminals to a law abiding life. There should be, and probably is, a better answer to delinquency and crime than institutionalization, but to date no such plan is available. Until a better way is discovered, progress can only be made by bringing institutional programs to as high a degree of effectiveness as possible.

BASIC PRINCIPLES OF TREATMENT

The cornerstone of institutional programs today is individualization of treatment based upon all the available facts. Regimentation, mass treatment and routine, which have cursed institutions for so long, have been superseded to a large extent by flexible programs which put the individual and his needs at the center. This is hard-headed common sense. To conduct institutions which do nothing but hold people for a period of time, and then release them no better and often worse than when they came in, is of little value to society or the individual offender. Full protection of the public results only when every effort has been made to bring about desirable changes in the behavior pattern of the offender so that he will come out better than he went in.

A second principle of treatment is that *all* the experiences of the individual in an institution have an "educative" effect either for good or evil. A corollary to this principle is that all phases of the institutional program from the living arrangements, custody and discipline to the education, work and recreation programs must contribute to the common goal of improving the offender. There are, of course, practical limits to such coordination, and there are times when one phase of the program must take precedence over others. Custody and order must be maintained at all times. But within these limits there is opportunity for much more coordination of effort than has been achieved in many institutions.

A third basic principle of institutional treatment is that an inmate must *earn* his way out through definite improvement and accomplishment. A program of individualized treatment will necessarily call for more effort on the part of the inmate than a regimented routine which is much easier to carry out. Recently, increased emphasis on this principle in one institution caused the population to take more interest and work harder than was thought possible. Incidentally, such a program, which enlists the constant interest and effort of inmates, has a definite beneficial effect on discipline and order in the institution. In spite of greater activity, morale is higher and disturbances much less than under a regime of compulsion, repression and regimentation. This has been proved over and over again. Danger lurks where there is no well-organized program of constructive activities. Most of these dangers disappear when the interest and effort of the inmate are engaged in desirable religious, educational, recreational and work programs.

No institution achieves completely the goals just described. Probably the women's institutions and those for juveniles more closely approach the objectives than other types of institutions. Reformatories under skilled leadership

¹ Harrison, Leonard V. and Grant, Pryor McNeill. *Youth in the Toils*. Mac-Millan, New York, 1938.

also gear their programs to these principles. Maximum security prisons, with their long tradition of strict routine and with older offenders, many of whom are hardened recidivists, find it harder to organize sound programs of treatment; but even the prisons have made marked advances in recent years. Wallkill Prison, an institution for selected adult male transferees from maximum security prisons, has one of the best coordinated individualized programs in the State.

CLASSIFICATION OF OFFENDERS

When Mary, Johnny, or John Doe are received at an institution the first responsibility of that institution is to study carefully his characteristics and to decide what type of treatment and training program is best suited to his intelligence, personality, abilities and deficiencies. This study of the individual offender and the planning of individual programs based upon such study is the process referred to by the term *Classification*.

The first decision to be reached as a result of classification is whether or not the individual has been properly committed and whether he should be retained in the institution, transferred to another institution or returned to court because of improper commitment. When it is determined that the individual is located in the institution best suited to his needs, it then becomes necessary to plan in detail the type of program which he should follow as preparation for eventual release.

It should be emphasized that classification procedure will achieve results only to the degree that the program outlined is carried out in the day by day life of the offender. The extent to which this is accomplished naturally varies with the facilities provided and the skill and ability of the members of the institution personnel who supervise the offender in his day to day living, work and play.

Transfer Procedure

The Department of Social Welfare has little opportunity to be active in the phase of classification that involves transfer to other institutions, since there is only one school for girls and two for boys. The two boys' schools are similar in program and facilities, each serving a specific part of the State. It is possible for transfers to be effected between the two training schools for boys with the consent of the committing judge, but such transfers are infrequent. It is legally impossible for the Department of Social Welfare to transfer serious behavior cases or mentally defective juvenile delinquents to the Department of Correction or the Department of Mental Hygiene. Classification, therefore, in the Department of Social Welfare is confined largely to the planning of individual programs of treatment.

Classification for purposes of transfer is a larger program in the Department of Correction because of greater diversity of facilities and authority to use them. Defective delinquents are sometimes committed to prisons and reformatories for normal offenders and these must be sorted out and transferred to institutions for defective delinquents. Mentally ill persons are transferred to mental hospitals in the department. This usually occurs sometime after commitment because offenders who are mentally ill at the time of commitment are rarely received at institutions for normal offenders. Numerous transfers are effected among the various State prisons in order to break up gangs, to secure the proper type of inmate workers at the various institutions, to allow inmates to get a certain type of training given at one institution but not at another, and so forth. The department has considerable flexibility in transfer from one institution in the department to another. Briefly, the transfer possibilities are as follows:

1. From institutions for normal persons to those for defectives.
2. From institutions for normal persons to mental hospitals for mentally ill offenders.

3. From Coxsackie to Elmira Reformatory or a State prison for certain types of offenders.
4. From Elmira Reformatory to a State prison or vice versa.
5. From maximum security prisons to Wallkill on a selective basis for education and training.

Program Classification

Classification is a relatively recent development in training schools and correctional institutions. Well-developed classification procedures are now in operation at all three schools in the Department of Social Welfare.

In the Department of Correction, the law requires that there be a psychiatric classification clinic at Sing Sing Prison. The rules of this department require the organization of a classification committee at each institution. Despite these requirements, the development of adequate classification machinery has not been achieved in several institutions because of difficulties in securing personnel and other factors. At present, good classification is carried on at Attica Prison, Wallkill Prison, New York State Vocational Institution, Elmira Reformatory, Westfield State Farm and the Institution for Male Defective Delinquents at Napanoch; fair classification procedures are in operation at Woodbourne Institution for Defective Delinquents and Albion State Training School; at other institutions classification is non-existent or relatively ineffective.

Classification committees,² in institutions in both departments are composed of the heads of the major departments of the institutions and usually include the following:

Superintendent or assistant superintendent

Director of education

Psychiatrist

Psychologist

Physician

Recreation supervisor

Superintendent of industries (in the Department of Correction)

After these staff members have interviewed, observed or tested the individual, each official prepares a review of the case indicating his findings and recommendations. These reports are consolidated into a summary, a copy of which is supplied to each member of the committee. The committee meets regularly, at which time the offender is brought before it and a decision is reached as to the program to be followed. Ideally, the committee decides the living quarters to which the inmate will be assigned, educational activities to be followed, work assignments, recreational program and any other activities which the facts in the case indicate should be carried on by the individual. The decision is discussed with the offender so that it is fully understood by everyone concerned. Following the decision of the committee, the necessary institutional procedures are put into motion to see that the program is carried out.

After an individual begins his program, progress reports are collected regularly from supervisors or guards, teachers, shop instructors and other members of the personnel supervising activities in which the individual is engaged. These reports are reviewed by the Classification Committee and on the basis of these reports necessary changes in program are made.

In those institutions in the Department of Correction where the function of parole is performed by the institution rather than by the State Division of Parole, and in all the institutions of the Department of Social Welfare, the Classification Committee also functions as the Parole Committee. The committee usually includes the same personnel and in this capacity determines

² Known as "Case Review Committee" in the three training schools in the Department of Social Welfare.

the approximate time the individual will spend in the institution, provided he makes satisfactory progress, and at the end of this period decides whether or not he is to be paroled.

Details of procedure in the operation of classification vary to some extent in different institutions but, where properly organized, the classification committees perform the guidance function in the institution as described above from the time an inmate is received to the time he is released on parole.

TREATMENT PROGRAMS FOR JUVENILE DELINQUENTS

(Department of Social Welfare)

The three training schools build their treatment around an eight point program: living plan, academic work, vocational training, clinical therapy, social service, medical service, religious work and recreation.

All three institutions are constructed on the small unit plan with groups of 20 to 32 children in each unit. Such units provide valuable training for adolescents in a homelike atmosphere, give practice in adjusting to other people and the group, and teach personal hygiene, acceptable behavior and habits of work in a day by day routine. The excellence of this phase of the program depends to a large degree upon the skill and understanding of the matron or cottage "parents."

Each institution is provided with a central school. It should be noted that most of these children will return to school in the communities to which they are released. Therefore, one objective in this program is to bring them up to their proper grade level as far as possible in order that they may make satisfactory school adjustments when released. Most children in training schools are retarded and have been behavior problems in outside schools. Hence all institutional classes are really "special classes," and call for skillful teachers.

Vocational training programs suited to the needs of boys and girls are carried on. The shop training for boys in various trades is on a prevocational basis because of the age and immaturity of the boys. In many cases such training is largely exploratory to determine the ability and interests of the boys prior to the selection of a vocation. In the girls' training school at Hudson emphasis is placed on training in home management, including cooking, laundry and cleaning, serving meals and sewing. Other vocational training offered for girls includes retail selling and beauty culture.

Therapy for emotional, personality and behavior problems is provided at each of the boys' schools by a clinic headed by a psychiatrist and staffed with a psychologist and social workers. Warwick maintains a contract for this service with the Neurological Institute at the New York Presbyterian Medical Center.

Each institution maintains a staff of social workers under the supervision of a director. This staff handles the home and community problems of the boys and girls and after release supervises them on parole. The members of the staff make monthly visits to the institution and spend considerable time in field visits to the homes of children in the institution. They are thus in continuous contact with the boy or girl from the time of commitment until ultimate discharge from parole.

Each institution maintains hospital facilities equipped to provide emergency treatment for mild illnesses. The hospital staff at each institution includes a physician, dentists, nurses and attendants. There is a maternity ward and nursery at the girls' school.

Two chaplains are employed on a full-time basis at each of the boys' schools to handle religious guidance and instruction. Chaplains also make visits to the families of children and thereby assist with social and religious problems involving both the home and the child. At the girls' school Sunday services are conducted by local clergy, supplemented by week-day classes under volunteer leadership. Other religious needs are met by special arrangements.

Supervised recreation is an important part of the program of the training schools. Each of the boys' school has facilities for outdoor swimming, an

athletic field, gymnasium and cottage playground. The girls' school has a gymnasium only. The recreation program is conducted by a staff of trained recreation workers. All types of sports are carried on including intra and inter-cottage games. The program also includes dramatics, choral singing, dances (at the girls' school) and movies.

TREATMENT PROGRAMS FOR OFFENDERS 16 YEARS AND OVER

(Department of Correction)

The task of the Department of Correction in developing treatment programs is considerably more complex than is the case in Social Welfare. The Department of Correction has a more heterogeneous population including at least six major divisions: youths from 16 to 19, youths from 16 to 30, defective delinquents, mentally ill and adult serious offenders, men and women. The types of institutions vary from those of minimum security to some of the most secure prisons in the United States.

Reformatories and women's institutions, like the training schools, have always emphasized training and treatment. On the other hand, the tradition of the maximum security prisons has been one of repression and regimentation. It should be noted, however, that while the earlier history of prisons is a black page of brutality, filth and degradation, these institutions today are humanely and efficiently operated. Corporal punishment has been abolished and strict but humane discipline substituted therefore; cleanliness has replaced filth; decency is insisted upon on the part of both inmates and personnel; and medical treatment is on a high standard. Organized treatment and training programs are less developed in the prisons, but during the past ten years, some prisons have achieved creditable standards.

The variation in programs necessitated by the differences in inmates and the types of institutions precludes a description of the Department's treatment program in over-all terms. Practically all of the eight points mentioned in connection with the program of the training schools are found in the programs of the correctional institutions, with modifications to fit varying situations.

Living Arrangements

The living arrangements in most of the correctional institutions reduces the emphasis on this phase of institutional life as a treatment tool, as compared with the training schools. Westfield Reformatory (for girls 16 to 30) is the only cottage type institution in the department, and postwar plans propose a replacement of the old cottages with a congregate type of institution. Albion State Training School (for mentally defective women) is a dormitory type of institution, the former cottages having been replaced about ten years ago. Wallkill housing consists of individual rooms. Woodbourne and the New York State Vocational Institution are part dormitory and part cellular institutions. Most of the remainder are cellular institutions entirely.

Some use of housing as part of the treatment program has been made. Westfield uses the various cottages to house different types of girls. The New York State Vocational Institution, about three years ago, inaugurated a plan for housing together special types, such as the best or honor group, the cripples and weaklings, the parole violators and more hardened types, the younger and older inmates. Unfortunately, overcrowding and war conditions caused the abandonment of this plan. It is likely that more use could be made of housing facilities to segregate different types of inmates than is the case at present. Most of such segregation practiced now is on the basis of the work done, farm workers in one block, mess hall and kitchen men together, industrial shop workers together, and so forth.

Medical, Psychiatric and Psychological Service

Medical care is more extensive in the correctional institutions than in the training schools. Most of the institution hospitals are well equipped including

operating facilities, X-ray machines and other equipment. This is due in part to the fact that it is less feasible to take inmates to outside hospitals for treatment than is the case in the training schools. Specialized medical service is also provided for those suffering from tuberculosis and cancer, and for the treatment of venereal disease.

Psychiatric and psychological service are at a minimum, and hence little therapy is done at present. Mentally ill and mentally defective inmates are transferred to special institutions in the department for the care and treatment of such cases.

Religion

Freedom of religion is guaranteed to all inmates by law. Catholic, Protestant, and Jewish chaplains are employed on a full or part-time basis according to the size of the institution. The importance of this work is recognized by the religious denominations and clergy are specially selected and trained for the work. In addition to religious services and instruction, chaplains do a great deal of personal and social service work with the inmates and their families.

Education

In the last ten years, great progress has been made in the educational and training programs of the correctional institutions. At present, education is an important factor in every institution in the department. In the reformatories and women's institutions and at Wallkill Prison, education and treatment constitute the major portion of the program. Institutions for defective delinquents also carry on extensive programs. In the maximum security prisons, education functions as one of the departments of the institution, but its influence and program are not as extensive as in other types of institutions. The educational personnel consists entirely of trained civilians in all institutions except in maximum security prisons, where most of the teaching staff consists of inmates.

Academic Education

In general and academic education, provision is made for a wide range of activities from teaching illiterates to read and write to providing courses for advanced students on a college level. Many inmates each year prepare for and take the regular Regents' examinations and it is not unusual for an inmate to complete his entire high school education while in the institution. Academic work is divided generally into three levels designated as preparatory, intermediate and advanced. While emphasis in the preparatory class is on skill subjects, the major effort in intermediate and advanced work is to develop proper attitudes towards society and to increase the individual's sense of responsibility. In recent years interesting experiments have been made with courses in human relations or simple mental hygiene which indicate that there is considerable value in developing insight on the part of the inmate into his own problems and the reasons for his failure in free life.

Vocational Education

Vocational education, while carried on to some extent in all institutions, is much more extensive in reformatory type institutions. Organized training is provided in almost forty different trades. During the last two years vocational training has been improved and expanded through the cooperation of the State Education Department in making available funds from the Federal appropriations for VE-ND (Vocational Education—National Defense) and by securing equipment at no cost to the State from the discontinued National Youth Administration.

Vocational training in the women's institutions includes much the same types of activities as are carried on in training schools for girls although in recent years more emphasis has been put upon non-domestic training such as beauty culture, clerical work, production or factory sewing and light factory assembly training.

Recreation

Recreation and physical education in correctional institutions, properly organized and supervised, is an important phase of the treatment program. All reformatories, Wallkill, and institutions for defectives operate regularly scheduled physical education and health classes, in addition to an extensive program of recreational activities. Library service is available at all institutions but, with one or two exceptions, further development is required before it can play an important role in the treatment program.

PROBLEMS AND RECOMMENDATIONS

The problems discussed below for which specific recommendations are shown were those selected by the committee as most urgently in need of remedial action. They fall naturally into these main groupings.

Group One

Basic Problem: Inability to utilize existing or proposed facilities in the most effective way to care for the variety of treatment problems in State institutions.

As indicated in Section I, the fact that commitment procedures are based upon age and legal classification of offenders rather than treatment needs results in the training schools, reformatories and prisons receiving a heterogeneous population. Other selective factors are also at work which tend to concentrate the most serious types of delinquents in State institutions. The variety of treatment problems within individual institutions could be reduced and the treatment needs of some delinquents could be handled more effectively, if the departments involved had authority to transfer offenders to other existing or proposed State facilities.

Recommendation: That legal authority be granted to make interdepartmental transfers among the Departments of Correction, Mental Hygiene and Social Welfare. Transfers to the Department of Correction from either of the other two departments would be limited to persons 16 years and over, who have committed law violations or criminal acts. It is also proposed that this transfer machinery be administered by an Interdepartmental Classification Committee consisting of representatives of the Departments of Correction, Mental Hygiene and Social Welfare.³

For example, the use of this authority would apply particularly to the transfer of serious behavior cases, 16 years of age and over, from the training schools in the Department of Social Welfare to an institution in the Department of Correction, such as the New York State Vocational Institution. It would also be possible to transfer certain mental defective delinquents from the Department of Social Welfare to either the Department of Correction (16 years and over) or the Department of Mental Hygiene (under 16 years).

Recommendation: That legal authority be granted to make intradepartmental transfers within the Departments of Social Welfare and Mental Hygiene.

This authority would permit the full use of existing or proposed facilities within these departments to meet the treatment needs of persons now com-

³ Since this type of transfer should be a continuing function, it is proposed that the committee to administer it should be a permanent group distinct from the temporary State Youth Service Commission mentioned elsewhere in this report.

mitted to specific institutions. In the Department of Social Welfare, there now exists limited authority to transfer between the two schools for boys with the consent of the committing judge, but this authority would not permit the use of any new facilities such as are discussed below. A similar problem is found in the Department of Mental Hygiene where the legal authority for transfer among schools for mental defectives and mental hospitals is vague and largely dependent upon an opinion of the Attorney-General.

Recommendation: That legal authority be granted to the Department of Social Welfare to utilize boarding out facilities in private institutions and family homes for children in *all* its institutions.

Utilization of available private facilities and other community resources could be attained if juvenile delinquents, now cared for by the Department of Social Welfare, could in selected instances be boarded out on an individual basis in private institutions or in foster family homes. At present, this boarding-out authority applies to the children at only one training school (Warwick). The experience with this procedure at Warwick has demonstrated that it should be authorized for all training schools.

Group Two

Basic Problem: Lack of specialized facilities within the respective departments to provide more effective classification and treatment for certain types of delinquents.

A. Department of Social Welfare

1. *An acute problem in the training schools for boys is the presence of a relatively small group of boys who are difficult behavior cases, such as runaways and over-aggressive children who cannot be properly cared for in an open-type institution.*

Recommendation: That there be established in the Department of Social Welfare a secure facility for the care of boys.

These boys exert a harmful influence on other children in the school and are a disruptive factor in the maintenance of the school program and discipline. Neighboring property is damaged and so is the reputation of the school in the community.

Furthermore, it is not constructive to a youngster to have him running away and committing offenses fully aware that nothing can be done about it. There are a good many boys, 14 to 16 years of age, who are so sophisticated and so steeped in delinquent behavior of a serious sort that they look upon the training school as a "sissy" place where they can get away with things. In many instances, no effective treatment program can be initiated until the boy is reconciled to the fact that he has been committed to an institution and must remain there until released on parole or discharged. A specialized institution for these types of boys would permit the development of a treatment program suited to their needs in a setting where necessary protective measures are maintained.

2. *A number of girls, now committed to Hudson, present serious emotional and personality problems. The necessary psychiatric care required by these girls is not now provided by the institution and because of its location, specialized services are not readily accessible.*

Recommendation: That the Department of Social Welfare establish a reception center for delinquent girls, located in an area where special professional services of physicians, psychologists and psychiatrists are readily available.

The treatment needs of the majority of girls committed to Hudson can be adequately handled within present facilities. There are two groups of girls, however, who require a more specialized or restricted program than it is

feasible to provide in an open-type institution. Both groups of girls have generally been sent to Hudson after failure to respond to treatment in private institutions or on probation. The first group consists of a small number of girls who are not psychotic nor feeble-minded but who are so emotionally disturbed that they cannot be cared for in a large group. Their presence in the institution has a serious effect on the constructive progress of the majority of the population. The second group includes another small number of girls who need a more restricted program under closer supervision. A number of them have had demoralizing experiences such as prostitution, stealing and association with definitely anti-social persons. They are not ready for cottage or campus life but need specialized care in smaller numbers. To place them immediately in contact with younger, less sophisticated and more normal type girls is not only of little benefit to this asocial group but also jeopardizes the adjustment of the large majority who can adapt to the program at Hudson.

A center for more intensive treatment and supervision of these girls should be located in an area which offers the greatest opportunity for securing staff, professional as well as non-professional, including supervisors of the girls and maintenance personnel. It is felt that the psychiatric and psychological services needed in a unit of this kind can be more easily obtained in a large urban area. Moreover, highly specialized services which may be required on a part-time basis are more readily available than in a smaller population center.

The reception center would operate as a branch of Hudson, offering specialized facilities for the care of the types of girls mentioned above. Serving at the same time as a reception center, it would also offer improved facilities for the classification of girls committed to the institution.

3. *The training schools receive a considerable variety of types of delinquent boys and girls, thereby necessitating a variety of treatment. Such variety cannot be attained under the present organization of facilities, which were designed to handle a relatively large population under a standardized program.*

There is need, therefore, for greater diversity of facilities based upon smaller population units, each unit to include similar types of treatment problems among delinquents. Sufficient experience has not been accumulated to warrant a specific statement as to the types of delinquents requiring specialized care, aside from those referred to in (1) and (2) above.

Recommendation: That the Department of Social Welfare with the assistance of the State Youth Service Commission study and determine what other types of delinquents in the training school are in need of special treatment facilities.

B. Department of Correction

1. *Young male offenders, 16 to 21 years of age, are not sufficiently separated as to type to permit effective treatment; responsibility for treatment is divided and uncoordinated; and certain needed facilities for diversifying the program for this group are lacking.*

Offenders in the 16 to 21 age group, convicted of felonies, may be sent to Elmira (first felony), to a State prison or to city and county penitentiaries (for less than three years). Between the ages of 16 to 19, male felons may be sent to any of the above institutions or to the New York State Vocational Institution. Male misdemeanants in this age group may be sent to the New York City Reformatory, New York State Vocational Institution, city and county jails and penitentiaries, or to private institutions. "Youthful offenders" cannot be sent to Elmira. Wayward minors and lesser offenders, 19 to 21, cannot be sent to any State institution.

Within the legal limitations governing various offenses and ages, the decision whether a young male offender shall be sent to any one of these institutions is made by the court. The final decision as to place of confinement

and treatment often depends upon the care with which each case is studied, the extent of the court's information, the adequacy of probation and other special services, the community reaction to the offender and his crime, and whether the expense of incarceration shall be borne by city, county or State.

The diversity of commitments to the institutions for younger offenders has been described heretofore, as well as the fallacy of determining treatment on the basis of age and legal classification or any other such arbitrary factor. The division of responsibility among various agencies also results in lack of effective treatment and coordination of program. It is apparent that, under present conditions these young offenders are frequently not given programs of treatment best suited to effect their rehabilitation or to protect society.

Recommendation: That a Reception Center be established in the Department of Correction, preferably at Elmira Reformatory, to receive, study, and classify male offenders 16 to 21 years of age. The Center should be provided with an adequate staff of specialized personnel to insure a careful, scientific study of each offender received, within a reasonable time after commitment. The Center should assemble all pertinent information, by means of investigations, interviews, tests and other methods, concerning the social history, background and characteristics of the individual offender. On the basis of such study recommendations shall be made as to the place, and approximate length of incarceration and the program of treatment to be followed.

Recommendation: That necessary revisions be made in the law to require that all male offenders, 16 to 21 years, sentenced to an institutional term for an offense not punishable by death or life imprisonment, be committed to the Reception Center. All sentences should be entirely indeterminate, at least for first offenders.

The adoption of these recommendations would provide opportunities for careful study of male offenders 16 to 21 years of age thereby leading to better institutional placement. Experience gained at the reception center will also reveal to what extent there is need for additional diversified treatment facilities to meet the needs of various types of offenders in this age group.

2. Lack of diversification of facilities for older adult male offenders.

All older adult offenders are committed to maximum security prisons—the only type of institution provided in the department for this group. This is a very expensive type of institution to build, involving as it does high walls, cells constructed of tool-proof steel, and the like. It is believed that certain specialized facilities could be provided for the following types of offenders, probably at a lower cost to the taxpayer:

- a. Offenders who could profit from more intensive training and education than that now available in maximum security prisons.
- b. Younger offenders and adults who should have a more active program of physical activity than that provided by the prison routine.
- c. The less dangerous but less trainable type of offender who does not require incarceration in a maximum security prison. This group includes alcoholics, aged offenders and other similar types. There are a number of men, even in the maximum security prisons, who never make any trouble in the institution, cannot or would not plan escape or riots, but who cannot seem to adjust on the outside. These could well be cared for in low-cost institutions.
- d. Persons with serious physical handicaps or diseases such as paralytics, cardiacs, epileptics, cripples, etc.

Recommendation: That the Department of Correction with the assistance of the State Youth Service Commission consider the feasibility of establishing additional medium security facilities, such as facilities for more intensive training, lumber or work camps and farms. The needs of the physically handicapped should be borne in mind in connection with this inquiry.

3. *Lack of a State policy as to the optimum size of its various institutions, particularly prisons and reformatories for older offenders.*

There has been a tendency in New York State to increase the size of institutions, instead of providing for increased population through the construction of smaller institutions, which, in many cases, could be built at much lower cost than present institutions. For example, the last two prisons built provide for a capacity of 2,000 prisoners. The New York State Vocational Institution was originally built with a capacity for 500 inmates, but when the population increased over this number, an additional cell block was added, thereby increasing the capacity to about 850. At Elmira Reformatory, new blocks added in recent years have increased the capacity from about 1,200 to about 1,650.

Attention should be given to the per capita costs involved as well as to the possibilities for individual treatment in various size institutions inasmuch as individualized treatment is a well-established principle in the correctional field. Although the evidence on this point is not conclusive, it is believed that reformatory type institutions and probably prisons, should not be built with a capacity exceeding 1,200 inmates. For specialized types of care this figure is too high.

Recommendation: That interdepartmental study be continued and recommendations prepared for State policy with regard to optimum size of various types of institutions.

C. Department of Mental Hygiene

1. *Feeble-minded patients in institutions of the Department of Mental Hygiene who cause trouble and who are potential delinquents.*

It is believed that a transfer to the Department of Correction of potential delinquents prior to conviction for a criminal act is not feasible under present conditions.

Recommendation: That the Department of Mental Hygiene establish additional segregated facilities for the care of this group.

D. Interdepartmental Problems

1. *Lack of facilities for delinquent mental defectives under 16 years.*

Mentally deficient boys and girls who have been delinquent are not supposed to be committed to nor kept in the present training schools of the Department of Social Welfare since they cannot profit from the program. The schools for the feeble-minded in the Department of Mental Hygiene are not supposed to care for delinquents. In actual practice mentally defective children under 16 years are often cared for in Mental Hygiene and Social Welfare institutions since there is no other place for the courts to send them. These boys and girls are frequently troublesome in the schools for the feeble-minded, and are not suited to or benefited by the program of the training schools in the Department of Social Welfare.

Recommendation: That facilities be provided for the care of mental defective delinquents under 16 years, in either the Department of Mental Hygiene or Social Welfare.

2. *The psychopathic individual is always a troublesome factor in any institution.*

The psychopath is an unregenerate and constant non-conformist. One authority has recently described such persons as "rebels without a cause." They are constantly in trouble in institutions, they disrupt any part of the program in which they are placed, thereby disturbing other inmates. Ordinary disciplinary measures usually do not bring about desirable results.

Sex deviates are generally considered by psychiatrists as belonging to the psychopathic group. They are, however, usually different in their reactions and probably should be subjected to different treatment. In any event, the sex deviate is also a difficult problem in any institution.

Recommendation: That interdepartmental study be made of proper facilities and suitable treatment programs for psychopaths, including sex deviates.

Group Three

Basic Problem: Lack of facilities for effective classification and treatment within existing institutions.

A. Interdepartmental Problems

1. Difficulties in securing satisfactory personnel in all institutions, particularly various types of professional service.

On the one hand, the State has a huge investment involved in the care, custody and treatment of delinquents, considerable thought and attention has been given to the desirability of expanded and diversified facilities for these offenders. On the other hand, the State departments providing care for offenders, although recognizing the importance of a skilled and experienced staff in achieving efficient and effective operations, have had difficulty in developing a forward-looking, progressive program to meet these personnel needs.

The contrast between employment opportunities in institutions and similar positions in non-institutional fields makes it hard to attract capable people. While this state of affairs has been aggravated by wartime conditions, it is by no means attributable to that alone. Some of the factors which exert a more pronounced influence are: the isolation of many institutions from centers of culture and recreation; the responsibility and nervous strain involved in dealing with maladjusted persons; and the meager opportunities for training and advancement. Despite greater job security in State service, this advantage often does not offset the relative unattractiveness of institutional work.

A number of efforts have been made from time to time by the various State agencies concerned to handle different aspects of this problem. In many instances, these efforts have been intensified as personnel shortages increased during the current period of wartime labor scarcity. There is also needed a comprehensive, realistic and broad appraisal of institutional personnel problems in relation to contemporary employment and labor market conditions generally. In addition, the situation should be examined with respect to the steps necessary to secure maximum dividends on the State's sizeable investment in facilities.

Recommendation: That there be further interdepartmental study of the question and recommendations as to steps necessary to attract the number and type of employees essential to an effective treatment program in State institutions for delinquents. The following points should be covered in this investigation:

- a. Provision of opportunities to professional and other employees to obtain further training and experience, such as in-service training programs, leave for study, etc.
- b. Development of improved recruitment policies and methods.
- c. Other factors which affect the attractiveness of institutional work.

2. Practically all existing institutions have specific building needs involving expansion and modernization.

Many of these needs have been analyzed during the past year in connection with postwar planning. As a result, many badly needed facilities are now in the blueprint stage. If these plans are carried out, the situation will be much improved.

B. Department of Correction

1. *An increased number of psychiatric and psychological personnel should be provided to insure effective classification and psychiatric treatment of offenders.*

In order to place greater emphasis upon programs of individualized treatment, the amount of psychiatric and psychological service should be increased. This problem is further intensified by the inability to fill existing vacancies because of the wartime shortage of professional personnel and the fact that recruitment is more difficult on account of a greater civilian demand for these specialized services.

In the interest of developing these services to meet current and anticipated needs, a careful review of the situation was made by the Department and the interdepartmental committee. The following recommendations include proposals based upon the above review:

Recommendation: That at least one psychiatrist and one psychologist be provided at each institution, and that additional personnel be provided at receiving institutions commensurate with the volume of intake.

Recommendation: That a supervising psychiatrist be provided in the central office of the department to coordinate the work of classification and psychiatric treatment in all institutions.

2. *No differentiation is made in the population and programs of maximum security prisons.*

The Department of Correction has drawn up plans for providing needed diversification of the prisons but overcrowding and war conditions have made action impossible to date.

For example, one prison may be designated for hardened recidivists, and long-term criminals and all such inmates would be transferred to that institution, thereby relieving other institutions of these problem cases. Even where such inmates are well behaved, they represent a constant escape threat because of their long sentences, and many of them have very doubtful prognoses with regard to their possibilities for ultimate rehabilitation. At present, the programs of all the prisons must be geared to a considerable degree to the worst inmates, thereby requiring rigid restrictions on the entire population.

Another prison might be designated as one to emphasize education and training for more improvable inmates with fairly long sentences; another might be for less trainable but also less dangerous types as an alternative to the medium security facilities discussed under Problem II.

Recommendation: That further diversification in treatment be accomplished in the Department of Correction by designating certain prisons for specific purpose or emphasis.

3. *Recreational programs are extremely inadequate in several institutions particularly in maximum security prisons.*

Generally, personnel and facilities have not been provided to keep pace with the increased significance attached to supervised recreation programs as a treatment resource. In maximum security prisons, this is further emphasized by the failure to include in the inmate's program sufficient opportunity for participation in recreation activities.

Recommendation: That recreational facilities be expanded in all institutions where such facilities are inadequate. Inmates at all institutions should be given an opportunity to participate in recreational programs.

C. Problems Without Specific Recommendations

The following problems involving lack of facilities for effective classification and treatment within the Departments of Correction and Social Welfare were recognized by the committee but were not given an extensive analysis. These lists are primarily illustrative and are not intended as a complete statement of those problems which require further consideration.

1. Department of Correction.

a. There is lack of coordination among certain phases of institutional programs, particularly within maximum security prisons. Prison industries which provide employment for a good many inmates, should also be properly utilized as a definite part of the treatment program. The opportunities for training in industries, as well as in training programs, have not been fully exploited.

b. There are restrictions on the development of a proper market for the products of prison industries. Because these industries provide employment and also prevent idleness, they play an important part in the treatment program. Prison industries in the State of New York are conducted on a "State-use" basis. In other words, products can only be sold to the State and the political subdivisions of the State. In spite of this fact, a number of limitations, even on this restricted market, now exist, and other restrictions are continually being proposed.

c. Determination of need for expansion of medical staffs in all institutions, including pathologists and pharmacists. There is also an indicated need for full-time ophthalmologists and dentists each serving several institutions rather than the present practice of utilizing visiting personnel. War conditions, however, make it difficult, if not impossible, to secure such professional personnel.

d. Development of a uniform policy of State chapel construction to provide equitable facilities for worship. A good many facilities now used have been donated.

2. Department of Social Welfare.

a. Determination of need for additional psychiatric, psychological and social work personnel for treatment purposes.

b. Difficulties in recruiting and retaining competent personnel to serve in the cottages. This problem is more acute today because of the wartime manpower shortage.

c. Determination of need for larger medical and dental care facilities. Here again, war conditions make it difficult to effect a solution to this problem.

d. Farm and maintenance programs often involve competition between production and training.

III. PAROLE

Parole is that process by which, within the provisions of the law, the date of release of an inmate of a training school, correctional or penal institution is determined, through which he is supervised while on parole, and under which he is returned to the institution if he does not make a satisfactory adjustment. Parole is not a pardon, but a conditional release. It is not a right to be accepted, but a privilege to be granted if earned.

Parole should be based on complete and accurate data concerning the individual, his past history, community circumstances, his characteristics both good and bad, his accomplishments, attitudes, and behavior in the institution. The supervision of parolees is designed to assist and guide, but also to act promptly and firmly when a parolee fails to live up to his obligations. Finally,

parole follows institutionalization as a continuation of sentence, carried out in the community under supervision, for the purpose of protecting society and completing the process of readjustment to a lawabiding life.¹

INDETERMINATE SENTENCE BASIC TO PAROLE

The parole system is based upon the indeterminate sentence, which means that the period of incarceration is not definitely fixed by the committing court. Since commitment to juvenile institutions has always been for a completely indeterminate period, these institutions have, from their beginnings, utilized some form of parole. It was not until 1869, however, when the establishment of Elmira Reformatory was authorized by the State, that the indeterminate sentence and parole were made part of the procedure of dealing with offenders. Indeed, this marked the first incorporation of the principle of parole in American penology.

It should be noted that the term "indeterminate sentence" has at least three meanings. In juvenile institutions, commitment is completely indeterminate, with no minimum age and a maximum of 21 years. This also applies to the New York State Vocational Institution and the Westfield Reformatory for Women, except that the maximum cannot be more than the maximum provided by law for the crime. At Elmira, the term implies a sentence of not less than one year and not more than the maximum sentence provided by law for the crime of which the offender is convicted. In the prisons, "indeterminate" means the minimum and maximum set by the court within the limits of the possible minimum and maximum provided by law for the crime.

THE ADMINISTRATION OF PAROLE

After Mary, Johnny, or John Doe, has spent a certain length of time in a training school, reformatory or prison, he or she becomes eligible for release. Procedures therefore, must be established for determining when society and the individual will most benefit by the release of the offender. The conditions under which release will be granted and the obligations which the individual must live up to on parole also have to be determined and, finally, methods must be established for the return of the individual in case he fails on parole or for his eventual discharge from parole.

The earlier practices of determining the length of stay in the institution simply on the basis of certain number of months or years for all, or by using a system of merit and demerit marks, have been almost entirely abandoned in New York State. Inmates are released only after they have demonstrated by their conduct and accomplishment in the institution that they intend, and are likely, to adjust in the community. The general practice is to see that an inmate completes a definite program satisfactorily before he will be considered for release. Consequently, the release date cannot be definitely set at the time of reception.

PRESENT STATE PAROLE SYSTEMS

There are at present nine separate and distinct State parole systems:

The State Board and Division of Parole (1)

Six State prisons and Elmira Reformatory in the Department of Correction

Separate Institutional Parole Boards (8)

Industry, Hudson and Warwick Training Schools in the Department of Social Welfare

Five institutions in the Department of Correction: New York State Vocational Institution, Westfield Reformatory, Albion, Napanoch and Woodbourne.

¹ For distinction between parole and probation see Section IV—Probation.

In those institutions which operate their own parole system, the Superintendent, with the approval of the respective Commissioner, determines the date of release of each inmate. Each institution has its own parole staff which supervises parolees.

At Elmira Reformatory and the State prisons, the State Board of Parole in the Executive Department has full authority for the administration of all parole procedures, and the State Division of Parole, under the supervision of the board, handles all matters of investigation and supervision.

PAROLE IN THE TRAINING SCHOOLS OF THE DEPARTMENT OF SOCIAL WELFARE

The case review committee² at each institution decides when a child has made sufficient progress in adjustment to be placed on parole. Arrangements for departure from the institution are made by the Social Service Department. Supervision of the child in the home and community is carried on by the social workers who work from district offices throughout the State. Duplicate chronological case records are kept by the social workers, one copy going to the central file at the institution and the other retained for the worker's record in the district office. This field staff visits the institution at regular stated intervals for individual and group conferences with the director of social service who is responsible for their supervision.

The child may be returned to the institution at any time during minority if such action is deemed by the superintendent to be "necessary for his or her welfare or for his or her protection against evil associations or companionships." If the child makes a good adjustment over a period of two years, or for some other reason consistent with the rules of the State Board of Social Welfare, he may be discharged from care by the department.

PAROLE IN THE INSTITUTIONS OF THE STATE DEPARTMENT OF CORRECTION

Parole in the five institutions not under the State Board and Division of Parole is conducted in practically the same way as has been described for the State training schools. It should be noted that social workers from the three training schools and parole officers from the five institutions in the Department of Correction supervise parolees in the entire State from their respective institutions.

State Prisons

The procedures followed by the present State Board of Parole are exactly the same at Sing Sing, Great Meadow, Clinton, Auburn, Attica and the Women's State Prison, Westfield State Farm. At Wallkill Medium Security Prison the procedure is slightly different and at Elmira Reformatory the board functions on an entirely different basis than at any of the state prisons.

In each of the institutions over which it has paroling jurisdiction, the board has a parole representative who is responsible for handling all matters relating to parole, including all problems involving the administration of parole as it relates to the functions of the institutional officials.

Several months prior to the date when an inmate becomes eligible for parole consideration, the institutional parole representative interviews each prisoner who is scheduled to appear at a specified board meeting, concerning his plans for prospective home and employment, important phases of his social history, and other pertinent matters.

All of the material gathered in the case is included in a written report and transmitted to the central office of the Division of Parole where proper assignment of the pre-parole investigation is made to the district office for investigation. The completed reports of pre-parole and pre-classification investigations are assembled for each member of the Parole Board.

The board meets each month at the institutions to consider these cases. Each prisoner is accorded a personal interview with the members of the Board

² See discussion of case review committee in previous section where it is referred to as a classification committee.

of Parole. After the prisoner leaves the hearing room, the three members of the board discuss the disposition which is to be made of the case. If the board decides to release the inmate, the date of his release is determined. If the board decides that the inmate is to be held for a longer period of confinement, the date of the meeting when he is to appear for reconsideration is determined. When the board has completed its hearings, the institutional parole representative notifies each inmate of the decision which the board has made in his case.

Wallkill Medium Security Prison

At Wallkill Prison the board has before it more inclusive information than is available at any of the other institutions over which the board has jurisdiction. This is due to the functioning of the Service Unit at that institution. This unit is staffed by an experienced social worker attached to the Department of Correction and the institutional parole representative. The institutional officials who work with the inmate population accumulate more intensive knowledge regarding the prisoners than is gained by any of the staffs connected with the other institutions. The members of the Service Unit staff work cooperatively and all social problems presented by prisoners are referred by the other institutional officials to the Service Unit. In turn, the institutional parole representative refers to the Division of Parole for investigation all situations in which investigation is deemed necessary. Intensive records are maintained regarding each visit made to the inmate and the relatives and friends who visit the inmate are frequently interviewed by the representatives of the Service Unit.

By cooperative agreement the Division of Parole conducts pre-classification investigations for the inmates confined in Wallkill. These reports are usually completed within three months after the inmate has been received at that institution.

A chronological record is kept of the progress of the inmate in the institution; his educational and vocational achievements are reported. This record also includes data concerning his conduct and his attitude toward his family, the law-enforcing officials responsible for his incarceration, and toward his prospective release to the community. Prior to the time when an inmate is scheduled to meet the Board of Parole, the Service Unit records a critical evaluation of the case.

When the members of the Parole Board meet at Wallkill, the hearings are also attended by the Warden, although he does not actively participate in the board's discussions. However, by this means he becomes fully informed and is later in a position to interpret for the inmate the factors which entered into the decisions made by the board.

The Service Unit at Wallkill was created as an experiment but it has proven so effective that the advisability of setting up similar units in all of the correctional institutions is apparent.

Elmira Reformatory

In considering the cases of prisoners confined in Elmira Reformatory, the Parole Board follows a procedure which is different from that followed in any of the other institutions over which it has paroling jurisdiction.

When the board assumed paroling jurisdiction over this institution in 1930, it followed the same system which had been established by the Superintendent and the Board of Managers. From the beginning, however, the board was not satisfied with the plan and efforts were made over a period of years to effect some changes. This has now been accomplished.

In order not to interfere with the administration of the reformatory, and to cooperate with the proper institutional officials, the Board of Parole has accepted procedures to be followed by the institutional officials at the reformatory prior to the initial appearance of inmates before the Board of Parole. The major element in this procedure is that the institutional Classi-

fication Committee "screens" the inmates, sets their program, and determines when they will meet the Parole Board. The board, however, retains final authority to determine the release date. The plan also provides for interchange of information between the board and the institution.

Parole Violations

There is no difference in the procedure of the Board at Elmira and the State prisons with respect to parole violators.

When a parole officer supervising a parolee is of the opinion that the parolee has violated the conditions of his parole or is about to violate, he presents a written report enumerating specifically the activities which constitute the violation and the facts which form the basis of his charges. A board member then reviews the case and makes a determination whether delinquency is to be declared and often specifically notes special instructions as to subsequent action to be taken in the case.

Discharge from Parole

The law provides that no prisoner sentenced to or released from a State prison may be discharged from parole prior to the expiration of the full maximum sentence. In Elmira cases, the board may issue a discharge to an inmate or parolee at any time. The board, however, has adopted the policy of withholding consideration for discharge in Elmira cases until the parolee has completed five years of satisfactory conduct on parole.

PAROLE PROBLEMS

The development of an effective parole system, particularly for the prisons and reformatories, has taken place within the last fifteen years. It is believed that those institutions which have developed good parole systems, and the State Board of Parole, have demonstrated the value of an efficiently administered parole program. Several problems require solution, however, before parole procedures can be said to be fully effective.

Department of Social Welfare

Problem I

There is a shortage of foster homes in local communities to which children are returned, thus making it difficult to locate properly paroled children who do not have suitable homes to which to return.

Special difficulty is encountered in placing older delinquent children paroled from training schools who need foster home care. The experience gained at Warwick in establishing its own modest foster care program suggests a pattern for the other schools to follow if legislative authorization is secured. (See Recommendation in Section II.)

Problem II

In some counties the child welfare program is not well developed and little or no probation staff exists.

Boys and girls returned to such communities are, therefore, denied the benefits of skilled assistance from the locality in making the proper adjustment to community life. (See Recommendation in Section IV—Probation.)

Parole supervision is also handicapped by the following conditions, which do not require specific recommendations by the committee:

- a. Lack of a sufficiently close working relationship between parole workers from State schools and local probation officers in some localities.
- b. It is difficult to obtain qualified social workers to supervise children on parole, especially male social service workers for the boys' institutions,

Department of Correction

Problem I

Lack of efficiency and coordination in the administration and supervision of parole result from the fact that the State Board and Division Parole supervise all matters pertaining to parole in seven institutions of the Department of Correction, whereas five institutions maintain their own parole systems.

The division of responsibility for parole with respect to institutions in the Department of Correction makes for lack of unified policies, inadequate supervision, overlapping and duplication of services. The six systems operate as separate units, functioning independently of one another and maintaining separate records and separate staffs of parole officers to cover the same areas of the State. The State Board of Parole has offices located in different parts of the State and a staff of parole supervisors cover all localities in the State. The individual institutions which carry on their own parole systems also attempt to supervise their parolees in all parts of the State. While it may be improbable, it is not impossible, under present conditions, to have six different State parole officers, representing six different parole systems, working in one community at the same time. Furthermore, the limited staffs of parole officers attached to the separate institutions require that they either attempt to cover the whole State or limit their work to selected cases or communities, utilizing the services of social agencies, the police, and other law-enforcing agencies or private individuals to carry out parole supervision.

Recommendation: That the State Board of Parole be given responsibility for *all* parole work, including determination of release, investigation and supervision, at New York State Vocational Institution and Westfield State Farm Reformatory Division; and for parole investigation and supervision, but not determination of release, at Napanoch, Woodbourne and Albion State Training School.

If this recommendation is carried out, parole supervision and investigation in all institutions in the Department of Correction, with the exception of the two mental hospitals, will be centered in the State Board and Division of Parole, and also determination of release in all institutions except those for mental defectives. The State Board of Parole feels that the type of inmate in the latter institutions and the volume of work involved render it inadvisable for the board to take over the release function at these institutions. It is believed that the centralization of parole will result in increased efficiency and improved supervision.

Problem II

Lack of coordination and duplication of records result from the fact that the Board and Division of Parole are in the Executive Department, entirely separated from the Department of Correction.

Many parole and institutional problems are interrelated and should be dealt with on the basis of common policies and procedures. While no conflicts exist between the two agencies, the effectiveness of both institutional and parole programs is reduced because of the complete separation. For example, social service work with inmates in relation to family and other problems is at present not a clear-cut responsibility of either the Department of Correction or the Division of Parole and, hence, such work is not done on organized basis. Another example is the assembly of duplicate data by institutions, parole and sometimes probation; and the lack of interchange of information. Some improvements have been effected by conference and cooperative arrangements, but full integration of effort is difficult under the present organization. There may have been good reasons for the complete separation of these two agencies at the time it was made, but it is believed that these reasons no longer apply.

Recommendation: That there be further interdepartmental study of this problem with the objective of bringing about a closer administrative and procedural integration of the Board and Division of Parole, with the Department of Correction.

Problem III

The parole staffs in several institutions are not able to give attention to the social and personal problems of prisoners and their families, and parolees are not given adequate supervision.

Caseloads of 100 to 150 parolees per parole supervisor are not unusual. With sizeable caseloads under supervision, only a minimum amount of time can be devoted to the personal and family problems of those offenders remaining in the institution. This situation is aggravated under present conditions, where individual institutions attempt to supervise their parolees in all parts of the State. In the past two years additional parole officers have been added at Westfield and the New York State Vocational Institution, thereby improving parole work. If the recommendation under Problem I is carried out, better supervision should also result. Definite recommendations cannot be made, therefore, until some experience is gained in the operation of the consolidated plan under the State Division of Parole.

Problem IV

Many inmates committed to Elmira Reformatory are given long sentences. This makes parole supervision necessary for a long period, since these offenders are usually released in from one to two years after commitment. It is not infrequent for violators to be returned to this institution after they have become mature men and sometimes seasoned criminals.

Recommendation: That the law be amended with respect to Elmira Reformatory to limit the maximum sentence for inmates committed to this institution to five years.

IV. PROBATION

Probation is the method by which the community, through its courts, supervises, guides and seeks to reform offenders *without committing them to institutions*. Adults found guilty or children adjudged delinquent, after investigation by a probation officer, may be conditionally given their liberty by the court under the supervision of a probation officer. Probationers must observe certain conditions fixed by the court which are designed to protect society and rehabilitate the offender.

Probation investigation and supervision and the techniques used in the discharge of these major functions are similar to parole responsibilities and methods. However, probation and parole responsibilities are discharged in different settings. Probation investigations are made *prior to court disposition* and certain selected offenders are given an opportunity to rehabilitate themselves, without resort to institutional commitment. Parole investigations take place *prior to institutional release* and parole officers supervise offenders released from institutions.

FUNCTIONS OF PROBATION

Probation officers, who act as the eyes and ears of the court, are responsible for three major functions—intake, investigation and supervision.

Intake—Informal Adjustment of Cases

Intake involves the examination and evaluation of certain cases in an effort to adjust them, without resort to court action, to the satisfaction of the parties involved and in the best interest of society. This process is used principally in the handling of children's cases, young offenders, and offenses

and crimes arising out of domestic problems and neighborhood quarrels. Cases involving the failure of husbands to support their wives and children particularly lend themselves to this method of informal handling. Frequently, probation officers, after ascertaining the facts surrounding a case of this type, can adjust it after a conference with the parties involved. At times, such problems can be satisfactorily adjusted without court intervention by referral to a social agency in the community. This manner of handling appropriate cases not only saves the time of the court, but is frequently a more satisfactory method of adjustment because differences between the contesting parties are not crystallized by a formal court hearing.

Investigation—Obtaining Information About the Offender

The investigation of offenders prior to court disposition is the first and most important step in the individualization of treatment, which is the keystone of the modern method of correctional care. Probation investigations are inquiries made by probation officers with respect to the criminal, family, educational, environmental, employment and religious background of the offender. Investigation reports permit the court to see the offender as an individual with assets and liabilities, and provide the court with information on which to base an intelligent disposition which will be in the best interest of society and the individual.

Although the immediate and primary purpose of probation investigations is to aid the court in making proper dispositions, they serve many other important needs. A good investigation report serves as a basis for probation and parole supervision since it discloses the problems of the offenders which have caused or contributed to his anti-social behavior. Prospects for the rehabilitation of offenders are increased when probation and parole officers have knowledge of the causes of criminal or delinquent tendencies.

Information contained in probation investigations is also of great assistance to institutions for children, youths and adults in correcting behavior problems of committed persons. Investigation reports supply institutional classification clinics with information which helps determine work assignments as well as vocational and academic training.

Supervision—Control and Readjustment of Probationers

Probation supervision is the control exercised over a person placed on probation after an adjudication or conviction by the court. The probation officer keeps informed as to the conduct of probationers by home visits and in other ways, and aids them to improve their habits and circumstances. Information about the associates and activities of the probationers is sought with a view to assisting the latter in making satisfactory adjustments to society and preventing the recurrence of delinquent activities. The conditions of probation may be modified or revised to meet changing conditions. Failure to observe the conditions of probation may result in the probationer's return to court to be dealt with in any manner which was available to the court at the time of the original adjudication or conviction.

GROWTH AND VALUE OF PROBATION

Probation, like parole, is of relatively recent origin. Its development has not been uniform throughout the State. Some counties are realizing the benefits of good probation service while others are either without such service or are receiving inefficient and ineffective probation service.

Some idea of the relatively rapid development of this form of correctional treatment can be gained from the fact that the number of salaried probation officers increased from 30 in 1907 to 506 in 1943, and the number under probation supervision increased from 1,672 in 1908 to 28,228 in 1943. This increased use of probation has been brought about by many demonstrations of its effectiveness. The most significant of these demonstrations took place in 1925 when the Catholic Charities Probation Bureau in the General Sessions Court

expanded its facilities and demonstrated, over a two-year period, the possibilities of probation. This experiment clearly indicated that a well-organized probation bureau, with personnel carefully selected as to ability and personality and provided with adequate clerical assistance and equipment, could produce a constructive program for the salvaging of many delinquents.

Probation is considered by many to be the most effective as well as the most economical method of correctional treatment because it attacks the individual causes of crime and seeks to remove them before deep-rooted and fixed anti-social behavior problems develop in the individual offender. This viewpoint is well stated by Dr. Sheldon Glueck of the Harvard Law School faculty: "There is enough reason to believe that probation properly administered is the most economical, socialized, efficient treatment instrument in the entire armory of modern penology."¹

The social, human and rehabilitative values of probation alone are sufficient to warrant the extensive use of probation treatment. The argument becomes more compelling when cost factors are considered since this form of correctional care can be provided for approximately seven persons at no greater cost than the institutionalization of one offender. Probation supervision provides for the use of the varied resources of society in effecting rehabilitation and also prevents the offender from becoming an economic liability to society. Offenders on probation can continue to meet the financial obligations for the support of the members of their families. During the year 1943, approximately \$6,000,000 was collected by probation officers for family support. The collection of this money undoubtedly obviated the necessity of many families seeking public or private welfare assistance.

ORGANIZATION OF PROBATION

Probation is a joint local and State responsibility. The State has general supervisory responsibilities, while local officials are responsible for the cost and direct administration of probation.

The State Director of Probation is responsible for the general supervision, development and effective application of probation work throughout the State. To assist him in the discharge of these responsibilities, the Director of Probation consults with the State Probation Commission, which consists of seven members, who serve without compensation.

Probation officer positions are created by city and county appropriating bodies and the salaries are paid by these local political subdivisions. Any court of criminal jurisdiction or children's court may appoint such probation officers as may be authorized by the appropriating body. The judge or judges of these courts have power both to appoint and dismiss probation officers in accordance with the provisions of the Civil Service Law. The appointing judge or judges have administrative control over probation officers and related employees.

PROBLEMS OF PROBATION

As background for the discussion of problems, the following observations of the State Division of Probation provide a bird's-eye picture of the present status of local probation departments in New York State:

1. There are ten probation departments adequately staffed, equipped and provided with sufficient travel funds to render good probation service.
2. There are eighteen probation departments which are adequately staffed but which are rendering an inadequate and unsatisfactory service because of one or more of the following reasons: lack of leadership or direction, improper organization, lack of knowledge of the work, or lack of proper and adequate facilities.

¹ *The Future of American Penology*, by Dr. Sheldon Glueck—An address at New York State Conference of Social Work, Buffalo, N. Y., October 22, 1935: published by Department of Correction, Division of Probation. Albany, N. Y., 1937.

3. There are thirteen probation departments in which the chief probation officer or the person in charge has the knowledge, ability and other qualifications properly to direct and carry out a sound and satisfactory probation program but these departments are unable to render satisfactory service because of insufficient staff, both probation and clerical.

4. There are twenty-seven probation departments lacking the necessary trained personnel and proper facilities to render adequate probation service.

5. There are nine counties of the State that are without any salaried probation service but in which there is an actual need for such service.

6. There are seven counties in the State without probation service where there is a question as to whether there is sufficient need and justification for the establishment of a full-time probation position to render services to all courts.

This picture shows that there are sixteen counties in the State without any salaried probation service and forty probation departments whose budgets are not adequate to permit them to render satisfactory probation work. It should be noted that local appropriating bodies can defeat efforts to secure probation service by failure to make appropriations and make impossible the attainment of high standards of work by appropriating insufficient money adequately to finance and provide for good probation service.

Frequently, however, the appropriation of more money for probation service results in economies to both local and State governments. One county reports that its children's court handled 164 formal juvenile delinquency cases in 1942. The disposition of these cases included the commitment of 40, or 24.4 per cent, to public and private institutions and agencies and 91 were placed on probation. In 1943 two additional probation officers were provided and the children's court disposed of 293 cases of juvenile delinquency. The disposition of these cases included only 30, or 10.2 per cent, committed to public and private institutions and agencies while 174 were placed on probation. The added probation service enabled the children's court to make many more probationary dispositions than could have been properly supervised by the previously limited probation staff. Although the cost of probation service increased, it undoubtedly resulted in an over-all economy because the court could use probation rather than institutional treatment which is approximately seven times more expensive.

Problem I

The State Division of Probation has insufficient authority to carry out its responsibilities.

While the Division of Probation has the responsibility of supervision over local probation services, it has no enforcement power to require the courts or local units of government to comply with its recommendations or suggestions. The value of supervision is greatly weakened when persuasion is the only method available to the Division in stimulating localities to provide satisfactory probation service. If greater enforcement powers are granted, the large number of courts rendering probation service in the localities and the importance of this work in treating offenders will require sufficient staff to insure guidance, leadership and planning so as to achieve an effective state-wide program.

Recommendation: That the State Division of Probation be provided with sufficient authority and staff commensurate with these new powers in order to fully carry out its supervisory and training responsibilities.

Problem II

The local administration of probation is decentralized to such a degree that maximum results cannot be obtained.

Like problem I this is a basic and fundamental problem which contributes in some degree to practically all of the other problems which are subsequently discussed.

Several courts within a county may establish separate probation departments. Some counties of the State have as many as four separate probation departments with widely diverse standards of work. Among other things, this undesirable decentralization permits duplication of effort, uncoordinated probation service and specialization of service which prevents flexible use of probation personnel. Although the law permits the consolidation of probation departments in most counties, such action is seldom taken.

Recommendation: That consideration be given to the consolidation of probation services in the various localities to eliminate undesirable decentralization.

Trained personnel is not being attracted to the probation field.

Part of the difficulty in obtaining trained personnel is undoubtedly traceable to the present organization of the probation system into numerous relatively small, practically autonomous units, which offer few opportunities for recognition or advancement. The "dead-end" character of these jobs is increased since there is practically no shifting of personnel among probation departments, and advancement outside one's own department is sharply curtailed.

On the other hand, the influencing and changing of human behavior is a difficult and delicate task requiring skilled and trained personnel, but the salaries of probation officers do not generally reflect the importance of the work which they are performing. The fact that probation officers are not only discharging a difficult task but one that involves the success or failure of individuals under their supervision is frequently overlooked. Probation officers are attempting to salvage human beings so that they may become assets rather than liabilities to society.

The salaries of probation officers in the localities vary considerably and present no logical and consistent pattern. Some communities pay adequate salaries while others provide meager compensation which forces probation officers to supplement their salaries with income received from other sources.

Recommendation: That minimum qualifications and salary standards be established for probation officers which would attract capable and trained personnel.

Problem III

There is a lack of desirable uniformity in the standards of work of the various probation departments of the State.

This problem results mainly from the lack of enforcement power by the Division of Probation and the decentralization of local probation systems, discussed under Problems I and II above. It is felt that the adoption of recommendations stated under these problems will go far toward achieving the desired degree of uniformity.

Problem IV

There is a lack of coordination between probation work and other forms of correctional treatment.

Although probation investigations serve many important purposes and materially assist in providing continuous and scientific treatment of offenders and in coordinating the various phases of correctional treatment, they are mandatory only for offenders placed on probation or persons convicted of a felony and given suspended sentences.

As a result, many offenders are committed to State institutions without probation investigations. This not only overburdens State agencies but hinders the planning of treatment programs in the institutions. Frequently, there is no probation investigation available to parole authorities when considering

the advisability of paroling an offender and, in such cases, parole agencies must secure pertinent legal and social information. The securing of adequate information, under such circumstances, is more difficult because sources of information may have disappeared and memories dimmed by the passage of time.

Recommendation: That the courts be required to supply adequate information pertaining to (a) reason for commitment and (b) social history and background of offenders committed to institutions.

Problem V

There is considerable overlapping in the responsibilities of children's courts and local departments of public welfare in respect to the care of neglect cases. Since there is this overlapping of authority of the courts and public welfare agencies, there is obviously an overlapping in the functioning of the agents of these bodies; namely, the probation officers and the public welfare officers.

The State, through the Department of Social Welfare, reimburses local welfare departments, under certain conditions, for part of the salaries of welfare workers but does not reimburse on the salaries of probation officers. This tends to encourage the assignment of functions in these borderline areas to workers for whom reimbursement is anticipated rather than in accordance with good administrative practices and the best interests of the particular case.

The committee has made no intensive study of this problem since its primary concern has been the State's operating responsibilities. Furthermore, an inquiry into this problem requires additional research involving the functions of hundreds of agencies of local government.

Recommendation: That the interdepartmental commission be authorized to undertake a study of the relationship of the functions of children's and domestic relations courts and local departments of welfare in the areas of child welfare and family support. This study should develop recommendations defining the areas of responsibility of the respective agencies and indicate how conflict and duplication of work may be avoided.

Problem VI

Duplication of effort and overlapping of functions are sometimes found in the work of local probation officers, visiting teachers and attendance officers which result in inefficiency and lack of proper service to parents and children.

In some localities the responsibilities of these workers are not clearly defined, so that proper investigations are not made at all, or may be duplicated. For example, attendance officers sometimes refer a child to the children's court for being absent from school, without having made any previous investigation as to causes, or even notifying the parents of the situation.

Recommendation: That the courts in each locality arrange conferences between the school authorities and probation officials to clarify their respective functions.

Letter from Herbert B. Swope to the Governor Resigning Chairmanship of New York State Racing Commission and Governor Dewey's Reply Accepting with Regret

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, December 28, 1944

Governor Dewey today made public the following exchange of

letters between himself and Herbert Bayard Swope in which Mr. Swope resigns as Chairman of the New York State Racing Commission.

The correspondence is as follows:

December 20, 1944.

745 FIFTH AVENUE
NEW YORK, 22, N. Y.,

THE HONORABLE THOMAS E. DEWEY, *Governor of the State of New York,*
Executive Offices, Albany, N. Y.:

DEAR GOVERNOR.—For the ten years that I have been Chairman of the State Racing Commission there was satisfaction in helping to draft and enact the regulations under which the Turf operates in this State, particularly after the people voted for the pari-mutuel system, which began in 1940.

Now I find, with regret, that I cannot continue my work on this body because of other duties. Accordingly, I ask that you accept my resignation to take effect on 31 January.

I can assure you that the foundation on which the Commission has operated will continue to be effective and in the public interest, unless there should come a change in the present policy and a failure to exercise the authority with which the Commission is endowed.

My thanks for the support you have given me.

With best wishes,

Faithfully,

(Signed) HERBERT BAYARD SWOPE,
Chairman

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, December 22, 1944

HON. HERBERT BAYARD SWOPE, *Chairman, Division of State Racing Commission, 745 Fifth Avenue, New York, N. Y.*

DEAR HERBERT.—I have your letter of December 20 and acknowledge with regret your resignation as Chairman of the New York State Racing Commission. Your services to the State as Chairman in this important ten-year period have been marked by high efficiency and as Governor of the State of New York I thank you for it.

You may take pride not only in your administration of the Racing Commission but in the leading part you took in the liberal contribution by racing to the war bond and war charity drives.

It is gratifying to me that you find yourself able to continue in the public service as Vice Chairman of the Long Island Park Commission and I hope that should the need arise, I will find that you are free for other services in behalf of the public.

With best wishes,

Sincerely yours,

(Signed) THOMAS E. DEWEY

XII
ADDRESSES

XII

ADDRESSES

At Annual Convention of New York State Publishers' Association,
Hotel DeWitt Clinton, Albany, N. Y., January 18, 1944

(Broadcast over State-Wide Network)

The Position of Our Municipalities

I am happy to welcome to Albany the publishers of the newspapers of the State of New York for a Convention which I hope will be pleasant and profitable. In that hope I should like to talk with you briefly about the condition of the municipalities of our State.

Together, you can exercise great influence for good for all the people of our State by supporting constructive policies for our municipal governments. The whole future employment and business opportunity, as well as the day to day lives of our people are deeply affected by our local governments. Moreover, with the approaching tapering off of war contracts, many a business concern will soon be deciding whether to continue in peacetime operation in New York State or elsewhere. We have a vital concern with these decisions. They, in turn, will often be made on the basis of the financial soundness of our communities and the competence and honesty of their governments.

Fortunately in the overwhelming majority of cases, our local communities are in sound financial condition. Many New York municipalities do not owe a cent. Nine counties, 640 towns and 116 villages have no bonded indebtedness whatsoever. Not a single county or town in the State is in distress. Not more than two or three of our 548 villages are in financial difficulties. Where trouble exists, it lies principally in the cities and in a minority of them. In many instances, the difficulties can be traced to wasteful practices in the past or to unsound fiscal policies.

The worst of these practices is the continuous refunding of debts. A municipality will put out a bond issue for a project in which the people are interested. Then, years later, instead of paying off that bond issue, it will issue new bonds to refund the debt. Thus debt piles upon debt.

Take the case of one of our well-known and important cities. During the Civil War this city sold bonds to pay bounties. In the intervening eighty years, these bonds have been repeatedly refunded. The people of that city have paid in interest, many times the principal amount of the bonds, yet those Civil War bonds are not paid off yet.

To finance small improvements, municipalities have borrowed for excessively long periods of time running far beyond the life of the improvements. Down in the Bronx a sidewalk on Central avenue was financed by the issuance of bonds in the year 1868 by Boss Tweed. Some of those bonds will mature in 1975, but some cannot be paid off for another hundred years since they are not callable. All of these bonds carry 7 per cent interest—and 7% is mighty nice interest today. The city of New York fortunately does not practice refunding, but is saddled with many of these ancient bond issues. The sidewalks have long since cracked up, crumbled away and been replaced. The interest paid by the taxpayer has covered the principal many times over. The improvements are gone, the interest is gone, but the bonds go on and on.

These stories could be multiplied by the hundred. But still, they apply to a small minority of our municipalities.

During the past twelve months one remedy has already been vigorously applied. Comptroller Moore has reduced by almost one half the number of

refunding operations. In my opinion he is the finest authority on local government our State has ever produced. He is providing helpful consultation and advice which will enable the municipalities to work out the solution to many of their fiscal problems.

Yet there are still some who believe that the State should impose larger taxes and pass its revenues on to municipalities, generally burdening all of the people of the State to help out the few.

Municipalities that are suffering from this kind of ailment cannot be cured by an injection of State funds. The procedure would be like administering alcohol to ease the pain of a man suffering from rheumatic fever. His pain would be dulled so long as the effect of the alcohol lasted. After it wore off, the condition of the patient would be worse than it was before.

A little understanding of the position of the State with reference to the local communities would be helpful. Let us take an ordinary budget of the State of New York of \$380 million. Of that budget one-half, or \$190 million, is for State-aid to local communities, largely for education and relief. So the total budget for all State purposes is \$190 million. Does anyone here realize the size of that budget compared with those of our municipalities?

Well, that State budget, which pays every dime of total State expense, is one-fourth the size of the budget of the city of New York. In other words, the city of New York in its budget spends four times as much as the whole government of the State.

Put it another way. The municipalities of this State have total budgets of about \$1¼ billion. The State itself spends \$190 million. The municipalities of this State spend seven times as much as the State Government itself.

The idea that the State, with its comparatively tiny budget, should or could bail out the municipalities, with their gigantic budgets, simply melts away upon analysis.

It is sometimes suggested that increased financial aid by the State to the municipalities would result in a directly proportionate reduction in real estate taxes. Unfortunately neither current evidence nor history support this idea. Twenty-two years ago, the share of State collected taxes and State aid for the local communities totalled \$48 million. Today that figure is \$264 million, including State collected taxes which go directly to the localities. In other words, in just twenty-two years, the communities have multiplied their share of State revenues more than five times. Yet, during that very same period when State aid to the localities multiplied five times, those same localities more than doubled the real estate taxes they collect from their people.

Moreover, there is a basic underlying trend too easily forgotten. Every human being in a free, liberal society wants to live and raise his children under conditions where they can have their own home, their own garden, fresh air and sunshine. There is a natural tendency to move away from congested or overtaxed or badly managed communities. The war has already accelerated the tendency by industry to shift from congested city areas, where costs are high and transportation often difficult. We have seen factories built in cornfields with new communities springing up around them. If our cities are badly managed and burdened with debt they will be left behind as bankrupt, empty husks. If, on the other hand, they are in sound condition they can adjust to future changes, meanwhile creating conditions which will make their people happy and retain the enterprises which provide employment.

For this a healthy local atmosphere is essential. A willingness to pay off debts and to live within income is needed. A squaring of the shoulders and a frank facing of the issue is imperative. Cities all over the country face these same problems many of them much more seriously than those of our State. I am convinced that the problems of our cities can be solved if they are attacked aggressively by local officials supported by interested and informed citizens. Informing citizens is an essential part of your job as publishers of our great newspapers.

The Committee on Municipal Finance headed by Comptroller Moore, which has been studying these problems for the past year, will shortly report a program for the temporary relief of our cities. The committee is keenly aware that temporary relief is no permanent solution. The ultimate problem

is to restore our cities to a strong, flexible condition where they can meet the changes of a progressive society and keep our State in its preeminent position in the Nation.

Let us meet our problems immediately and courageously, so that our citizens can live happily, without fear that the burden of local government will ever endanger either their homes or their business or their employment. Then we can build together sound friendly communities in which free men and women can live happily, facing the future with confidence in themselves and in their government.

Nation-Wide Radio Broadcast from Executive Mansion, Albany, N. Y., on Fourth War Loan Drive, January 24, 1944

Everyone participating in this Fourth War Loan campaign enjoys a very high privilege indeed. I am proud to be a part of it, with the thousands of my fellow-citizens, like those gathered at the meeting in New York tonight, who are active workers, sacrificing their time and energy to make this campaign a success.

The Fourth War Loan Drive is destined to be the most important we have yet confronted. We started buying war bonds when our backs were against the wall. We were then on the defensive everywhere. We continued buying bonds as the tide turned, through the skill and heroism of our fighting forces, first on one front, then on another. Now, as we are buying bonds again, we may hear at any moment that the armed forces of our country and our Allies have set out on the mightiest military operation of all time—the invasion of Fortress Europe. Every bond we sell, every bond we buy, is another weapon in the assault upon that Fortress.

We of New York have a direct, a personal part in the attack. This State has always been in the vanguard. We pay one-fifth of the taxes of the Nation. In the last War Loan Drive, we bought one-third of the bonds of the Nation. The Nation can count on the Empire State to do its duty again.

You men and women at this first report dinner, and others, all over the country, are facing a tough job. You must tramp the streets, you must ring doorbells, you must overcome ignorance, indifference and selfishness. But you are working for your country; you have everything on your side.

The most important help you have on your side is an increased awareness on the part of American men, women and children of the urgent necessity that a large proportion of these bonds must be bought by individuals. The last drive was a great success. This was partly due to improved organization. It was also due to the fact that it was launched while we were still thrilling to the glorious news that General Eisenhower's men had landed in Italy and that the first partner of the Axis had cracked up. People at home were then able to realize that Italy had broken down because she could not face the overwhelming superiority and fighting equipment which was bearing down on her. That superiority and fighting equipment could not have been achieved if Americans had not freely lent their money to their government.

A strong factor that will be helping in this drive is the increase in the armed forces of the United States. There are now more than 10,000,000 American men and women in uniform. As each recruit is added to our fighting forces his kith and kin and his friends become the more eager to buy bonds. They realize that the buying of bonds becomes not only a duty but a privilege. Not everyone can serve in the armed forces; not everyone can work in war industries. Even at a time of total war, many must remain at home to maintain the home front and to keep that free government for which we are fighting all over the world.

It is a matter of course for every American to want to play some part in this great world struggle toward human freedom. All of us want to strike some blow according to our strength. The purchase of war bonds is one way in which all of us can make a personal and direct contribution to the cause. For when we buy bonds we are sending our fighting men munitions, tools and food.

I believe that the wave of untimely optimism and wishful thinking which swept the country several weeks ago has now been dissipated. Most people now realize that the worst period is ahead. The amazing resistance of the Nazi forces in Italy has shown conclusively that it was a mistake to say that the Germans cannot fight a defensive war. Barring the road to Rome, they have put up a tremendous defense. We do well to consider this slow, stubborn retreat by only a small portion of Hitler's hordes, for it enables us to conjure up a picture of what our armies and our Allies will have to face when they go to attack the main body of the German armies. The divisions at Rommel's disposal in Italy are small indeed, compared to the terrific hosts which Hitler will throw against us when the invasion of the Western front begins.

We know, as do our enemies from bitter experience, the valor of our fighting forces and of the forces of the other United Nations. We know, too, of their great skill, for they have been welded into a fighting machine such as the world has never seen. But all their valor, all their skill would go for nothing if they were not backed up by us at home to the very utmost.

So, now, as we approach the supreme effort, we know that the outcome depends upon the determination of Americans at home to face this crisis with everything we have. And that means lending the government not merely what is convenient, but lending to the limit.

Buying war bonds is a form of saving. But that is not all. It is also a form of immediate self-denial. Only by self-denial can we say honestly that we are doing our all to speed the day of victory.

We have every reason to know that the Germans will be watching us critically and anxiously; Nazi propaganda has overlooked no incident, however trifling, which could be inflated into a false claim that our spirits are weakening. Make no mistake about this: No matter what flamboyant boastings Dr. Goebbels may put out, the Nazi generals know that they have lost their big gamble for victory. They are gambling now for compromise, determined to prolong the fighting up to the very last possible moment, gambling on the chance that our will to victory may falter. We know that it will never falter. The way to prove it is by oversubscribing this Fourth War Loan for all we are worth.

This means that bonds should be bought by millions upon millions of small subscribers. If the burden were to be carried entirely by the wealthy people, by the big corporations and the banks, both purposes of the drive would be defeated. First, the amount needed would not be reached. Second, such failure by the mass of the people to do their part would make inflation inevitable.

In the Second War Loan Drive only 20 per cent of all the people who were gainfully employed in the country bought bonds. Eighty per cent did not buy.

Last September in the Third War Loan Drive 38 per cent of the gainfully employed people in the United States bought bonds. That left 62 per cent who did not buy. Two out of three employed Americans failed to buy bonds. We must make a better record this time.

You cannot help but notice how much more you have to pay these days for almost everything that you buy. One of the many reasons for these rising prices is excess purchasing power. When people have more money to buy goods than there are goods to buy, they are bidding against each other for the same goods. Prices go up.

Rising prices are one of the plainest signs of inflation and we have seen that no formula, no panacea can rid us of this menace. It cannot be removed by either legislative or executive act. It has to be fought by all of us in harmony and unity.

One of the most effective and powerful means of fighting it is war bonds. The more bonds we buy, the less we have to spend on comforts and luxuries. The less we have to spend, the lower prices will be. So we have this secondary but equally urgent need—to save every possible cent above the bare necessities of life and put the money into bonds.

There are also great benefits that will come after the war from the bonds we have bought. If all those gainfully employed do their duty and subscribe

to this Fourth War Loan Drive, there will be millions of people in the country who will know genuine security, that earned by their own thrift and labor. Millions will be able to buy the things that are not available now and which will be plentiful and new after the war. Millions, too, will have ensured the education of their boys and girls and the improvement of their homes.

But all that is in the future. We have deeper and finer motives for responding to this call of our government. In this year of decision, we are putting to final test the great question whether a free people in a free republic can sustain the prolonged strain of all-out global battle. The timing depends in part on our success in the Fourth War Loan Drive. We know our job. It is vital to victory. I, for one, have absolute confidence that the answer will be heard in a mighty victory for freedom on the battlefields of Europe.

At Luncheon Commemorating Third Anniversary of Founding of United Service Organizations, Waldorf-Astoria Hotel, New York City, February 4, 1944

(Broadcast over Nation-Wide Network)

This is the largest birthday party I ever attended. Moreover, after just three short years of life, the USO has indeed grown to be the biggest three-year old baby in the world. Today, certainly no three-year old is receiving from more grateful friends such a heartfelt "Happy birthday to you!"

It is hard to put our minds back to that time just three years ago when the USO was born. In the spring of 1941 the American people were still on the sidelines of this gigantic war. The war itself was still largely confined to the continent of Europe. Russia and Nazi Germany were at peace and the Japanese were still preparing to stab us in the back.

As a nation we had at last begun spending and preparing for national defense, but the debate as to our part in the war was still raging. Opinions were confused. All Americans wanted a part in making our country secure against aggression, but the great majority could find no personal means of doing their part.

At that crucial moment a rallying point was offered. An idea was born. More than a million and a half young Americans were engaged in military training, many of them under difficult conditions. There were facilities for recreation in the camps but no place to go on those precious nights off.

There was urgent need for recreation outside the camps and at last a constructive idea was developed. There were several associations anxious to provide the recreation: in fact there were too many.

During the last world war the men of the A.E.F. received this friendly attention from the Y.M.C.A., the Salvation Army, the Knights of Columbus, the Y.W.C.A., the Jewish Welfare Board and the American Library Association. What they contributed to the spirit of our fighting forces was great-hearted and invaluable. But it was accompanied by considerable overlapping of efforts, multiplications of buildings and personnel. The new idea was to combine their resources and desire for service in one comprehensive organization, with the six present members with which we are all so familiar.

In the beginning the USO was nothing but an ideal and a blueprint. The man who led the group which fathered the idea and also made it come to life was your present Chairman of the Board, Mr. Walter Hoving. The man who has welded it into a smooth, efficient organization for service is your able President, Mr. Chester Bernard.

I had the pleasure of serving as the first national chairman of the fund-raising campaign, of traveling the country to learn the needs and to explain the meaning of this union of organizations. They set us a goal of ten million, seven hundred thousand dollars. "Impossible!" cried the sceptics. But they did not know the hearts of the American people who subscribed not the ten million, but more than fourteen million dollars. All our people needed was a rallying point—and USO gave it to them.

By its first birthday the USO had grown from a scrawny baby to a great national institution. It was no longer necessary to beg, borrow and steal public-spirited citizens to be local chairmen. Its name was a household word. With the enormous goal of \$32,000,000 in the second campaign, the American people actually subscribed \$34,000,000.

You all know the tremendous record which has since been carved out. With the unity of one sponsorship the USO has since traveled all over the world. From Alaska to Brazil and from Newfoundland to Hawaii, the familiar USO shield may be seen by all American servicemen. Until its staff was taken prisoner by the Japanese, the USO standard was flying beside our National Flag, bringing cheer and comfort to the heroes of Bataan and Corregidor.

Today with the \$61,000,000 budget in the National War Fund, the USO operates no fewer than 2,809 clubs and units. More than one million volunteers now give their services. Entertainers for USO camp shows have dodged Nazi bombs in Africa, Sicily and Italy, and taken their chances through Jap air raids in the Solomons and New Guinea. They have brought cheer and the sure knowledge of the love and affection of the people at home to Americans on the seven seas and on every continent on earth.

Before going overseas a young soldier said in a letter:

Soon I'll be leaving these shores to do my part over there and I know that to my mind will come the courtesies of the American people expressed through USO—a soldier's "home away from home," a place of recreation, relaxation and rest. USO and U. S. A.—These are the symbols of everything we are fighting for—our country, our homes, our friends, our freedom. U. S. A. represents our free people and USO is the voice of that people—a voice, saying "we are behind you, boys, and God bless you." Is it any wonder that we want to fight and die for this great country of ours?

When the history of this war is written, the USO will stand out as a great symbol of the spirit and of the unity of the American people. It is magnificent proof of the everlasting strength of interfaith, interorganization, voluntary effort.

At the very inception of the USO we told the people of this country that here was one of the basic differences between a regimented people and the free people of a free republic. There were those who believed that the whole life of a soldier belonged to his government. There were those who believed that all of his entertainment and his hours off duty should also be left in the hands of government. But through the USO it was proved, first, that the American people wanted to have their own personal, individual part, largely through their own religious agencies, in the private lives of their sons and brothers and husbands. It was proved, secondly, by the tremendous success of the USO that the voluntary giving of time and money is still the greatest instrument for the good of the country.

It is my deep conviction that we have learned something very precious in this work together. I hope we will keep it in the very front of our minds in the years to come. We have seen it proved that the spirit of whole-souled cooperation, of willing effort of our people is greater and more effective than ever. More than ten million Americans will come home knowing the tremendous strength and good which came from this unity and this generous sense of individual participation by a whole people.

In the days to come I hope that nothing will erase from our minds the sure knowledge that there is no substitute in this world for the voluntary effort of a free, unregimented people. There is no substitute for religious expression in the lives of our people. There is no substitute for mutual understanding, mutual tolerance and unity.

From the enormous army of people at home who have learned to work together for the common good, we can—if we will—have the greatest number of new recruits for continuous service to our fellow man through voluntary organizations. Let us never lose the sense of unity which has come to all our people through this joint service to our country.

At 58th Annual Lincoln Day Dinner of National Republican Club, Waldorf-Astoria Hotel, New York City, February 12, 1944

Restoration of Constitutional Government

It is good that we return, at least once each year, to the wisdom and the character of Abraham Lincoln. Lincoln was a man for the ages; because, throughout all ages, as long as human nature remains the same, the example of his life and conduct will remain a lesson and an inspiration. He was a plain man. Although he towers above his contemporaries he was very much like his fellow men. Better than anyone, he knew that he was not perfect, not all wise, not given the ability to solve the problems he faced in easy strokes of brilliance. He would have been the last to call himself indispensable. But he had one quality that made him big enough to save the United States of America in its hour of need—he had integrity of character.

When Lincoln came to the Presidency the Nation was torn by bitterness and dissension. His clear, calm vision pierced through the turgid mass of public controversy to see the essential issues. He saw one thing as fundamental—the preservation of our Constitutional system.

He knew very well that our founders had devised a Constitution which could bring ordered freedom to expanding and diverse groups. They had the genius to see that sovereignty was not indivisible, but rather the total of all governmental rights.

Some of these rights could best be conferred upon those having broad responsibility to the people as a whole. Others could best be left with those having a localized responsibility. By our Constitution a principle of balance was struck. It enabled and required the people to work together through Federal agencies on matters which were genuinely of national import. All other matters were to be dealt with by the states.

In all earlier nations there was, of necessity, a similar division of powers and duties. But always before, the ruler kept such powers as he pleased leaving local affairs for local administration as a matter of grace or as suited his personal convenience. The new, inspiring concept of America was that all government was solely by consent of the governed, that all powers resided in the people. That is the true, inner meaning of constitutional government under law.

Lincoln perceived that unless our people remained under that system they would inevitably fall into discord and disintegrate into jealous and disorderly groups. It was his great decision that our Constitutional system must be preserved at any price. Many paid that price. They fought and died to make that great decision a reality. That reality is one which can be preserved only by the unwavering diligence of each succeeding generation.

In the past decade, we have fallen upon times which carried a menace to our Constitutional system as grave as that of Lincoln's day. The menace Lincoln faced was violent; ours was subtle. But one, as much as the other, carried a mortal threat. He faced secession by the states. In our time, we have seen abdication by the states.

It remained for us to see the day when states and their subdivisions abdicated their responsibilities in favor of a single, national ruler. As dangerous as secession, abdication has also shown how the institutions of freedom are undermined. For free government must always work from the bottom up, not from the top down.

This was the great principle laid down by Thomas Jefferson. He declared:

Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are its only safe depositories.

It is in local units that men and women can most fully sense and practice the responsibilities of citizenship. Once we have ceased to do that, once we concern ourselves merely with a four-year choice between one or another ruler, then we will be a ruled people.

On March 4, 1933, the first attempt to establish an American autocracy took place as the result of the election of what used to be known as the Democratic Party. It asked and was given almost absolute powers. In that year the governors of forty states were also members of the Democratic Party. Many of these governors were accidents. The majority were so untrained in the principles of free government, so willing to surrender them, so satisfied just to be in office, that the title alone was enough. They were willing to become provincial satraps under the rule of Washington.

I well realize that no detailed and permanent division can be made between the powers of Federal and state governments. Increasing economic interdependence requires increasing Federal duties. Particularly must Federal power be enlarged when, as now, our Nation faced the stupendous tasks of war. We give to that effort, our unlimited support. We accept without reserve the wartime leadership which devolves upon our President under the Constitution.

Having done so, does this mean that all of the basic responsibilities placed upon the states and every citizen by the Constitution are to be abandoned? Does this mean that the one hundred twenty million Americans maintaining the home front should assume that our free system and all of the rest of the Constitution have been terminated or suspended? Surely if it did, the suspension would become permanent and the war for freedom would be lost at home before it was won abroad.

The amazing thing about the American people is that even before the war they, themselves, sensed that the abandonment of local government was surrender to autocracy. Even before the war they were moving to recapture their freedom and the basic right of local self-government. They sensed that the Democratic Party was no longer the party of the people. Both nationally and through its governors it had become definitely and finally the New Deal Party, irrevocably committed to absolutism at the seat of the National Government.

The people had no Lincoln to tell them in simple words what the trouble was. Their own instinct guided them. They sensed that they themselves must bring back to state government competent, experienced men who would do the job of local government. They sensed that there was a vacuum in state government into which inevitably the Federal Government was moving.

Only the Constitution with its division of powers and strong state governments has made America a place in which minorities could live. Only the Constitution with the support of the people kept this country united in Lincoln's day and will keep it from autocracy in our time. The ultimate truth is that no man or group of men have ever been wise enough to substitute themselves for the institutions by which freedom is preserved.

So, as in Lincoln's day, our people found once again that the Republican Party alone could preserve their Constitutional system of freedom. In one State after another the Republican Party has been restored to power until today instead of eight there are Republican governors in twenty-six of the states, embracing three-fifths of the people of the Nation.

All of you here were familiar with the consequences of the abdication by the New Deal Party in the State of New York of the State's duties and rights to the National Government. It had been long obvious that the people of our State had not been given a full share in the war effort of the Nation. The State Administration had simply left everything to Washington. Civilian Defense had fallen into chaos. Food production was taken for granted while, in fact, its problems cried out for vigorous handling and leadership. The tax structures, State and local, were driving business and employment from our State while war contracts and employment were going elsewhere.

The spirit of the remedies applied by the Republican Administration of New York State was to bring the people back to the practice of self-government, of relying upon ourselves. The strength of a nation is the strength of the people. The strength of the people is where they live—in the cities, villages and farms of America. Without them, as some seem to have forgotten, there would be no Federal Government. By revitalizing the State of New York we have greatly strengthened the National Government for war and for the peace to come.

In all this our State has not been alone. Twenty-five other states, from Massachusetts to California, have been doing the same, strengthening our system, preparing to do their part in saving both the system and the Nation in the days soon to come.

Why have the people of the United States been so busily engaged in restoring competent, honest government in their states? Is it a mere trend against the party in power? Is it merely petty irritation at war-born sacrifices? Is it merely rebellion against the autocratic rule of a swarm of bureaucrats rivaling in numbers and in tyranny those by which our enemies live? I think not. The reason lies at the very root of our form of government and in the nature of the crisis through which we are passing.

We are living in mighty and moving times. We who are alive in the year 1944 are taking part in the greatest struggle of all history. Of this our people are deeply aware.

Within the next year or two we shall bravely win the greatest of all wars for individual freedom or we shall tragically lose it.

There is no American who has the slightest doubt that we shall win it and that we should win before too long. By the same token there are few thinking Americans who wish to risk the peacetime chaos of continued New Deal Government. And there are few Americans who do not fear what that government might fail to do in the building of a just and lasting peace.

Anyone who gratuitously raises so much as a doubt as to the unswerving determination of our party to build a great peace, trifles with the truth and with his country's future. I was present at Mackinac Island when the Republican Governors and Republican leaders in the Senate and the House of Congress deliberated upon the principles which must guide us in bringing about a lasting peace. There was not one person present who was not moved by the tremendous opportunity to state the principles by which it was to be approached and inspired by the vision of what lies ahead of us as a nation.

It was that group of Republicans who drew the Mackinac Charter which was translated into action by our distinguished Secretary of State at Moscow. It was that result which was embodied in the Connally Resolution, adopted by a bi-partisan majority of the Senate. Here was the first concrete, constructive achievement in our foreign policy of the future and its framework was advanced by the Republican Party at Mackinac Island.

The people of the United States were turning to the Republican Party even before the war broke out. They have been turning to it at an accelerated pace since we entered the war because they are so desperately anxious that we shall build well and strongly in international cooperation after this war.

The people know that the Republican Party has been devoted since the day of its birth to responsible Constitutional government. They know that they cannot hope for world peace unless that peace is built upon the firm rock of truly representative government. They know that with a self-willed executive who wars at every turn with the Congress, they will have a repetition of the same catastrophe which happened in 1919.

The American people themselves are beginning to shape our thinking on things to come. In the last few years they have shown that they want a government which is once more close to the people. It seems manifest that they want to make their own decisions as robust, clear-thinking free men. They have had enough of the abdication of their rights to a select few in the National Capital.

The people realize that the only hope of America for world peace is that it be won by an Administration which they know is not seeking power for the sake of power. If the National Government is one which our people can trust to serve them alone, to be their servant and not their master, they will trust it to do its full share in the world.

In the face of today's complex problems we are apt to think that the difficulties which face the world are beyond the ability of ordinary men to conquer. We are apt to conclude that they can be solved only by extraordinary men—men whose intellectual attainments transcend the range of normal minds. If this were indeed so we should have to despair of the outlook for humanity, for as we look about us, it can hardly be said that the world is crowded with such intellectual giants. But the truth is that our problems, by reason of their

complexity, will not lend themselves to single, brilliant solutions. They will be solved in the end in the way all difficult tasks are solved, the way a man builds a house, brick by brick, by tackling one difficulty after another in accordance with tried and tested principles.

The strength of our system is that it makes it possible for all the people to receive the benefit of the thought and the productive effort which society produces. Neither power nor opportunity is confined to the selected few.

The wisdom and strength of Lincoln lay in the fact that however high he rose in our national life he remained at all times one of the people. He did not seek to impose upon them ideas which were alien to their thoughts and traditions. Rather he gave expression to the aspirations which existed in their own hearts and minds. So it was when he spoke, he spoke with the voice of the American people.

Lincoln loved and respected the American people. There was nothing in his soul of the paternalistic contempt for their intelligence and their character which has become the prevailing attitude of our present national administration. Government, for Lincoln, could never be merely government of the people or even government for the people. It had also to be government by the people.

Because the peace of the world cries out for it, it is this government we must regain. It is this government we must preserve. It is this government which shall not perish from the earth.

At Opening of National Red Cross Campaign, Madison Square Garden, New York City, February 29, 1944

(Broadcast over Nation-Wide Network)

Red Cross at War

In peace times the opening of the national Red Cross campaign is important. In war times it is a momentous expression of the strength and the unity of the American people. Whether in peace or war, it is during this event each year that every American asks himself the question posed in the Ninth Verse of the Fourth Chapter of Genesis:

"And the Lord said unto Cain, Where is Abel, thy brother"? and he said "I know not; Am I my brother's keeper"?

Through all the ages that question has rung in the ears of men: Am I my brother's keeper? There have been differing answers to the question. Some have affirmed it and some have denied it. But today, of all times in our history, there will be a more nearly unanimous answer than ever before. For today, every American is dependent upon every other American for his daily bread, for his freedom, for life itself.

On the home front everyone is dependent on the devotion and courage of those on battle fronts all over the world—upon those who are living and even dying because each of them knows he is his brother's keeper. In the hands of each is the life of his family and his country.

So what answer can be given to the question by those at home who are being thus defended? Everyone at home must know today that he, also is his brother's keeper. But by comparison the test at home can hardly be called a sacrifice. We are asked merely to contribute money to help ease the burden of the men who fight for all of us.

Two hundred million dollars is one-fifth of a billion dollars. Yet through the opportunity to give that two hundred million dollars the American people will reaffirm their devotion to their fighting men. There can be only one answer to the challenge of this, the largest Red Cross effort in history. The answer is—it must be—overwhelming success in every state, county and town in the Nation.

The national effort we start here tonight is the concrete expression of the American attitude not only toward our own people but toward all the world. There are nations unable to understand this spirit which animates our people.

Twenty-six years ago we concluded a war against aggression in which the Japanese Empire was our ally. It was five years later that an earthquake followed by fire destroyed many Japanese cities, killing nearly a quarter of a

million people. Japan did not ask for help, but the American people of their own accord gave it through the Red Cross. Doctors, nurses, medical supplies and food were rushed from the Philippines to Japan aboard American war-ships. Then what happened?

Our fleet was met by the Japanese fleet in battle formation, stripped for action. Its Admiral signalled a peremptory inquiry as to the reason for the presence of the American fleet. The American Admiral sent one of his officers aboard the Japanese flagship to state that our ships had come to bring help to the stricken people. That American officer had difficulty convincing the Japanese that our fleet had come, not to attack them when they were down, but to bring help.

Yes, there are nations of people to whom the very spirit of the Red Cross is a sign of weakness. It is something they cannot understand. But the spirit of human kindness which they cannot understand is the essential of a free people: It lies at the very heart of freedom and is its strength. For it is the fire of love which, when aroused, forges the sword by which freedom is preserved.

So we are asked tonight to show by our generous help that the source of our greatness as a nation is fresh and strong.

Of course, we shall all know the grand total of the result. We all know the grand total of the work of the Red Cross. But it is often in the little things that the work of the Red Cross is most important.

In a muddy foxhole in a hill south of Cassino last Christmas Day, a battle-weary soldier was preparing all alone his Christmas dinner—a can of “C” rations. He heard a noise behind him and looked around startled, grabbing his rifle. Instead of an enemy, there on the edge of his foxhole was a pretty Red Cross girl from Baltimore, with a box of doughnuts in one hand and a pot of steaming coffee in the other. As he said later, he never understood the Christmas spirit so well before.

On another battle-torn mountainside lay a man wounded by shrapnel, one side of his body torn open. In former days his case would have been hopeless. As it was, they could not move him without blood transfusions. With shells pouring over the spot, a medical officer gave him three injections of plasma supplied through the American Red Cross. Before the doctors got through with him they had to give him seven, but finally he was restored to health. This was just one of the hundreds of thousands of lives that have been saved by Red Cross plasma injections.

With our men who are prisoners of war, the Red Cross is our only medium of contact. Just the one service of finding men who have been reported missing would repay the cost of all its work. But, in addition, listen to a pilot of a Liberator bomber. He was captured and lived for months in a prison camp. Then he escaped and after his return home he visited a Red Cross packaging center. He told the volunteer workers: “You just can’t realize how much good you have done. We received the food packages regularly in prison camp each week. They provided just about enough to live on when combined with meagre rations of acorn coffee, bread, fruit and watery soup.”

For prisoners of war the Red Cross is the best friend. It keeps them alive: it keeps them sane.

Whether serving amid floods at home or on battle fronts abroad, it is the Red Cross which carries the spirit of our people to those in need. My friends who come home from every part of the world tell me, as I am sure they tell you, that the achievement is beyond belief.

The doors are open again in this fund raising time, for all our people to send their own personal message of devotion to those who fight that they may live. It will take great effort to raise the large sum sought in this campaign. For all of us it will mean real sacrifice. But it is through that sacrifice that we vindicate our belief in the ideals for which we fight. It is through that sacrifice that each can show that we have affection and gratitude in our hearts—that each of us knows he is his brother’s keeper.

This united effort is the very incarnation of what we are fighting for in this war. It is the expression of the hope we carry with us all over the world. It is the living proof of the relationship between human beings which must be the foundation of the peace we propose to win. Else there will be no peace.

When this war comes to an end there will sooner or later be signed a document which will vitally affect the future of the world. But the work of building the peace will then be just commenced. For this must be no paper peace. It must not be the dictated result of personal conferences. It must not be a rigid, inflexible thing. The peace for which we fight must provide peoples everywhere with simple, understandable means of bringing an end to the horror of war. It must be enforceable but flexible. It must be the constant, daily beneficiary of the labors of men of good will, striving to make it work and sacrificing to make it endure. Most of all, it must be based upon a growing sense of fellowship between people. It must be built so strong that neither discouragement, selfishness nor the arrogant mouthings of ambitious men can again lead them into wars of conquest.

As we express our will and our purpose through the work of the Red Cross we demonstrate the spirit through which we will win the real victory long after the war is over.

Let us, as a people, rise to our opportunity. Let the effort starting here tonight show again to all the world that the American people are serving mankind as always before. Let this effort be a success, not just for its own sake, but for all it portends in days to come.

At Opening of Annual Exhibition of Press Photographers' Association of New York, Museum of Science and Industry, New York City, March 24, 1944

(Broadcast over Nation-Wide Network)

Need for Free Press—Prize Awards to Photographers

You do not know what a relief it is to be here tonight. This is really a night off for me, the first in weeks. As you know, the New York Legislature has just finished a session of two and a half months, probably the most intensive and constructive session ever held at Albany. Our hard-won State surplus of \$148 million has been locked up to provide post-war improvements and employment for veterans and war workers. Taxes have been kept down, every soldier and sailor from New York has been assured a simple valid ballot, workmen's compensation protected from the chiselers and State services have been strengthened generally.

So, last Sunday began the thirty-day bill period during which I must act upon some nine hundred new laws. This is the toughest thirty days of the year for the Governor of New York, so you will, perhaps, understand why I am doubly glad to have a night off with you, here tonight.

We are here to give fitting recognition to outstanding achievement in the field of news photography. The good reporter whether he works with the camera and flash bulb or with notebook or typewriter, was never more necessary than he is today. It is impossible for us here in America to realize what a precious thing we have in a free press until we start reading the unashamed falsehoods offered to most of the rest of the people of the world by what they call newspapers.

We in America have learned to distinguish between fact and opinion, between gossip and actual events. We have come to doubt a news report when fact is adulterated with opinion.

The news and camera men who report to us through the newspapers, the radio and news reels, are the eyes and ears of America. Under our system they have to report truthfully or else they gradually die from public disrespect. Thanks to that system, they make us the best informed people in the world. And it is through knowing the truth that we can keep ourselves free.

Unfortunately there have been increasing signs of late that our newspapers are being denied the right to print all the news. Important matters have repeatedly been withheld for months until they leaked out and become the subject of such widespread gossip that they could no longer be suppressed.

Only now do we learn, because it leaked out, of the shooting down of twenty-three transport planes and the killing of 410 American paratroopers in Sicily,

eight months ago. Even after a Presidential broadcast, we still know precisely nothing of what really happened at the much-heralded conference in Teheran. We only know of the disquieting evidences of disunity which have since occurred in the Pravda attacks on the British and the Vatican, followed by the startling repercussions brought out by the President's announcement of the three-way division of the Italian fleet.

All of us understand the necessities of military censorship. We expect the military authorities to withhold all news, such as that of troop movements that could be of any aid to the enemy. But the events of which I speak have not been suppressed to keep information from the enemy so much as to keep them from our own people. One such incident might be charged to blunder; two such incidents begin to lay the unpleasant suspicion of administration policy. When we find the State Department requesting the British censor to suppress political news sent to American papers by American correspondents abroad, it begins to amount to a deliberate and dangerous policy of suppression of the news at home.

Despite millions of dollars spent on War Information Service, we are constantly being surprised. Often we learn of important events through the pronouncements of foreign statesmen or by reading dispatches cabled back to this country from foreign papers. After making all due allowances for wartime conditions, it still remains that we know far too little about our own foreign policies and practically nothing about our diplomatic commitments.

The press of this country has cooperated unanimously in voluntary censorship. It will continue to do so. But the stakes in this war are too high for it to be fought in the dark. The issues are too momentous. It is time we had light as we fight for freedom.

In the days ahead we shall face severe tests. We have already grimly prepared ourselves for the coming invasion of the continent which we know will be hard and bloody.

The mothers, fathers, wives of American soldiers who are to make that great effort will be brave and patient, as they have always been. But they will demand that they be told the truth and with reasonable promptness.

There seems to be too little recognition of the fact that free people cannot fight a war with blinders on their eyes. Knowing present dangers and the hardships ahead they will brace themselves to any task. They will sacrifice as deeply as the welfare of the Nation demands. They can do neither if they are not told where they are going and why.

Our people can take the bad news with the good but they have a right to know the facts. We need a free, informed people to fight a war for freedom.

Whatever excuse may be made for the blunders of censorship in wartime, we must see to it that no vestige of censorship, either voluntary or enforced, shall continue for one moment when the war is over. Then we shall face the hard task of building a just and lasting peace. That task cannot be successful without the aid of an alert, courageous and unfettered press.

The building of a durable peace will not be simple. It will not be accomplished overnight by the mere signing of a treaty. It will certainly not be done just by an agreement made by a few men seated around a conference table. It will be achieved by the labor and willing sacrifice of people the world over for generations to come because they understand the conditions of peace and want them.

There have been studied efforts in recent months to make people believe that Congress will obstruct the building of a lasting peace. That is not true. That is a part of a continuing effort to discredit the Congress of the United States. I have confidence in the Congress because it is close to the people. I have eternal confidence in the good sense and the character of the American people.

If the peace we build it to succeed, it must reflect the will and understanding of our people. That understanding can be fostered and that will expressed through a free press. Certainly in the years to come, the peace will succeed only if our people have the information and the will to make it succeed as a living reality. For the sake of our sons and our sons' sons, we must have the determined, abiding will to build a better world.

In this mighty undertaking you who represent the eyes and ears of America will have a major part. I am happy to join in the tribute tonight to those of

your members who have won the honors this past year. Each of the working news photographers who receives his award tonight has achieved distinction in his profession. Each has passed the acid test of excellence, for the awards I present were voted by rivals to members of their own craft.

First is the award named after the late Harvey Deuel, the brilliant editor to whom belongs the credit for much of the advance made in press photography. It goes to the man who took the best spot news photograph of the year. This award, which rates as the grand prize of the show, I have the honor to present to Pat Candido of the *New York Daily News*.

Second comes the memorial trophy for the best sports picture in the show. The award, sponsored by Acme Newspictures, is named after the late Carl Thusgaard, who lost his life last September while photographing a bombing mission in New Guinea. I take pleasure in presenting this trophy to John Rooney of the Associated Press.

Among the most interesting exhibits in the show are the pictures taken with the new Speedlite camera invented by Professor Edgerton of the Massachusetts Institute of Technology. The best speedlite shot of the year was made by Anthony Camerano, Staff Photographer of the Associated Press.

Until his death a couple of years ago the dean of press photographers in New York was the well beloved William Zerbe of the *New York Herald-Tribune*. For him is named the first prize for the best photograph in the pictorial class, which is won by Irving Haberman, Staff Photographer of PM.

The feature class means pictures which tell their own story, pictures requiring little or no caption. The first prize in this class was won by a photograph of Mrs. Emma Van Coutren, who has seven sons and four daughters in the armed forces of her country. The photograph was made by Arthur Sasse of International News Photos.

Finally comes the award of the first prize in the portrait and personality class, character studies with a camera. It is entitled "Portrait of a Hero", which fittingly describes the subject, Sergeant Fred Quirus, who in one night of rescue work on a railroad wreck near Philadelphia, saved eight victims who were seriously wounded, and carried out sixteen dead bodies. This prize also goes to Irving Haberman.

It has been a pleasure to be here and I congratulate you, not only the winners but the members of the Press Photographers Association of New York. You have struggled long, you have worked hard and intelligently for the position which you as a craft now hold and for the high standards you have reached.

Message to Rainbow Run Conference Sponsored by Conservation Department, Hammondsport Inlet, Bath, N. Y., April 1, 1944

(Not Delivered in Person)

Progressive Program of Conservation

Your conservation conference, held in the beautiful Finger Lakes region and, appropriately enough, on the occasion of the opening of the trout season, for the purpose of considering the post-war needs for outdoor recreation is significant and noteworthy. I regret exceedingly that because of the pressure of the thirty-day bill period I cannot be with you to enjoy the good fellowship which I know will be yours and to take part in your discussions.

So far as I know, this is the first conference of this type ever to be called in this State and the wisdom of bringing together representatives of Congress, the State Legislature, the administration, the outdoor writers and the New York State Conservation Council, representing the outdoor lovers of the State, is so obvious as to

require little comment. It is a fundamental of good government that progress can only be assured by bringing together just such groups so that, first, they may reach common objectives, and, second, may work toward them with combined forces.

One of the many important matters which has confronted me as Governor is the need in this State for a progressive program of conservation. The success of agriculture, business, industry and outdoor recreation pursuits—in short, the welfare of the people of the State, is largely dependent upon the State's basic resources of soil, water, forests, minerals, fisheries and wildlife. It follows that these resources must be properly husbanded if the needs are to be best served.

Under the leadership of John White, whom I selected as Conservation Commissioner because of his experience and capabilities in this field. I am glad to say that we have already made real progress in several important directions in establishing such a progressive program of conservation. To mention just a few of the more important points, I cite the following:

First—Definite steps have been taken to set up a program of cooperation between the Conservation Department and the farmers of this State. After all, the lands and waters controlled by the farmers produce the bulk of our fish and game crop, and cooperation of this kind is essential.

Secondly—Recognizing that effective conservation is dependent upon informed public opinion as to the needs of conservation and how to meet them, we have undertaken the establishment of a program of conservation education which has been woefully lacking in the past. This conference, in one sense, is a direct outgrowth of our efforts in this direction.

Thirdly—Recognizing that the forests of this State not only furnish forest products of great value but also serve as a factory for the production of our exceedingly valuable crop of wildlife, we have begun a new study of the forestry needs of this State. We are finding that these needs are very great and in some cases they have almost become critical because of the demands of war-time economy for forest products.

Fourth—Recognizing the great opportunity for constructive work in the field of conservation during the post-war period, every effort is being made to plan wisely for this development.

In the field of outdoor recreation—we recognize that we are going to be faced with a greatly increased pressure from the public after the cessation of hostilities. Twelve million Americans hunt, trap and fish, and after the war this number will greatly increase as it did after World War I. Many more will turn to camping, hiking, boating, nature study, outdoor photography and other outdoor uses of leisure time. Here, too, greatly increased demands for public facilities are definitely predictable. Furthermore, entirely aside from the recreational needs, we must recognize that services, goods and facilities for outdoor enthusiasts has become a big business in this State and one which we cannot overlook in planning our future economy.

It is also clear that in this many-sided, complicated field of conservation, we must enlist the support and assistance of many groups and many people if we are to bring our program to successful fruition. For that reason I am especially grateful that so many of you from so many walks of life, who have a direct interest in a part of our program, have come to this conference to give us the benefit of advice and counsel on the problems with which we struggle. I hope that this is only the first of other conferences on this subject and that I may be able to meet with you sometime in the near future at one or more of them.

We have a very great obligation to see that the millions of young men and women who now serve us in our armed forces will find, upon their return to civilian life, that we have not only carefully husbanded the things which they have come to regard as their birthrights but have, wherever possible, made them available in greater measure.

I sincerely hope you have a most enjoyable and productive weekend and that the Conservation Department of the State of New York has the trout in a hungry and trusting frame of mind.

THOMAS E. DEWEY

At Opening Campaign Dinner of United Jewish Appeal of Greater New York, April 4, 1944

It is a pleasure to take part tonight in the launching of an effort that means so much both in the winning of the war and the winning of the peace. The three agencies represented in the United Jewish Appeal have made great contributions toward the victory which will come to the free people of the world. Moreover, the cause for which we meet tonight is serving daily the goal of international brotherhood which we seek to achieve in peace. Any activity that can give such evidence of accomplishment for victory and for a better world after the war is deserving of every support. It must succeed.

Hitler is beginning to pay for his crimes against civilization. Every crushing air raid against the German cities is a warning of the retribution which is coming. When he came into power and seized upon the Jewish people as a scapegoat, all of the history of humanity should have proved to him that his barbarism would be his undoing. No organized tyranny, no national policy of extermination can long prevail against a people whose whole history is one of development of freedom, liberty and righteousness. The Nazis are beginning to learn that truth the hard way. And the agencies of the United Jewish Appeal are in the forefront among those who will have made that possible.

The task of the agencies in the years before the war was a staggering one. Helping the victims of Nazi oppression then was a challenge to human ingenuity. But the results in lives saved and rehabilitated were tremendous.

Since the outbreak of the war the difficulties of bringing help to the homeless and dispossessed Jews of Europe have multiplied many times over. Yet the work has been carried forward. With your help, countless lives have been saved. Countless men, women and children have found havens of freedom.

Today, new and seemingly insuperable obstacles are interposed. Thousands who found temporary escape and partial respite from the Nazi scourge in the Balkans and in Hungary are being hounded again as Hitler's divisions move in to occupy the satellite countries. These refugees were counting the

days when the victory of the United Nations should free them from the threat of mass murder. Now their fate rests with us. Every day counts. We must not fail them.

But now another door has been closed to them. The White Paper places a barrier against migration to Palestine. I do not underestimate the difficulty of the present situation, but a way can and must be found by our government, working with the British, to bring to an end the operation of the White Paper. For more than twenty years, every President of the United States has supported Palestine as a Jewish homeland. The failure to find a home for the helpless victims of Nazi oppression must be regarded with abhorrence by Jews and Christians alike.

With fine vision, the Jewish people founded a homeland in Palestine. The evil ideology planted by Hitler and inculcated in the youth he has dominated for twelve years will not easily be eradicated in the years ahead. Many thousands of European Jews will want to go to Palestine after the war and build a new life for themselves and their families. The doors of Palestine must be opened and opened permanently.

The United Jewish Appeal for 1944 has three major parts—three major services, each with its particular mission, all directed toward a common goal. The National Refugee Service functions in this country. The United Palestine Appeal is concerned solely with affairs in Palestine. The Joint Distribution Committee operates everywhere else where civilized forces prevail.

The work of the National Refugee Service is a page of glory in America's traditionally humane record of asylum for the oppressed. The service begins with the refugee's arrival on American shores. It goes hand in hand with him until he has become self-supporting, an asset in the community where he has at last found a home.

Since 1939 the National Refugee Service has made 22,720 job and professional placements in the United States. Vocational retraining has been provided for more than 2,000 others. Nearly 5,000 have been able to re-establish themselves in businesses, large and small. In fact, one has established a manufacturing concern of considerable size on Long Island and is now engaged in turning out vital war supplies for our Army. In all, a total of 11,607 have been successfully settled in various outlying communities, some of them on farms.

Aside from the satisfaction of having successfully negotiated the rescue and rehabilitation of these unfortunates comes the greater knowledge that they have not only become assets in their new homeland but they have taken their place under the battle flags of the United States.

One refugee youth now stationed in the South Pacific is wearing the United States Army Purple Heart. Without regard for personal danger, he fought a fire in a munition dump, removing a number of bombs in danger of explosion, continuing until the danger to his comrades was past.

Another refugee youth, an air corps sergeant in the American Army, has been awarded the Oak Leaf Cluster for courage in shooting down a Nazi Focke-Wulf. He is now reported missing in action. Still another has distinguished himself as a gunner in one of our flying Fortresses. The list grows as the days pass. Our War Department records show countless names of refugees who are actively fighting in the ranks of their adopted country.

Even more difficult than the Refugee Service is the work of the Joint Distribution Committee. It functions only abroad where problems of relief and rescue are always dangerous. Through arrangements in various countries, including enemy-held countries, it sends money, food and clothing. Last year it aided more than one million persons.

The successes of the United Nations resulted in liberation of 390,000 Jews in North Africa and the Mediterranean area from Vichy inspired oppression. They had been looted of their possessions or bombed out of their homes. The Joint Distribution Committee organized relief groups, sent physicians into disease-ridden areas, provided shelter, clothing and food, united families and reopened schools.

At present the committee is sending supplementary aid to 7,000 Danish Jews who have found refuge in Sweden. In Switzerland fully 25,000 refugees exist principally by such aid. Some 8,000 are trapped in the transportation bottleneck of Spain and Portugal.

From Spain, from Turkey, from the Balkans and elsewhere this committee has been sending a small but steady stream of refugees to Palestine and, in lesser numbers, to South American countries.

When the armies of Soviet Russia began driving out the Nazi hordes, a new problem arose—the thousands of Polish Jews left destitute and starving in war-ravaged areas. The committee is now sending them a monthly average of 5,000 food and medical packages and the number grows constantly.

The suffering of these people is matched only by their fortitude, by their determination to live—to re-establish a home. The adults are not alone in this. The spirit of their children equals, if not surpasses that of their elders. Take, for example, a story I heard just the other day.

Simon was a fifteen-year old boy living in Antwerp. Last summer, when the Nazis ordered a new roundup of Belgian Jews, he determined to flee rather than risk deportation to the war factories of Germany or the concentration camps of Poland. Simon had a sister in England. He determined to go there.

Without money, food or permits he set out. From Belgium he made his way into France. Friendly people gave him shelter for a night or two but dared not keep him. Sharing their meagre rations, they directed him on his way.

Having walked from Antwerp to the Spanish border, he crawled at night past Nazi guards and entered Spain. He crossed the Pyrenees on foot and at last, when Spanish guards found him, more dead than alive, the words "Joint Distribution Committee" brought him refuge and care. Eventually the committee landed him in England where he is today reunited with his sister.

Records of the various Jewish relief bodies are filled with similar stories. Too few are blessed with the happy ending. Indeed it is the children who have suffered even more than their elders. Many of them will never have strong bodies. Many more will live with scenes the years cannot wipe out. The minds of many will always be a blank.

The third phase of the United Jewish Appeal is for funds to continue the rehabilitation work in Palestine, where to date more than 300,000 refugees have found permanent haven. Here the Joint Distribution Committee and the United Palestine Appeal meet in common cause.

The development of Palestine as a modern country has been extraordinary. Approximately 300 agricultural colonies have been established and modernized, schools and public utilities have been built. There are thousands of factories and workshops—a great many of them turning out war materials for the United Nations. In fact, their 1943 production totaled eighty million dollars worth of military uniforms, textiles, shoes, bandages, scientific instruments, medical supplies and motor accessories. That alone is indicative of their importance. No less than 28,000 refugees in Palestine are serving as volunteers in the British armed forces, and the United Palestine Appeal gives assistance to their families.

It is a credit to the Jewish people of this country that they are unflinchingly shouldering the burden of caring for millions of their own. Increasing numbers of non-Jews have been prompted by the plight of the Jewish victims of Hitlerism to come forward with their unsolicited aid to the United Jewish Appeal. I am certain that this will be true again this year.

Voluntary agencies such as those represented in this appeal are the finest expression of the brotherhood of man. The cold hand of government can never equal nor supersede their standards of ministering to the needy. They will also play an important part in assisting in the enormous relief and rehabilitation programs which will have to be undertaken by governments all over the world after the war.

In that work, as in their current work, the agencies of the United Jewish Appeal will be serving as a vast recruiting station for the forces of freedom. The embattled millions who have stood against aggression symbolize what we are fighting for. The help which reaches them through the voluntary generosity of the free people of this country makes democracy more precious to them. And it makes the free way of life more desirable to the enemy peoples who have lived supinely all these years under the heel of the dictators.

During the war we on the home front have a continuing obligation in addition to our primary duty to give everything we have, physically and spiritually, to the winning of the war. That obligation is to keep our Nation and our Government clean, strong and free. Avoiding the passions and divisions among us which might do injury to the war effort, we can and must keep ever alert against those who would create antagonism among our people. Some foster racial or religious discord under the pretense of fighting it. There are even those who do this for profit or for political motives.

Others include the blatant rabble-rousers or worse who seek under the guise of nationalism or by playing upon racial or religious prejudice to divide their country in time of war for financial or political profit. The Gerald L. K. Smiths and their ilk must not for one moment be permitted to pollute the stream of American life. Such would be a betrayal of the sacrifice now being made on the battlefields of the world by millions of Americans who fight for their country and for the basic principles of freedom these rodents would undermine.

When peace comes and the dictators and their motley supporters are brought to justice, we must be strong and clean within, to be able to do our part in the world. We will do our part not solely from altruism but to the end that the minds of men everywhere shall remain freed of the poison spread by new Hitlers, foreign or domestic. A system of international cooperation based on justice must be established in the world in which the people of free nations, great and small, can be secure in the liberties which shall have been won at such great sacrifice.

The fighting forces of the United Nations are working together and living together not just as Americans, Britons or Russians—not just as Christians and Jews—but as fellow human beings. If we can fight together, certainly we can work and live together in peace.

One of the great problems seeking solution will be the protection of minorities. There will be many who wish to return to their homes. Many others will wish never again to see the lands where torture and starvation were official policy. Opportunity must be given to these hundreds of thousands to build new homes and take their place in a constructive, useful and free existence.

The genius and culture of minority groups must be safeguarded to their nations and to the world as a whole. Freedom is measured by the rights and dignity of the individual. And we have learned unmistakably out of this war that no nation can remain free when great slave populations exist under dictatorship elsewhere.

The agencies of the United Jewish Appeal have opened sea lanes and mountain trails to help the oppressed. By your work you have contributed valiantly to the cause of freedom. The voice of free men everywhere is urging that you carry on that good work for the future of humanity.

Radio Report to the People on Accomplishments of Legislative Session, Albany, N. Y., April 14, 1944

(Broadcast over State-Wide Network)

Tonight I want to give you my second annual report on the administration of your State Government. When I reported to you last April, we had just made a fair beginning on the task of cleaning out, from the departments and agencies of the State, the accumulated cobwebs of twenty years. In the last twelve months, without interrupting or disturbing for a moment the day-to-day business of the State, that job has made tremendous progress. We have now in Albany a complete administration, infused with new blood and new energy, filled with a spirit of teamwork between the legislative and executive branches, working in cooperation with each other, with the people of the State, and with the local units of government which are closest to the people.

We are striving, in other words, to establish and maintain a genuinely competent and progressive government—in sharp contrast with that type of personal government which talks fine phrases of liberalism while seeking to impose its will and its whims upon the people through centralized bureaucracies issuing directives from a distance.

Three immediate and fundamental purposes have guided our work to strengthen the State Government: first, to win the war; second, to prepare for a rapid and smooth readjustment to peaceful pursuits, once complete victory is won; third, to preserve and develop that freedom at home for which our young men are fighting abroad. In the light of that intent I want now to throw into perspective for you the pattern and interrelated purposes of what we have been doing since last April.

When the year began it was clear we were going to have a large accumulated surplus in the treasury; actually, at the first of this month, starting the new fiscal year, that surplus amounted to \$163,000,000. This money had piled up as a result of abnormal wartime conditions and of good State housekeeping. There were many suggestions of pleasant and useful ways in which we might spend it. But it seemed to me, and to the Republican leaders of the Legislature, that this money was not really ours to spend. Rather, it was a fund to be held in trust for the million young men and women of our State who are in the armed forces, for the millions of war workers who, when hostilities end, will be changing over to peacetime jobs. When that time comes, a great responsibility will fall upon the State, which it must be ready to meet without delay—to help industry convert itself to peace production and to contribute its own part through immediate launching of needed and deferred public works.

Accordingly, in my opening message to the Legislature—to forestall raids which were later vigorously attempted by pressure groups on this wartime surplus—I proposed to create a Post-War Reconstruction Fund and to lock up in it, the entire surplus. This was done, as chapter 1 of the Laws of 1944.

Our State Post-War Planning Commission has been working hard to prepare for the day of reconversion for peace. Blueprints are now being drawn for new housing projects. Plans are being made for urgently needed additions to our overcrowded State hospitals. Under a law passed this year we are now already at work, preparing to purchase rights of way for a great arterial highway system.

When the day of reconversion comes, New York State will approach it, not merely with blueprints and bond issues to create new debts; we will have, ready for instant use, a minimum of \$163,000,000 cold cash. Moreover, the State Department of Commerce is working intensively with business, big and small, all over the State, for the new industries and quick change-overs, which will provide the great bulk of opportunity and employment for our people.

Some of you have now paid the first quarterly installment of the State income tax. You know, therefore, that we were able to salt away our surplus while continuing the 25 per cent reduction in the tax on personal incomes. Many of you did not have to pay any State tax at all, because we had been able to continue the high exemptions, \$1,000 for single persons, \$2,500 for married folk, and also to continue the deductions for medical expenses, life insurance premiums, and children in school. But the most gratifying thing about the income tax this year was that we were able to let the taxpayer make his return on a new and simpler one-page form.

When the President of the State Tax Commission first proposed that simplified form I realized once again how fortunate we now are to have a cabinet officer who is out to make taxation more simple rather than to drape it in mysterious complexities.

When I spoke to you last April we were just hearing the first of that sordid history of corruption under the Workmen's Compensation Law which was revealed by a Moreland Act Commission. For many years groups of corrupt lawyers, doctors and laymen, licensed by the Department of Labor to represent claimants, had been siphoning off millions of dollars from benefits due to injured workers. There were also shocking delays by the Industrial Board in determining the case of injured workmen; the board was four months behind in its work.

Eighteen bills designed to correct these long-standing evils were proposed by me to the Legislature this year and are now law. Under this program the Industrial Board was enlarged from five to ten members so that determination of claims of injured workmen can be cleared within a month. Another bill increases benefit claims from \$25 to \$28 a week. Still others provide for increased benefits for disability and death resulting from dust—the disease we know as silicosis. Other bills will, I hope, under good administration drive the thieves permanently from the field of workmen's compensation.

The working men and women of our State can now know that they will receive full and prompt compensation for their injuries. They do not have to pay one cent for tribute to anyone.

Trade unionism is an increasingly important factor in the life of our State, but events of the last year have shown us that workers and employers alike have much to learn about the vast field of industrial relations. One of the most important things we did this winter was to create, through action of the Legislature, a State School of Labor and Industry at Cornell University. This school, blazing a great trail, will offer advanced studies in this rapidly expanding field, will prepare young men and women for useful careers of leadership in the solution of labor's perplexing problems. Such a school as this can become not only a training place, but also a meeting ground for industrial statesmanship.

One of our most grievous problems in industry has been that of discrimination against some groups because of race or religion and particularly because of color. I am deeply gratified at the progress we have made through a committee of the War Council, and New York State today leads the Nation in employment regardless of race, creed or color. But with the end of the war, the fight against discrimination in employment will need new legal basis. Accordingly, the committee proposed legislation to me and to the Legislature to this end. Unfortunately, the bill came in just two weeks before the close of the session, and I was advised that, despite my interest in it, no action could be taken at this session. To make progress in the meantime, after consultation with the chairman of the committee, I recommended to the Legislature and it passed a bill creating a temporary State commission for the purpose of drafting good sound legislation. Shortly the members of the commission will be appointed and I have every hope and expectation that they will be able to report to the next session of the Legislature a system and philosophy of law for the permanent elimination of discrimination in industry in peacetime.

Now, as in normal times, much of your State's daily work has to do with the health and social well-being of its people. Let us take a swift glance now at some of the things which have been happening in some of these basic State departments.

I have just signed two important laws to improve our public health service. One of them discontinues the so-called "means test" for care in county tuberculosis hospitals. In other words, a person no longer has to be a pauper to have quick treatment for tuberculosis in a county hospital. The "means test" has long stood as a barrier to the early hospitalization of many tubercular patients, who have stayed at home risking the infection of others in their families, gradually exhausting their resources and becoming impoverished and neglected. Now we have a better chance to put them under treatment right away; they have a better chance for recovery and restoration to a useful place in society.

I have also approved a bill empowering the Commissioner of Health to reorganize his department, rearrange divisions and bureaus, in short to bring it up to date. Since the Health Department was last reorganized some thirty years ago, its annual budget has increased from \$576,000 to \$5,346,000, its personnel from 230 to 2,300. In those years our needs and concepts of public health service have changed utterly, but the department just grew—like Topsy—and its divisions remained rigidly in the old mould. Now they can be reshaped for present needs with better service to all.

The same principle of responsible administration was involved in a recent bill to give New York City a real Superintendent of Schools. Down through the years, since the consolidation of the Greater City, its schools have been

run by a circle of nine associate superintendents—each with a neighbor on his left and another on his right, with whom to share responsibility. Every city I know, except New York City, has long had a superintendent of schools who, under the Board of Education, was the responsible, operating head of the school system. I am profoundly convinced that the school children of New York are entitled, equally, to a system with responsible leadership. We had to fight hard, for two years, to get it but get it we did, this year.

The Social Welfare Department has been busy at the job of re-examining and simplifying its procedures. I have just signed a whole series of bills wiping out technicalities which long had stood as obstacles to assistance for worthy cases among the blind, the aged, and dependent children. During this past year our social welfare program extended aid, for the first time, to some 7,000 dependent school youths between the ages of sixteen and eighteen. With the aid of the State, free school lunches for New York City's needy children were continued when the termination of WPA threatened to force abandonment of the program.

I am happy to report real progress in our program of providing care for the small children of women engaged in war industry. Through the Committee on Child Care, the State is contributing to forty-seven child care centers in New York City and to 105 centers upstate. Arrangements are now being made to speed the opening of new centers in war manpower shortage areas.

A year ago we had just discovered the deplorable epidemic of amoebic dysentery which had ranged unchecked for two years at Creedmoor State Hospital. Since then the Department of Mental Hygiene has had a thorough investigation; its headquarters staff has had a housecleaning, and a new cabinet officer is at its head—the finest, I believe, in the United States. Where we had defeated hospital administrators who had thrown up their hands and surrendered to discouragement, we now have able, energetic men who are giving real leadership. We still have, of course, serious problems in our mental hospitals because we simply cannot hire enough help to give proper care to our overcrowded mental patients. But with the superb loyalty of the employees we are carrying on the work and making great strides in its improvement.

During the last year the Administration, by heroic efforts has virtually completed a long overdue classification of some 20,000 positions, aimed to make these hospital jobs more attractive. The Classification and Salary Boards and the Division of the Budget are still working long hours to smooth out the kinks in this tremendous undertaking. All told, improved pay scales and administrative practices are helping the employees. In addition we are getting better cooking, as a result of increases in pay for cooks, and for the first time, provision has been made for dietitians in all the hospitals.

Most important of all, we are in the process of trying, at long last, to change the basic concept of our mental hospitals. We must not regard them as mere institutions of custody. We must and will make them into institutions not merely of care but of cure, not of despair but of hope—hope for restoration of mental health. Our State can have no more important long range objective—through research and sound administration—than the cure and conquest of mental illness.

Last year we were worried about food; this year we had better not stop worrying. Right now we have gluts in certain foods, which give us an illusion of plenty, and which might lead to a dangerous complacency.

There is, for example, a temporary surplus of potatoes and eggs which, for the farmer who went all out for maximum production, is a matter of serious and unjust distress. But there is a great, overshadowing specter of food production in general which is a matter of real concern.

The people of New York may well be proud of the way the farmers of this State met the crisis last year, with inadequate help, little new machinery, excessive regulation and, at times, not even gasoline for plowing or cultivating. Under the distinguished leadership of the Emergency Food Administration many obstacles were overcome. The crops of our State were harvested and processed without loss last fall with the extra aid of a volunteer army of 111,000 workers.

This year, as we enter what may well be the decisive moments in our war against the enemies of mankind, it is doubly important that the crops of our State be produced, harvested and processed. The Emergency Food Commission is on the job to foresee and meet critical problems. This year the State and Federal Farm Manpower agencies estimate that we will need a volunteer army of 140,000 seasonal farm workers. I am sure the people of the State will respond to the call for help to the farmers in even greater numbers than last year.

I have told you about our post-war fund and how it has been segregated and saved, to be used for the benefit of our returning veterans. Now, in conclusion, I want to explain in some detail our further plans for these young people who must be first in our hearts and plans.

One thing immediately at hand for the benefit of these veterans while they seek employment is unemployment insurance. Nearly half of the members of the armed forces from our State come from our farms and from small businesses, which are not covered by the Unemployment Insurance Law. So today, as a result of action this year, and until the Federal Government takes action, there is unemployment insurance for every returning New York veteran.

We have set up a temporary commission to study the various proposals for assistance to veterans and to help them and their families learn of the many provisions, both State and local, which exist for their assistance. The sum of \$100,000 was appropriated for this commission.

Your State Administration also took the lead in proposing a simple, workable formula for soldier voting. Under the new State Law, adopted at this last session, every member of the armed services desiring to vote has simply to send in his name and his home and service address. He will then receive in the mail a ballot and self-addressed envelope.

This soldier ballot will not be the blank piece of paper which was sponsored in Washington. Nor will it, as the National Government tried to do, deprive the soldier of his Constitutional right to vote for every office to be filled. It will give every man and woman in the armed services, by the simple act of signing his name once, a valid vote for every candidate from President down to the local officers in his home town. Under this New York law voting is simpler for a soldier on foreign service than it is for a citizen here at home and the honest ballots cast by real soldiers will not be cancelled by the frauds which other proposals would have permitted.

The problem of the interrupted or incomplete education of our youth in the armed services is vital to them and to our country. We must not miss part of a generation of skilled men and women or of doctors, clergymen, lawyers, architects and engineers. To this end, the Legislature this year created 1200 scholarships for veterans to continue their studies. Those scholarships are available now for the veterans who are already returning from war this year and 1200 per year will be available after the war.

We have taken the first step in the direction of technical training through action looking toward a system of vocational courses throughout the State. In the present State institutes and others to be established our returning veterans who have served in technical ratings will be able to receive further training in their military-taught trades for peace-time use.

These, then, are part of the fruits of the labors of the past year. They are, of course, only the portion of which mention is possible in a summary report. But they show the purpose with which our war tasks are being met and the spirit and purpose of your State Government.

Running like a thread through our every thought and act has been the sacred task of bringing this tragic war to a speedy and overwhelmingly successful end. No other consideration can be allowed to enter our minds until Nazism and Fascism are totally wiped off the face of the earth.

But, as we labor with singleness of purpose to this end, we can think and plan for the future. We must look to the day when free men everywhere, regardless of race, color or creed, can live in freedom, can work at occupations of their own choosing, can raise their children in the traditions of their parents, can worship God in the manner of their own choosing. We can, and we must, keep our own society clean of those within who would lead us into paths of narrow or bigoted selfishness.

Our State will be strong to meet the great problems after the war. It will be clean of the poison of hatred or prejudice. It will be set on its course toward full peacetime production and employment for all the day the war ends. It will do its part in the Nation to the end that out of this war may come a happier day for all mankind and the beginning of a just and a lasting peace.

At Annual Meeting of American Newspaper Publishers' Association, Waldorf-Astoria Hotel, New York City, April 27, 1944

Our Foreign Policy and Obligations in the Post-War World

I am very happy to speak before this wartime gathering of American Newspaper Publishers. Yours is an essential industry because, in America the press is a vital part of our war effort, it is a vital part of our whole free system. It is an indispensable element of everything for which we fight.

The tragic history of recent years has shown us vividly that freedom of the press cannot exist where there is no political freedom but the corollary to this basic truth is perhaps even more important; political freedom cannot exist without a free press.

An electorate, fully informed on issues, is as fundamental to representative government as the election itself. And full information through the press is the bulwark of the people's power to check up on their representatives between elections.

We saw it demonstrated in Germany that tyranny can rise to power by the elective process. But in order to stay in power the Nazis immediately set about destroying the freedom of the German press. In all countries men have been elected to office who proved unworthy of the trust. The strength of a free system is that such mistakes need never be fatal. They can be corrected at the polls. But these corrections can be made only if the people are informed.

The precious guaranty in our Constitution of freedom of the press is not a mere guaranty to the press. It is a guaranty to the people that their press shall be free. It imposes an obligation on government to permit free dissemination of news and a duty on the press to print honest news. The right resides in the people because it is basic to their liberties.

Freedom of the press today means more than freedom to print what information can be obtained. It means access to the news. It involves the right of information and a corresponding duty to print it.

All of us recognize the need for military censorship. But there is a dividing line between military news and political news, or, if you will, diplomatic news. It is a dividing line which can never be left without scrutiny—which, throughout the war calls for vigilance. Once the fighting has ceased we must insist that all censorship of every description cease with it. We shall need then the uncorrupted word of truth.

I am confident of our future because we have, in fact, a great, free press. I believe our publishers generally are today more conscious of their tremendous responsibility than ever before. They will have much to do with the steadfastness with which we fight through this war. They will have much to do with the intelligence and determination with which we face the even more complicated problems of the peace.

The power of the written word lies in shaping the mind and spirit of man toward high achievement. There is, of course, a wide gulf between a statement of fact or of principles, on the one hand, and epithets or empty promises on the other. In recent years we have had good reason to learn that difference in our domestic affairs. It is not enough to talk about a more abundant life if the actions that follow the words leave millions unemployed and dependent upon government for bare existence. It is not enough to talk about economic security and then pursue policies which promote insecurity. It is not enough to talk about the enterprise system and then pursue a course of action that stifles enterprise.

These experiences with domestic policies cannot be forgotten when we think of foreign policies. All of us are aware that there is great concern and uncertainty among our people over our Nation's foreign policy. Yet I think it is

no more than fair to say that we have had some excellent expressions on that subject lately from the Secretary of State, Mr. Hull. In his address of April 9, Mr. Hull certainly offered a statement of basic principles which deserves respect. His pledge to seek the advice and help of members of Congress from both parties is especially welcome. Nevertheless, these statements have done little to relieve the concern and uncertainty our people feel. That is not primarily because of dissatisfaction with the words Mr. Hull has used. It is because we see reported daily in your papers developments from abroad and other statements from high government officials at home which do not seem to fit in altogether with the words Mr. Hull has used. It is because we cannot be sure to what extent our foreign policy is actually being handled by the Secretary of State and to what extent it is being handled privately by the President.

What troubles us is not the main objectives of our foreign policy, but whether that policy will be effectively carried out in accordance with Constitutional methods. One way it will succeed. The other way it will surely fail. Foreign policy is not a mere matter of negotiations, of diplomatic maneuvering, or even of treaties and alliances. Foreign policy is the expression of the ideals, traditions and aspirations of a people in their relations with the people of other countries.

In a free republic there can be no such things as an Administration having an effective foreign policy, unless that policy reflects the will of the people. Here we are, fighting, hoping, praying for a world in which we can have a lasting peace but in almost every discussion one simple fact is forgotten. No foreign policy that fails to represent the will of the people will ever last as long as two years. It will not last beyond the next Congressional election. Among our people there are differences of opinion with respect to details and methods; but I insist, there is overwhelming agreement upon the main objectives. Those major objectives are:

To carry on the war to total crushing victory, and in so doing to drive home to the aggressor nations a lesson that will never be forgotten;

To organize in cooperation with other nations a structure of peace backed by adequate force to prevent future wars;

To establish and maintain in our relations with other nations conditions calculated to promote world-wide economic stability not only for the sake of the world, but also to the end that our own people may enjoy a high level of employment in an increasingly prosperous world.

There is, I am confident, no real dissent from those major objectives on the part of any substantial portion of our people. They have been proclaimed by men of all parties and subscribed to by men of all walks of life in all parts of our country. They constitute the fundamental principles of our foreign policy because they represent the will of our people. But once again let it be said that these objectives cannot be attained by mere words.

As to the winning of the war the point needs no argument. We shall win the war only by the work and sacrifice of all our people. We shall win it by the courage, strength and suffering of our fighting men and by the unremitting effort of our war production forces at home. To win the peace will require equally great determination, and over a longer period of time. It will not be sufficient when the fighting ceases merely to draw up a treaty and then forget about it. We must not repeat the tragic error of twenty-five years ago.

The central error of our course in 1919 was the false assumption that words could create a peace. Then, as now, there was much wishful thinking. Men everywhere wanted to feel that a treaty which proclaimed peace would suffice to assure it and that from there on they could relax. The war leaders of the world wanted to feel that by signing their names to a treaty, they had brought their task to an end. The very idea that fine words made a peace bore within it the seeds of its own failure.

Within a few years the reality of Germany bore no relation whatever to the word picture of Versailles. This was because those who drafted the treaty were tired war leaders. They could not find within themselves the physical and mental strength to make the peace a living reality.

We have learned much since 1919. The experience of two world wars has taught us that we cannot remain unaffected by what happens elsewhere in the

world. It has shown us also that unprovoked aggression against a freedom-loving people anywhere is an attack upon the peace of the whole world. We may again be tempted to feel that with the defeat of our enemies and a proclamation of peace, we can afford to rest on our oars. But the truth is, those years that follow will be decisive. The maintenance of peace will require continuing labor and forbearance. When we have ceased to wage war we shall have to wage peace.

Germany and Japan must not only be utterly defeated and completely disarmed—they must not be left in a post-war environment which might enable them to maneuver as a balance of power. After 1919, lethargy, jealousy and power politics resumed sway among the allies. In that environment Germany quickly eluded the controls of the treaty of Versailles. If after this war we reproduce that same political climate, we will get the same results. No initial measures against Germany and Japan, however drastic, will have permanent value unless they fall within the setting of a durable cohesion between Great Britain and ourselves, together, I hope, with Russia and China. To deal effectively with our enemies and also to solve many other post-war problems will, as I have said, require solid relations among the United States and Great Britain, Soviet Russia and China.

We have a long background of friendly working relations with Great Britain and China, which will make easy their continuation. As regards Russia, it would be stupid to ignore the fact that during the twenty-four years between the Soviet revolution and the German attack on Russia our relations were not of the best. There were faults on both sides. If after this war we lapse into the old suspicions, the future is indeed dark. But there has been genuine improvement growing out of our partnership in this war. The American people have sympathy and admiration for the peoples of the Soviet Union.

There are and will be fundamental internal differences between our countries. Our economic and social systems will not be the same. But our political dissimilarities from Russia need not be the source of friction if we seek and find the many practical ways in which we can work to a common end.

Russian affairs are in the hands of hardheaded, realistic leaders. That is nothing we should be afraid of, provided we are equally realistic and devoted to our country. If we are, the United States and Russia can deal with each other with candor, while building firm mutual respect and friendship.

Inevitably a major responsibility to work together will fall upon the United States, Britain, Russia and China in the first few years following the war. They will be the strongest nations. They will be the nations with the greatest power to preserve peace or undermine it.

In some countries we may for a time face confusion. We must wisely and without intrusion into their domestic affairs seek to make that period as brief as possible. We shall need the participation of these nations. The peace of the world will require the support of all peoples. We are all agreed that there must be prompt measures to establish a system of general international cooperation. First came the Republican Mackinac charter, then the Moscow declaration and the Fulbright and Connolly resolutions. All agree in proposing an arrangement which will regularly bring together the representatives of the nations to discuss, to plan and to seek agreement about matters of common concern. This will not be accomplished to perfection overnight, or in a few months. It must be a matter of growth and experience and everlasting hard work.

It will not be possible to solve immediately the economic problems of the world. It will take time and patience to restore currency stability and trade relationships and to promote the general economic well-being.

Here it cannot be too greatly emphasized that the role of the United States will be decisive. We will be truly effective in helping with the economic rehabilitation of the world only if we first restore at home a healthy, a vigorous and a growing economy.

There are false prophets who for years have been telling us that America has ceased to grow; that its period of vigor is over. They would have us believe that our economy has become mature. They say it is static, that it can continue to function only by constantly taking ever more expensive patent medicines. Yet these same people now talk glibly of a W.P.A. for all the rest of the world.

To hear them talk, Uncle Sam must play the role of a benevolent but slightly senile gentleman, who seeks to purchase the good will of his poor relations by distributing among them the dwindling remains of his youthful earnings.

I utterly reject that proposition. America is still young, still vigorous, still capable of growth. Certainly we shall play the part of a good citizen in the community of nations. We shall deal fairly and generously with our neighbor nations throughout the world. This we shall do because it represents the practical idealism for which America has always stood and because it is good hard common sense. Good will cannot be bought with gold. Good will flows irresistibly to the man who successfully manages his own affairs, who is self-reliant and independent, yet who is considerate always of the rights and needs of others.

Traditionally, America has occupied this role for 150 years. This country won the admiration of the world because we had here something to which the people of all nations aspired. We had a society of free men who believed in themselves and in the future of their country. We were in sober truth the land of opportunity. Here beyond everywhere else in the world there was a field for economic enterprise and human progress.

For the sake of the men and women who are working and fighting and dying to win this war, for the sake of their children and for the sake of the world we must work to make America once more the land of opportunity.

It is particularly incumbent on us solemnly to view our obligations tonight. As we meet here, hundreds of thousands of the youth of America stand poised on the shores of Great Britain for the mightiest invasion of a defended coast line in history. Every one of those young men knows that the future of his country and of freedom itself may hang on the success of this terrible venture. Every man knows the price he may have to pay.

Nothing any of us has said here tonight, will be of import unless the invasion is crowned by ultimate success. The infinite patience, preparation and training behind this gigantic effort may well serve us as a standard for our acceptance of our future responsibilities. Surely it is a minimum standard for the infinite patience, preparation and toil we should be willing to give for peace. No sacrifice for peace will ever equal the ultimate sacrifice we expect of our young men in war.

The very least we can do, therefore, as we look ahead tonight to hopes of a peaceful world, is to pledge to ourselves and to those who die for our country that we shall accept the challenge they lay before us. We can resolve to accept the responsibility which our own greatness and importance as a nation place upon us—a responsibility which two world wars have shown is utterly inescapable.

Let us recognize that this peace we pray for and our young men die for will have to be worked for over many years. Let us be flexible, earnest and devoted enough to make it a reality.

If the newspapers of America will accept the challenge of peace as they have of war, we shall have made a great beginning. The years of labor ahead will be successful only if an informed people support the effort—only if they know the size of the task. We shall need in these years, as never before, a courageous and a free press in the United States of America.

Abridged Proclamation Delivered to "News of the Day Newsreel," Hotel Roosevelt, New York City, May 5, 1944

D-Day, Day of Prayer

Every day we approach closer to the hour when the vanguards of the United Nations will set foot on the soil of fortress Europe.

We are now at the time of greatest tension. It is fitting that we approach this time, not in the spirit of vain glory and boasting, but of quiet, steadfast courage, and humility. It is the occasion for us to remember and address to the God of our fathers the words: "Still stands Thine ancient sacrifice, an humble and a contrite heart."

I Therefore, proclaim "D" Day—the day of invasion—as a *Day of Prayer* throughout the State of New York and I urge that when we receive word the invasion has begun, our people join in prayer to Almighty God for the success of our armed forces and the safety of our fighting men.

Welcoming Remarks to Visiting Representatives of Central and South American Nations, Albany, N. Y., May 26, 1944

I am happy to welcome to New York you ladies and gentlemen from the other American Nations. I look upon this as a real occasion, the first visit we have had from so large and distinguished a group of the representatives of the enterprise, commerce and culture of the free republics of Latin and South America. There are many of us in these United States who wish most heartily that it might have happened many years ago. I earnestly hope that your journey among us will be the first of many to come.

It is necessary not only for our common welfare but for our cultural advancement, that we know each other better than we have in the past. I look forward to the day when it shall become a matter of course for our young people to learn Spanish and Portuguese before they study any other foreign tongues. I look to the day when the barriers of language differences between us shall dwindle, if not disappear entirely. The barriers of distance are well on the day to being abolished, thanks to the development of air transport. Actually there will be far more in common between us of the North and you of South and Central Americas than ever before.

We know that we have much to learn from you, your traditions and your culture. And I trust that we may be able to make a fair exchange.

The representatives of the Department of Commerce of New York State have informed me that they have already learned and profited much by their contact with you. I hope that you too have not found your visit to the cities and industries of the State of New York without value to yourselves and to your countries. I should like to offer you my warmest personal wishes and assure you of the profound good will of the people of New York.

At Annual Banquet of Governors' Conference, Hershey Inn, Hershey, Pa., May 29, 1944

American Unity of Purpose—New York State's Program on War and Post-War Assistance

This conference is a stimulating and reassuring occasion. There are gathered here Governors from 43 states, north, south, east and west. Some of those states are preponderantly Republican, some Democratic. Some are preponderantly agricultural, some industrial. Some are seaboard states, some mountainous, some prairie states. Each of us, as a Governor, has different problems and to some extent, differing types of people. But out of this immense divergence there comes no sense of confusion. Rather there comes a clear sense of the unity of the American people about the things that really count.

This unity of ours is a precious fact. The world is swept by war and confusion; chaos reigns elsewhere and threatens everywhere; throughout most of the world established institutions have been uprooted and men are bewildered or quarrelling about the fundamentals upon which their societies can be rebuilt. At such a time the American people have a steadying unity of purpose.

First of all there is unity in the war. The people of this country are determined to win this war, to win it on all fronts and to win it decisively and at any necessary cost. They want that cost, as far as possible, to be in terms of their labor, their natural resources and the implements of war they can produce. They want it to be as little as possible in terms of the lives of our young men. Because of this, they want to know how best to use their efforts at home to save lives abroad. Military affairs are being con-

ducted by trained and efficient commanders. The superb achievements of our trained military and naval leaders have won and deserve the continued confidence of all our people. But the civilians want their home efforts and sacrifices to be effective to the limit of our capacity. They are worried about inefficiencies and bungling that they all see here on the home front. Labor and industry are performing valiantly. But every resource of labor and management must be released and directed harmoniously to insure the earliest victory and the quickest possible return of our youth. This is one fundamental upon which we as a people are united.

Our people are united upon the proposition that our foreign affairs must be so conducted that disasters like the present one will not recur. We shall have to pay more attention than heretofore to what goes on in the rest of the world. Twice now, in a generation, troubles elsewhere have been allowed to grow until they became vast cataclysms that engulfed us. We must not again sit on the sidelines as mere observers or commentators, while future kaisers and fuehrers and war lords grow strong and perfect their plans for aggression. The American people are united in their determination to be competently concerned about what concerns us, and with positive determination to join in preventing future wars.

We are also united in the fresh determination to keep our Nation great. Our founders conceived this Nation as one destined to be a beacon light to all the world. For 150 years we moved steadily forward to realize that great vision. We created here a society which demonstrated how free men could work together productively in an atmosphere of intellectual stimulation and of spiritual enlightenment. Throughout that period the great American experiment was an inspiration to the peoples of the world. We had good will everywhere because we were, by our conduct and example, a life-giving nation. At times our progress was interrupted, but we recoiled only to move forward. American genius found a way to overcome dislocations when they occurred. Then in the years before the war while the pursuits of peace were possible, we experienced ten years of retrogression in many important respects. During these years we lost confidence in ourselves. We had a ten year depression, ended only by the feverish and deadly stimulus of war. We had never before experienced a depression from which we did not quickly rebound to greater progress. No material reason was adequate to explain what had happened.

The American people are the most competent, vigorous and intelligent in the world today. There lie before us opportunities which are immeasurable. There is only one thing that can stop us from resuming forward progress. That is loss of faith in ourselves and in the simple, yet profound truths by which free men live. With restoration of faith in ourselves and our system, with hard work and an end to quarrelling, the American people will again go forward. They will recapture their self-confidence and self-pride in worthy achievement. In the future we shall again be the great people which our heritage and our vigor command.

The means by which our present unity in war can be preserved in the peace to come is the vital problem of our time. It seems to me that much of our success in war has come from the sense that every individual citizen had a personal job to do. While there has been a maze of regimentation, some necessary, some inexcusable, our strength at home has come wholly from the genius of our free men in industry and the devotion of our workers and our farmers to their jobs. Our success or failure after the war will depend on whether we, as a nation, take to heart the lesson the war has taught us. If we permit the continuance of the regimentation which some so earnestly desire, we shall fail. We cannot practice in peace the centralization which brought totalitarianism to our enemies and be either free or successful. We can release and rely upon the energy and spirit of the freedom for which we fight. In that way we cannot fail to be both free and successful.

In this meeting I think I see not only the means by which we go forward again but the fresh, confident leadership the Nation needs. Each of you came to the head of your government in a period of crisis, determined to do a job for your State and your Country. The result has been that the governors of the states are heard with new force and influence in the Nation. This is fundamental, I believe, because it represents an administrative revival. It

stands for a revival of powers close to the people. It stands for a revival of responsibility close to the people. It means that we are emerging from a period in which the communities and the states engaged in a holiday of surrendering responsibility to the National Government. It marks at least the beginning of the end of the surrender of their power by the people.

Our success in the war and the future of our country are indissolubly tied up with the maintenance of competent state governments, competent governments in cities, counties, towns and villages. That is the essence of the Federal system we are sworn to maintain.

All of us, I am sure, no matter which our party, are deeply concerned that our respective states maintain their responsibilities in the war and after. But we can succeed in that objective only as we meet effectively our opportunities to advance the welfare of our people.

I have first-hand evidence in my own state, as I am sure each of you has in his, that the people want to bring responsibilities and obligations closer home. In the field of finance, for instance, it has been encouraging to witness the wholehearted approval by the great majority of New Yorkers of the buttressing of the State's finances.

For the most part, our states will emerge from the war in a relatively stronger financial position than that of the Federal Government. The National Government will be confronted with an enormous debt and an enormous annual charge for debt service. Meanwhile, the states have been able to strengthen their financial position greatly in recent years. We have found it possible to effect many economies, some permanent, some temporary. At the same time, the high rate of industrial activity and of employment has, in general, increased State revenues. Inevitably, this situation evokes some large questions of fiscal policy. In my own State, and I am sure that others of you have had the same experience, there was certainly no lack of helpful suggestions about how to use the State surplus. Some groups suggested that it should be used to reduce taxes. Others were eager to see the surplus given away to aid them or particularly causes they favor.

We felt that neither of these courses was morally or economically defensible. Either tax reduction or increased spending in times like the present would be equally unsound and irresponsible. The State's surplus, as we saw it, was not ours to spend nor ours to give away. It was rather a fund which we held in trust for those who had left their homes to fight upon the battlefronts or to work in the munitions plants. Moreover, we know that fiscal policy is following a treacherous course when it reduces taxes in relatively good times only to face the necessity of increasing taxes in hard times. We adopted the principle that in good times one should save up for a rainy day in order that if hard times come there may be funds to meet necessary expenditures without adding to the burden of taxes.

What we did with our State surplus, therefore, was to lock it up. The entire sum, now amounting to \$163 million has, by act of the Legislature, been put into a Reconstruction Fund. It will be available during the war period for reinvestment in United States Government securities to help the National war effort. When the war is over it will be there to help us finance a post-war program of necessary deferred works. It will contribute toward the economic and social rehabilitation of the men and women who will return from our armed forces and from the war industries. In addition it has been possible to provide full unemployment insurance and extensive educational and vocational training opportunities for our veterans. Our people propose to start with a healthy effort to help themselves.

In this job of helping the returning veteran to find employment, the states, so far as lies within their power, must seek to encourage the development of sound employment opportunities. To some extent there will be needed post-war public works which can help to stimulate the real jobs. In New York our Post-War Public Works Planning Commission is preparing a program of needed public works construction which will also provide immediate employment when needed. The commission also allots funds and assists the municipalities in the preparation of plans. Many plans are already completed and on the shelf for needed and sound improvements. None of these will be "make work" projects. We are pushing ahead, getting blueprints ready for sound and essential construction and tossing all of the frills out the window.

By these and similar plans the various State governments are doing much to cushion the effects of post-war economic readjustment. But we must never forget that the heart of the economic life of America is business and industrial enterprise.

It provides the great preponderance of employment opportunities for our people. Here again, State government can help. Our Department of Commerce is engaged upon a program to encourage business development and stimulate job opportunities. It is making an inventory of all the manufacturing firms of the State. It is obtaining figures about their volume of employment both before and during the war and estimates of their employment potentialities in the post-war period. Business men are being encouraged to plan for the future. We are investigating as accurately as possible the approximate dislocation of workers in war production so as to be able to meet their needs.

There is still another vital question with which I know we are all concerned. That is the production of food for war and the maintenance of a prosperous agriculture. Here, again, the people themselves and the units of government closest to them can do the job best if they are encouraged and permitted to do it.

When I had the honor to speak to you over a year ago the consequences of remote control had become glaring in the food problem of our State. To meet the situation we created the Emergency Food Commission and appointed a Farm Manpower Administrator to work with that commission. The farmers of New York rose to the occasion in a fashion that made the people of the State proud indeed. They had inadequate help, hardly any new machinery, sometimes not even enough gasoline to plow or cultivate their fields and they were confronted with excessive regulation from Washington. But the Emergency Food Commission and the Farm Manpower Administrator overcame many apparently unsurmountable obstacles. The farmers were able to harvest and process their crops last fall without any loss, thanks to the help of a volunteer army of 111,000 workers.

Despite temporary surpluses of some products and removal of rationing of others, I fully expect that our Emergency Food Commission this year will have even more critical problems to meet. The State and Federal farm manpower agencies have estimated that in the coming months we shall need in New York State alone a volunteer army of farm workers of 140,000. I am sure each of the states is facing a similar need. But if we continue in the magnificent spirit of local leadership and neighborly help we will all again plant and harvest our crops.

I wish we could hear the experience of all the states in striking out boldly, as they have done, to meet the challenge of war. The fact is that each of the states has done it. The result is the beginning of a new revival that goes down to the roots of America.

It is a revival of growth—the principle of growth in our common life. It is a new willingness to face the future without prejudice, with open eyes and eager minds. It is a determination to do a good job and not to pass the buck to someone else. This is not a matter of states' rights. It is a matter of affirmative acceptance of local responsibility. It is significant that the members of this group of governors are largely in early middle life. You are not tired by long doing. You are fresh for great tasks ahead.

This group will be a wholesome influence when we face, as we must, the redistribution of functions, powers and people which have swarmed about our National Government. You are ideally placed to see that all possible functions of government in this country will proceed close to their source. That source is the people.

With the help of the driving influence of the men in this room, there will be determination never to permit that concentration of national power which would wipe out our republican system and substitute a disguised totalitarianism. There will be no reaction after the war. America never goes backward. There will be no surrender to aggregations of power either in civil life or in government. Our country always has and it always will go forward because its people are free men and women determined to remain free.

The American people intend to win this war and to be done with fighting both at home and abroad. The war against our enemies must be pursued

inflexibly, efficiently and to a quick solution. When victory is won it must be won for good.

The task of political leaders is not to lead one part of the American people against another in violent crusades about unessentials. The task is to unify in peace, as in war; to keep and build our new-found faith in ourselves, in our country and in our God. The evidence is overwhelming that the new competence, the new acceptance of responsibility shown by the governors of the states reflects a new determination by our people that the freedom we have re-won at war shall be reestablished and maintained in peace.

At New York State Memorial, Gettysburg Battlefield, Gettysburg, Pa., May 30, 1944

Tribute to American Heroes

On behalf of the people of the State of New York, I have the privilege of bringing this wreath as an offering to the memory of the gallant men who gave their lives to preserve this country as a home for all men and women who wish to be free.

But we should be lacking in our appreciation of the living heroes if we did not also at this moment think of and pray for those who are risking their lives in another, a far deadlier war against the enemies of all freedom—the forces of Fascism and despotism.

On this ground was fought a battle, the first of a list of victories that decided the fate of a nation. Overseas our fighting men are preparing to engage in another series of battles which will decide the fate not merely of this Nation but of the world. We know there can be no final result but victory. But we have been warned that the victory will cost the lives of many valiant Americans and their Allies.

Therefore, on behalf of the people of New York State, I lay here this wreath not only as a tribute to the heroes of the Civil War but to the heroes of today. May they return to a land which will be truly a home for brave men.

To Empire Girls' State, Capitol, Albany, N. Y., July 13, 1944

Women in Government

It is a pleasure to greet the members of the Empire Girls' State here today. You girls have shown a keen interest in government. I hope you will keep it up. I hope that all of you when you are older will follow closely public affairs and use your votes and your influence on behalf of good government. I hope also that some of you when you go back home will think about the possibility of making public service your future career. Women are playing a more and more important part in government these days and that tendency should increase as time goes on.

As Governor, I have been exceedingly fortunate in bringing into the service of the people of the State a great many able and public-spirited women. Let me give you the names of just a few of them:

There is Miss Louise C. Gerry, who is a member of the Civil Service Commission; Miss Mary Donlon, Chairman of the Industrial Board; Miss Esther Longstreet, Assistant Industrial Commissioner, and Mrs. Leopold K. Simon, member of the Industrial Board. Then there is Miss Ruth Miner, Executive Deputy Secretary of State; Miss Bertha Diggs, Secretary to the Department of Labor; and Miss Mary Krone, Director of the Division of Commodity Taxation in the Tax Department. Other women who occupy important posts in the State Government include Miss Katherine Weidlich, head of publicity of the Division of Housing; Mrs. Roger W. Straus, who is a member of the Emergency Food Commission and Director of the State Nutrition Service in the Metropolitan area; Mrs. Caroline W. Gannett, member of the New

York State War Council; Mrs. Rebecca McNab, Director of the Division of Civilian Mobilization of the New York State War Council.

There are many more. In addition to these I have named, scores of women are serving on the boards of visitors of hospitals and as trustees of State hospitals. The Republican Party in this State now has two county chairmen who are women. I am particularly happy that this new note has come into our political system during my term as Governor.

Let me add that each of these women in our State Government was appointed, not because she was a woman, but because she was qualified—because she could render fine, important service to the people of our State. This I think is concrete promise of an ever brighter future for the participation of women in our government.

It is especially encouraging to me to see young women like yourselves taking an intelligent interest in the affairs of government. In recent years, government in this country, especially the Federal Government, has become more and more complicated. It has become bigger and bigger, and it has become harder and harder to understand. Now, much of this growth and complexity is inevitable. It is a natural outgrowth of the increasing interrelationship of our American industrial and social life. It is a natural outcome, also, of the fact that today we expect many things of government, State, local and Federal, which your grandfathers did not expect of government and which, in fact, some of them probably thought government ought not to meddle in at all.

Now we cannot go backwards! Never forget, that our country never goes backwards! We would not want to if we could. Many of these comparatively new functions of government are highly important and are here to stay, but we must be on our guard to see to it that government does not become so big and so complicated that it is in danger of losing touch with the people. Government can never be bigger than the people. Long ago, one of the wisest Presidents this country ever had, Thomas Jefferson, told us this. He said:

“Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are its only safe depositaries.”

There have been in recent years, two tendencies in our public life which have worked to separate government from the people. One has been the development in Washington of a concept that the Executive Department of the Federal Government is apart from and superior to the other branches of government and is above the people. The other development has been the growing aggressiveness of various pressure groups and special interests who push their particular claims so vigorously that they tend to act as a wedge between government and the broad interests of all of the people. One of the big tasks of the next few years will be to bring government closer to the people and to bring the people closer to the practice of self-government. The strength of the Nation is the strength of its people. The strength of the people is where they live—in the cities, villages, farms of America. Without them, as seems sometimes to be forgotten, there would be no government.

That we shall succeed in restoring government that is close to the people I have no doubt. One of the encouraging signs is the interest that young people are taking in government. The presence of you girls here today is an inspiring demonstration that you young people are actively realizing that government concerns all of you intimately and vitally; that it is not an abstract idea, remote from them, a thing about which they read only in the newspapers and think about only on Election Day. Your government will be better and closer to you only as you, yourselves, make it so. I am happy that you are getting in practice now.

**At Annual Convention of New York State Federation of Labor,
Syracuse, N. Y., August 21, 1944**

(Message Sent, Not Delivered in Person)

Great Record of New York State Labor

To the Annual Convention of the New York State Federation of Labor:

(GREETINGS:—Your president, Tom Murray, has sanctioned this once, the breaking of a hallowed precedent which both you and I respect. That prece-

dent requires the Governor of the State of New York to appear personally and address the New York State Federation of Labor.

He understands, and I know you will too, that the press of my obligations and responsibilities at this time make it impossible for me to be on hand. After all, there is probably no group in the State of New York which can understand better how the necessary and unnecessary problems we have had to live with in wartime have made almost limitless demands on public officials. For you are, in a sense, public officials yourselves.

Each one of you has been elected by a constituency of wage earners to a position of trust which bears directly on the public welfare.

You, too, have had to live with the boards, the regulations and the directives and have had to wait through what seemed interminable delays for answers to vital problems, meanwhile being subject to mounting pressure to get the decisions you sought.

You have also seen, and held your temper though you were outraged, how other, less patriotic people have taken advantage of the delays while you cautioned patience. I know that the job of being a business agent or union representative is hardly a bed of roses. But I also know it must have compensations in your knowledge that you have put winning the war above all other considerations.

You have done your job supremely well and no one can dare to question the patriotism of your organizations. Although New York is first among industrial states of the Nation, its wartime strike losses are among the lowest in the Nation.

This is a great record, and it has been made by you through the responsibility and character you have given to the organizations you represent. I like to think the State administration has made some contribution to that record by having an understanding of your problems and being prepared to cooperate realistically in the maintenance of industrial peace.

I know of no reason why the stability which you, and New York industry, and the State Government together have achieved cannot be duplicated nationally.

We have real cause to hope that, if our efforts do not flag here at home, our fighting men abroad will have made it possible for the next annual convention of the New York State Federation of Labor to devote its concentrated attention to the complex problems of peace which will confront us. The Nation will be counting on the American labor movement and its leaders to make a major contribution to solving those vital problems and solving them in a new way. I mean a way which provides not doles but jobs for all.

You have my best wishes for making successful your deliberations in Syracuse. I know that you will at this convention, as you have always done in the past, be guided by counsels of moderation and wisdom which are the products of your rich experience.

THOMAS E. DEWEY

At Annual Meeting of New York State Industrial Union Council, Saratoga Springs, N. Y., September 7, 1944

(Message Sent, not Delivered in Person)

Labor's Record

GREETINGS:—As Governor of the State of New York and as one deeply concerned about the future of America, I welcome your invitation to send a message through you to members of the C.I.O. For purposes of collective bargaining you represent an important section of the workers in this State.

I salute the job which New York labor is doing in our workshops. As soldiers in the Army of Production you can take great satisfaction in the knowledge that your membership has served well the cause of freedom for which our fighting men are giving their lives. Members of organized labor have made on the production front of the war a record in which we all take pride.

Although our State is first among industrial states of the Nation, its wartime strike losses are among the lowest. Making this great record has demanded sacrifices, but it has not been made at the price of the high labor standards we have established in New York. Labor, management, and government working as a team have made a record in this State which is a model for the Nation. And the way we have handled our labor problems in New York has avoided reactionary trends found elsewhere.

All of us are stirred by the great page of history which our fighting men are now writing with their blood. By demonstrating what a free people can do to shape their own fate, our victories on the battlefronts must inspire us to build a peacetime America in which poverty and insecurity have no place.

Our soldiers overseas and our soldiers of production will not turn back to doles and raking leaves. I refuse to believe the rank-and-file of labor is partisan to the philosophy of the dole. And I refuse to believe that the practitioners of the dole philosophy can have labor's votes delivered to them by anyone at all.

There are those who claim labor's votes can be thus delivered. Some who make that claim hold union offices which were created to advance labor's interests in higher wages, better conditions and greater job security. I say that those who seek to perpetuate a dole economy betray the aspirations of the American labor movement.

The wage earners of this Nation must go forward to an assured peace in which there will be jobs for all. Organized labor will help, I am sure, in achieving the goal of full employment. I am confident that its great rank-and-file and its true leaders, in spite of influence, playing on them to act otherwise, will assume their share of that responsibility.

American labor has built great organizations to protect its industrial citizenship. As one who has faith in America and in the spirit of freedom which is winning this war, I am certain workers will not submit to a labor front which barbers away their political citizenship.

You have my best wishes for a successful meeting in Saratoga Springs. Do not pause in your efforts to help win this war. But do not forget that we have still to win the war against unemployment when we stop making the instruments of death.

THOMAS E. DEWEY

At Pulaski Day Parade, New York City, October 8, 1944

I am happy to take part in this celebration, proud to have a share in doing honor to the memory of the distinguished cavalry officer from Poland, who gave his life to help make us free. The fact that we are here today, living as free citizens in a free republic, is due in large measure to the military ability, the leadership and the heroism of General Count Casimir Pulaski.

His struggles and sacrifices in the cause of human liberty were completely idealistic and disinterested. Born in the privileged classes of his native land, an hereditary aristocrat, Casimir Pulaski and his father, Count Joseph Pulaski, had nothing to gain personally, everything to lose when they risked their fortunes and their lives fighting for Polish integrity and independence in the Confederation of Bar. The Pulaskis did lose everything, but we, the now still free people of America, gained much. For Casimir Pulaski, as commander-in-chief of the Polish patriot forces, acquired the experience that made him invaluable later when the Continental Congress appointed him chief of the cavalry forces under General Washington. That same experience and the unquenchable fire in every Polish fighting man since Jan Sobieski threw the Turks back from the gates of Vienna in 1683 were responsible for the brilliant defense of Charleston in 1779 by Pulaski's Polish Legion.

I am particularly happy on this day of 1944 to greet Your Excellency and so many American citizens of the blood of Casimir Pulaski. For five years we in America have had cause to grieve with you for the unprovoked devastation inflicted upon the country of your origin by an enemy whose character and actions cannot be described in terms fit for public utterance. We have shared with you your just pride in the indomitable valor of Polish resistance to the Nazi bestialities. We have watched with ever-increasing respect and admiration the refusal of your kinsmen to be defeated.

We now claim a right to share in your pride and relief that the end is within sight. Polish fighting men have contributed to the imminent crushing of our enemies in the air, on land and on the high seas. Polish fighters are among the armies now invading Germany under General Eisenhower. A Polish contingent has been in the front line of the Eighth Army driving the Nazis back along the shore of the Adriatic. Here on the American Home Front, men and women of Polish origin have worked and are now working day and night to help equip the armies of liberation.

The people of New York State can well be proud to remember that in New York City the preliminary negotiations for the establishment of Polish independence were conducted in 1917 and 1918 by the great artist and most lovable of all patriots, Jan Ignace Paderewski. The American people then recognized the justice of the claims he urged.

Today those claims are stronger than ever. Polish valor and Polish tenacity have contributed much toward victory. I venture to say that there is not a sensitive man or woman throughout the United States who does not want to see as one of the results of victory, the re-establishment of Poland as an independent and sovereign nation reborn upon a basis which will be permanent. We would like to know more about the plans for that consummation. We would like to know more about the results of the private deliberations of those who now discuss Poland's future in dim secrecy. American citizens of Polish descent would do well to do everything in their power to bring discussions of Poland's fate from the dark to the light. Be assured that whatever transpires in the next few months, the American people will not be satisfied unless we meet the just claims of the Polish people upon our gratitude, sympathy and admiration, upon our desire that all people shall have the freedom to which they are entitled.

Radio Address from Executive Mansion, Albany, N. Y., in Connection With National War Fund Campaign, October 19, 1944

Broadcast over Nation-Wide Network

I am happy, once again, to join in the appeal for the National War Fund—and for your own local home-front agencies with which the National War Fund is joined in common cause.

Never were there warmer, more important services than those supported by the National War Fund. It provides recreation and entertainment to our fighting forces far from home. It provides physical and spiritual sustenance to lonely and weary Americans who are prisoners of war. It provides relief and aid to the civilian victims of war among our fighting Allies. It furnishes care and assistance to our own people here at home.

To all these areas of great need, the National War Fund carries a human and a healing ministry. It is the American conscience in action.

I am also glad to support this appeal because the National War Fund is a great federation of war-related services. It is American team-work at its best. It unites the war work of twenty-two member agencies, of scores of other participating services and of the agencies in your own community. It is inter-faith. It is non-governmental. It is wholly voluntary. It is the living, working proof of the vitality of the American idea of neighborly good-will.

In 1941, it was my privilege to serve as National Campaign Chairman of the first public appeal of the U.S.O. The U.S.O. has since become a part—a very large part—of the National War Fund. Back in 1941 I pointed out, as I traveled through the country organizing the effort, that the very existence of the U.S.O. illustrated one of the basic differences between a regimented people and a free people. The support of the people for that first U.S.O. campaign was proof that you and I, as Americans, want to have a personal, individual, voluntary share in serving our fighting men.

Because of that support, the U.S.O.—in three short years—has become an essential service to our fighting forces all over the world. There are some 3,000 U.S.O. clubs and units in operation. They are visited over 30,000,000 times every month by service men and women. U.S.O. camp shows bring fun and relaxation to camps, at training stations, and to our wounded. More than 500 performers have brought these shows to the men up in the combat zones.

Now, U.S.O. has taken on an added responsibility and service. It is giving special training to hostesses to enable them to help convalescent veterans and to prepare them for their return to civilian life.

The united, effective work of the U.S.O. is equally apparent in the other great agencies which share in this War Fund Appeal. There is the United Seamen's Service, which maintains rest centers for our merchant seamen in over a hundred ports throughout the world. Then there is War Prisoners' Aid, which supplies books, musical instruments, sports equipment and many other comforts to those thousands of our men who are in the hands of the enemy. The foreign relief and refugee agencies of the National War Fund follow, close-up, in the wake of the war to salvage life and restore hope to the stricken people. The war-related agencies of your own community provide child care, health protection, welfare and youth services—those humanitarian enterprises which have helped to make our homefront so strong and so brave.

This, then, is an appeal to all Americans to support an all-American cause. I know that you will give; that you will give now; that you will give generously. I know that you will give so generously that our fighting men, for whom we give will know it too. For our generosity will be a measure of the steadfastness with which our home-front supports them on the battlefield. It will be an assurance to them of the tender affection in which they are held—and a promise of our will that they shall come home as soon as possible after victory to an America with freedom and opportunity for all.

At Ninth Annual HI-Y Assembly, Capitol, Albany, N. Y., December 8, 1944

The Political Future and Responsibilities of Young Voters

One of the most moving and encouraging things to me during the past year has been the thousands of letters from young people which have come to Albany both before and since the recent election. Some of the writers were about your age, some of them considerably younger, but they all revealed a tremendous interest in the affairs of government in our country. They show a great interest in our future, in our freedom and in winning at home the objectives for which we fight abroad. These letters also show a great sense on the part of our young people that citizenship in a free republic brings with it duties and responsibilities as well as rights. *

Your presence here as members of the Hi-Y Assembly proves that you are among those who appreciate your responsibilities as free people. It is the first duty of a citizen in a free republic to educate himself in the principles, practice and technique of his government. Your debates over the bills before you will give you first-hand practical knowledge of the machinery of enacting laws. To be properly realistic you should be surrounded by pressure groups—lobbyists trying to push you this way and that. Then you would realize some of the difficulties that beset legislators.

I have read many of the bills you will consider here. A large number of them are excellent. All of them are sincere and well-meant. I congratulate all of you and I am certain your meeting will be very interesting and highly constructive. I hope that all of you are also studying politics at home—the best place to begin. In your own town, your own district, your own ward, you will learn the fundamentals. You can learn by personal acquaintance with the captain of the block in which you live, with your district leader, your county or township committeemen. I trust none of you will be reluctant to approach them because you are not yet of voting age. They are perfectly sensible of the fact that you are going to be voters in a few years, and they should be just as anxious to know you as you are to become acquainted with them. In that way, you will be studying politics, the government of your country, at the fountainhead. The conduct of public affairs, which is politics, begins in the community.

Never in the history of our country have young voters been faced with such serious problems, such serious questions as you will have to answer when you cast your first ballot.

You will have a share in the decision of the vital issues that will confront us after we have brought the Nazis and the Japanese to their knees. I know that you will resist by all means in your power any development which would render all the bloodshed, all the sacrifices, vain and useless. I am certain that you want to live in a free society, a society which makes it possible for all of us to have economic security and individual liberty.

This time we must make certain that the freedom-loving peoples of the world win a just and a lasting peace. But it is our young people who will be in charge of the country in those years ahead which will be crucial. Let me urge you to use your training in public affairs to lead our country into the ways of permanent cooperation for lasting peace. It is you—ten and twenty and thirty years from now—who will keep yourselves vigorous and earnest in this great cause. It is you who will make it work—or you who will become narrow and lazy and let it fail. Go home from here determined to keep your interest in government and to work and sacrifice for the cause of peace and good will among nations and peoples. Believe in it and work for it. Never was there a greater challenge or opportunity to any generation. I know you will meet that challenge.

CAMPAIGN ADDRESSES

(All Broadcast Over Nation-Wide Network Unless Otherwise Indicated)

Accepting Republican Nomination for President, Republican National Convention, Chicago, Ill., June 28, 1944

I am profoundly moved by the trust you have placed in me. I deeply feel the responsibility which goes with your nomination for President of the United States at this grave hour of our Nation's history.

That I have not sought this responsibility, all of you know. I told the people of my State, two years ago, that it was my intention to devote my full term as Governor exclusively to their service. You have decided otherwise. In accordance with the principles of our Republican form of government you have laid upon me the highest duty to which an American can be called. No one has a right to refuse that call. With the help of God, I shall try to be worthy of the trust. I accept the nomination.

I come to this great task a free man. I have made no pledges, promises or commitments, expressed or implied, to any man or woman. I shall make none, except to the American people.

These pledges I do make:

To men and women of the Republican Party everywhere I pledge my utmost efforts in the months ahead. In return, I ask for your support. Without it, I cannot discharge the heavy obligation you lay upon me.

To Americans of every party I pledge that on January 20 next year our Government will again have a cabinet of the ablest men and women to be found in America. Its members will expect and will receive full delegation of the powers of their office. They will be capable of administering those powers. They will each be experienced in the task to be done and young enough to do it. This election will bring an end to one-man government in America.

To Americans of every party I pledge a campaign dedicated to one and above all others—that this Nation under God may continue in the years ahead a free nation of free men.

At this moment on battlegrounds around the world Americans are dying for the freedom of our country. Their comrades are pressing on in the face of hardship and suffering. They are pressing on for total victory and for the liberties of all of us.

Everything we say or do today and in the future must be devoted to the single purpose of that victory. Then, when victory is won, we must devote ourselves with equal unity of purpose to re-winning at home the freedom they have won at such desperate cost abroad.

To our Allies let us send from this Convention one message from our hearts: The American people are united with you to the limit of our resources and our manpower, devoted to the single task of victory and the establishment of a firm and lasting peace.

To every member of the Axis powers let us send this message: By this political campaign, which you are unable to understand, our will to victory will be strengthened, and with every day you further delay surrender the consequences to you will be more severe.

That we shall win this war none of us and few of our enemies can now have any doubt. But how we win this war is of major importance for the years ahead. We won the last war but it did not stay won. This time we must also win the purposes for which we are fighting. Germany must never again nourish the delusion that she could have won. We must carry to Japan a defeat so crushing and complete that every last man among them knows that he has been beaten. We must not merely defeat the armies and navies of our enemies. We must defeat, once and for all, their will to make war. In their hearts as well as with their lips, let them be taught to say: "Never again."

The military conduct of the war is outside this campaign. It is and must remain completely out of politics. General Marshall and Admiral King are doing a superb job. Thank God for both of them. Let me make it crystal clear that a change of administration next January cannot and will not involve any change in the military conduct of the war. If there is not now any civilian interference with the military and naval commands, a change in administration will not alter that status. If there is civilian interference, the new administration will put a stop to it forthwith.

But the war is being fought on the home front as well as abroad. While all of us are deeply proud of the military conduct of the war, can we honestly say that the home front could not bear improvement? The present administration in Washington has been in office for more than eleven years. Today, it is at war with Congress, and at war with itself. Squabbles between cabinet members, feuds between rival bureaucrats and bitterness between the President and his own party members, in and out of Congress, have become the order of the day. In the vital matters of taxation, price control, rationing, labor relations, manpower, we have become familiar with the spectacle of wrangling, bungling and confusion.

Does anyone suggest that the present national administration is giving either efficient or competent government? We have not heard that claim made, even by its most fanatical supporters. No, all they tell us is that in its young days it did some good things. That we freely grant. But now it has grown old in office. It has become tired and quarrelsome. It seems that the great men who founded this Nation really knew what they were talking about when they said that three terms were too many.

When we have won the war, we shall still have to win the peace. We are agreed, all of us, that America will participate with other sovereign nations in a cooperative effort to prevent future wars. Let us face up boldly to the magnitude of that task. We shall not make secure the peace of the world by mere words. We cannot do it simply by drawing up a fine-sounding treaty. It cannot be the work of one man or of a little group of rulers who meet together in private conferences. The structure of peace must be built. It must be the work of many men. We must have as our representatives in this task the ablest men and women America can produce, and the structure they join in building must rest upon the solid rock of a united American public opinion.

I am not one of those who despair of achieving that end. I am utterly confident we can do it. For years, we have had men in Washington who were notoriously weak in certain branches of arithmetic but who specialized in division. They have played up minor differences of opinion among our people until the people of other countries might have thought that America was cleft in two.

But all the while there was a large, growing area of agreement. Recently the overwhelming majesty of that broad area of agreement has become obvious. The Republican Party can take pride in helping to define it and broaden it. There are only a few, a very few, who really believe that America should try to remain aloof from the world. There are only a relatively few who believe it would be practical for America or her Allies to renounce all sovereignty and join a Superstate. I certainly would not deny those two extremes the right to their opinions; but I stand firmly with the overwhelming majority of my fellow citizens in that great wide area of agreement. That agreement was clearly

expressed by the Republican Mackinac Declaration and was adopted in the foreign policy plank of this Convention.

No organization for peace will last if it is slipped through by stealth or trickery or the momentary hypnotism of high-sounding phrases. We shall have to work and pray and be patient and make sacrifices to achieve a really lasting peace. That is not too much to ask in the name of those who have died for the future of our country. This is no task for men who specialize in dividing our people. It is no task to be entrusted to stubborn men, grown old and tired and quarrelsome in office. We learned that in 1919.

The building of the peace is more than a matter of international cooperation. God has endowed America with such blessings as to fit her for a great role in the world. We can only play that role if we are strong and healthy and vigorous as nature has equipped us to be. It would be a tragedy after this war if Americans returned from our armed forces and failed to find the freedom and opportunity for which they fought. This must be a land where every man and woman has a fair chance to work and get ahead. Never again must free Americans face the spectre of long-continued, mass unemployment. We Republicans are agreed that full employment shall be a first objective of national policy. By full employment I mean a real chance for every man and woman to earn a decent living, at a decent wage.

What hope does the present administration offer here? In 1940, the year before this country entered the war, there were still ten million unemployed. After seven years of unequalled power and unparalleled spending, the New Deal had failed utterly to solve that problem. It never solved that problem. It was left to be solved by war. Do we have to have a war in order to get jobs?

What are we now offered? Only the dreary prospect of a continued war economy after the war, with interference piled on interference and petty tyrannies rivaling the very regimentation against which we are now at war.

The present administration has never solved this fundamental problem of jobs and opportunity. It never can solve this problem. It has never even understood what makes a job. It has never been for full production. It has lived in chattering fear of abundance. It has specialized in curtailment and restriction. It has been consistently hostile to and abusive of American business and American industry, although it is in business and industry that most of us make our living.

In all the record of the past eleven years is there anything that suggests the present administration can bring about high-level employment after this war? Is there any reason to believe that those who have so signally failed in the past can succeed in the future? The problem of jobs will not be easily solved; but it will never be solved at all unless we get a new, progressive administration in Washington—and that means a Republican Administration.

For 150 years America was the hope of the world. Here on this great broad continent we had brought into being something for which men had longed throughout all history. Here, all men were held to be free and equal. Here, government derived its just powers from the consent of the governed. Here men believed passionately in freedom, independence—the God-given right of the individual to be his own master. Yet, with all of this freedom—I insist—because of this freedom—ours was a land of plenty. In a fashion unequalled anywhere else in the world, America grew and strengthened; our standard of living became the envy of the world. In all lands, men and women looked toward America as the pattern of what they, themselves, desired. And because we were what we were, good will flowed toward us from all corners of the earth. An American was welcomed everywhere and looked upon with admiration and regard.

At times, we had our troubles; made our share of mistakes; but we faltered only to go forward with renewed vigor. It remained for this past eleven years, under the present national administration, for continuing unemployment to be accepted with resignation as the inevitable condition of a nation past its prime.

It is the New Deal which tells us that America has lost its capacity to grow. We shall never build a better world by listening to those counsels of defeat. Is America old and worn out? Look to the beaches of Normandy for the answer. Look to the reaches of the wide Pacific—to the corners of the world where American men are fighting. Look to the marvels of production in the

war plants in your own towns. I say to you: our country is just fighting its way through to new horizons. The future of America has no limit.

True, we now pass through dark and troubled times. Scarcely a home escapes the touch of dread anxiety and grief; yet in this hour the American spirit rises, faith returns—faith in our God, faith in our fellowman, faith in the land our fathers died to win, faith in the future, limitless, and bright of this, our country.

In the name of that faith we shall carry our cause in the coming months to the American people.

On Capitol Steps, Albany, N. Y., July 1, 1944

Expressing Thanks for Welcoming Reception (Not Broadcast)

I think this morning I have seen more of my neighbors than in all of the preceding year and a half.

I can't tell you how grateful I am for this friendly reception and how much I appreciate your being here today.

I hope you will permit me to say I hope you feel the same way next November.

We are going to start this campaign in the most critical period of our history. We are going to prove in this campaign to all the world including our enemies, that America is the most united nation in the world. We are going to prove it because we are almost the only nation in the whole world which would dare risk an election during the most critical phase of a war. We can risk an election because to us that means we are free men and women. We are going to keep the things we are fighting for and strengthen them by having an election in these times.

It means we have the greatest system in the world. We are able to argue about things which mean most to us while everyone keeps his shoulder to the wheel. It means to the Axis that doom will come sooner because we are so strong we can argue among ourselves and fight a war better as we do it. After November 7 America will be stronger.

Throughout this campaign the points upon which we are agreed will become so clear that even Hitler and Hirohito can understand them. As a result of this campaign we will prove that in the process of fighting a total war this country can preserve its sacred free processes and become stronger as a result of an election.

I want you to know Mrs. Dewey and I are warmly and deeply grateful for your friendship here. We hope to see you again during the campaign and hope to justify the confidence you have shown here today. Thank you.

From Rear of Train, Springfield, Ill., August 1, 1944

American Wartime Elections—Roosevelt Depression (Not Broadcast)

We thank you very much for your cordial welcome. I am proud to be in the State of my great friend, Dwight Green, and to have his hospitality today. He and I have been doing the same thing for fourteen years. Fourteen years ago he and I were chasing gangsters, I in New York, he in Chicago. And I may say we are both still at it, to some extent.

We are glad to be in Springfield, because we are proud of the great record your city has made in this war. Before the war you made \$30,000,000 of goods per year. I am told that today you have \$500,000,000 of war contracts that you are turning out in Springfield, Illinois, in the manufacture of weapons for the fighting men; and never has a secret leaked out in Springfield. You have a right to be proud of that.

We are engaged in a great campaign, that will start later in the year, by which and through which we will strike increasing terror into the hearts of our slowly collapsing enemies.

We hold elections in this country even in the midst of total war. We hold them because we know no country can remain free unless its government is by the people. We hold this election knowing that America will become stronger as a result of it, that America will come closer to the end

of the war because of a united determination to have stronger and better government which will bring it to a conclusion. We hold this election because we know that we destroy the ideology of those we strike. Their strength depends upon one man. Our strength depends upon the American people, and upon no one man.

We are electing a President for four years, most of which will be peacetime years, in which we shall build the best peace the world has ever seen, and we shall hope and pray that it will be a lasting peace. In so doing we shall restore a government which is interested in the people of the United States, and which will bring to an end the eight-year Roosevelt Depression with ten millions unemployed, that we had from 1933 to 1940—and it took a war to stop it!

I am here because I want to talk to your people. I want to see your people. I want to equip our government, when we take over on January 20, next year, to bring the period of reconversion to the quickest possible end at the end of this war; to bring jobs and a sound economy back to this country and to see that the Roosevelt Depression does not return.

Thank you very much for coming.

At Convention Hall, Philadelphia, Pa., September 7, 1944

Peace Prospects of America—Failures of the New Deal

• Tonight we open a campaign to decide the course of our country for many years to come. The next National Administration will take office January 20, 1945, and will serve until 1949. Those years 1945 to 1949 will be largely—and, we pray, wholly peacetime years.

For nearly three years our Nation has been engaged in a world war. Today our armed forces are winning victory after victory. Total, smashing victory is in sight. Germany and Japan shall be given the lessons of their lives—right in Berlin and Tokyo.

America—our America which loves peace so dearly—is proving once again that it can wage war mightily . . . that it can crush any aggressor who threatens the freedom which we love even more than peace. The American people have risen to the challenge. The war is being won on the battlefronts. It is also being won in the factory, the office, the farm, the mine and the home.

Yes, we are proving that we can wage war. But what are the prospects of success as a nation at peace! The answer depends entirely on the outcome of this election.

At the very outset I want to make one thing clear. This is not merely a campaign against an individual or a political party. It is not merely a campaign to displace a tired, exhausted, quarreling and bickering administration with a fresh and vigorous administration. It is a campaign against an administration which was conceived in defeatism, which failed for eight straight years to restore our domestic economy, which has been the most wasteful, extravagant and incompetent administration in the history of the Nation and worst of all, one which has lost faith in itself and in the American people.

This basic issue was clearly revealed in the recent announcement by the Director of Selective Service in Washington. He said that when Germany and Japan have been defeated it will still be necessary to demobilize the armed forces very gradually. And why? Because, he said, "We can keep people in the Army about as cheaply as we could create an agency for them when they are out."

For six months we have been hearing statements from the New Deal underlings in Washington that this was the plan. Now it is out in the open. They have been working up to it. Because they are afraid of peace. They are afraid of a continuance of their own failures to get this country going again. They are afraid of America.

I do not share that fear. I believe that our members of the armed forces should be transported home and released at the earliest practical moment after victory. I believe that the occupation of Germany and Japan should very soon be confined to those who voluntarily choose to remain in the Army

when peace comes. I am not afraid of the future of America—either immediate or distant. I am sure of our future, if we get a national administration which believes in our country.

The New Deal was founded on the philosophy that our frontiers are behind us and all we have left to do is to quarrel over the division of what we have. Mr. Roosevelt, himself, said in 1932: "Our industrial plant is built . . . our task is not . . . necessarily producing more goods. It is the soberer, less dramatic business of administering resources and plants already in hand." The New Deal operated on that philosophy for seven straight peacetime years with unlimited power. At the end of that time in 1939, the New Deal gave its own official verdict on its failure by this cold admission: "The American economic machine is stalled on dead center."

The administration knows that the war, with all its tragic toll of death, debt and destruction, is the only thing that saved it. They are deadily afraid that they will go back to resumption of their own failures. That is why they are afraid to let men out of the Army. That is why they say it is cheaper to keep men in the Army than to let them come home.

Now let us get another point straight for the record right here at the beginning. In the last hundred years we have had eleven periods during which business and employment were well below normal. During that period, the average depression lasted two years. In the entire hundred years the longest depression of all was five years and the next longest was four years—up to the last one.

When this administration took office the depression was already over three years old. Then what happened? In 1934, when the depression was then five years old—longer than any other in a century, we still had twelve million unemployed. By 1940, the depression was almost eleven years old. This administration had been in power for seven straight years and there were still ten million American unemployed.

It took a World War to get jobs for the American people.

Let's get one thing clear and settled. Who was President during the depression that lasted from 1933 until sometime in 1940 when war orders from all over the world began to bring us full employment again? The New Deal kept this country in a continuous state of depression for seven straight years. It made a three-year depression last eleven years—over twice as long as any other depression in a whole century.

Now, Washington is getting all set for another depression. They intend to keep the young men in the Army. The New Deal spokesmen are daily announcing that reconversion will be difficult, if not impossible. They say that relief rolls will be enormous. They drearily promise us that we will need to prepare for an army of unemployed bigger than the armies we have put in the field against the Germans and the Japanese. That's what's wrong with the New Deal. That's why it's time for a change.

The reason for this long continued failure is two-fold. First, because there never was a worse job done of running our government. When one agency fails, the New Deal just piles another on and we pay for both. When men quarrel, there is no one in authority to put a stop to it. When agencies get snarled up there is no one in authority to untangle them. Meanwhile, the people's business goes to pot and the people are the victims.

Right in the final crisis of this war, the most critical of all war agencies—the War Production Board—fell apart before our eyes. This is also the board in charge of reconversion and jobs. Yet we have seen quarreling, disunity and public recriminations day after day, as one competent man after another resigned and the head of the board was sent to China. We have seen this happen in agency after agency. The cost to the war effort, to the country, can never be calculated. And it's time the people put an end to it.

When the W.P.B. fell apart, so did your chance under this administration for jobs after the war. For now the New Dealers have moved in, and their handiwork, their promise for America is not jobs—but the dole.

The other reason for this long continued failure—the reason why they are now dismally preparing for another depression—is because this administration has so little faith in the United States. They believe in the

defeatist philosophy that our industrial plant is built, that our task is not to produce more goods but to fight among ourselves over what we have.

I believe that we have not even begun to build our industrial plant. We have not exhausted our inventive genius. We have not exhausted our capacity to produce more goods for our people. No living man has yet dreamed of the limit to which we can go if we have a government which believes in the American economic system and in the American people.

This administration is convinced that we can achieve social security only by surrendering a little bit of freedom for every little bit of security. That is exactly what our enemies thought. So their people first lost their freedom and then their security. I cannot accept that course for America. I believe—I know—that we can achieve real social security only if we do keep our freedom.

There can be—there must be—jobs and opportunity for all, without discrimination on account of race, creed, color or national origin. There must be jobs in industry, in agriculture, in mines, in stores, in offices, at a high level of wages and salaries. There must be opportunity and incentive for men and women to go into business for themselves.

The war has proved that despite the New Deal, America can mightily increase its frontiers of production. With competent government America can produce mightily for peace. And the standard of living of our people is limited only by the amount of goods and services we are able to produce.

The New Deal prepares to keep men in the Army because it is afraid of a resumption of its own depression. They can't think of anything for us to do once we stop building guns and tanks. But to those who believe in America, there's lots to do. Why just take housing, for example. If we simply build the homes the American people need in order to be decently housed, it will keep millions of men employed for years. After twelve years of the New Deal the housing of the American people has fallen down so badly that just to come up to the standards of 1930 we will need to build more than a million homes a year for many years to come. And this does not include the enormous need for farm housing repairs and alterations.

By the end of this year we will have an immediate need for 6,000,000 automobiles just to put the same number of cars back on the road that were there in 1941. We will need after the war three and one-half million vacuum cleaners, 7,000,000 clocks, 23,000,000 radio sets, 5,000,000 refrigerators, 10,000,000 electric irons, 3,000,000 washing machines, and millions of other household appliances. There are 600 different articles made of steel and iron which have not been manufactured since 1942. All this means production and production means jobs. But that kind of production and that kind of jobs are beyond the experience and vision of the New Deal.

The transportation industry—rail, air and motor—is waiting to get going.

The mighty energy we found lying dormant and unused in this country at the beginning of the war must be turned from destruction to creation. There can and must be jobs for all who want them and a free, open door for every man who wants to start out in business for himself.

We know from long experience that we will not provide jobs and restore small business by the methods of the New Deal. We cannot keep our freedom and at the same time continue experimentation with a new policy every day by the National Government. We cannot succeed with a controlled and regulated society under a government which destroys incentive, chokes production, fosters disunity, and discourages men with vision and imagination from creating employment and opportunity.

The New Deal really believes that unemployment is bound to be with us permanently. It says so. They will change this twelve-year old tune between now and election. They have done it every time. But they've always come back to it after election. The New Deal really believes that we cannot have good social legislation and also good jobs for all. I believe with all my heart and soul that we can have both.

Of course, we need security regulation. Of course, we need bank deposit insurance. Of course, we need price support for agriculture. Of course, the farmers of this country cannot be left to the hazards of a world price while they buy their goods on an American price. Of course, we need unemployment insurance and old age pensions and also relief whenever there

are not enough jobs. Of course, the rights of labor to organize and bargain collectively are fundamental. My party blazed the trail in that field by passage of the Railway Labor Act in 1926.

But we must also have a government which believes in enterprise and government policies which encourage enterprise. We must see to it that a man who wants to start a business is encouraged to start it, that the man who wants to expand a going business is encouraged to expand it. We must see to it that the job-producing enterprises of America are stimulated to produce more jobs. We must see to it that the man who wants to produce more jobs is not throttled by the government—but knows that he has a government as eager for him to succeed as he is, himself.

We cannot have jobs and opportunity if we surrender our freedom to government control. We do not need to surrender our freedom to government control in order to have the economic security to which we are entitled as free men. We can have both opportunity and security within the framework of a free society. That is what the American people will say at the election next November.

With the winning of the war in sight, there are two overshadowing problems. First, the making and keeping of the peace of the world so that your children and my children shall not face this tragedy all over again. This great objective to which we are all so deeply devoted, I shall talk about at Louisville tomorrow night on the radio.

The other problem is whether we shall replace the tired and quarrelsome defeatism of the present administration with a fresh and vigorous government which believes in the future of the United States, and knows how to act on that belief.

Such action involves many things: tax policies, regulatory policies, labor policies, opportunity for small business, the bureaucracies which are attempting to regulate every detail of the lives of our people—these are all of major importance. I shall discuss each of them in detail before this campaign is over. I will discuss them in plain English and say what we propose to do about them.

I am interested—desperately interested in bringing to our country a re-birth of faith in our future. I am deeply interested in bringing a final end to the defeatism and failure of this administration in its domestic policies. I am deeply devoted to the principle that victory in this war shall mean victory for freedom and for the permanent peace of the world. Our place in a peaceful world can and will be made secure. But nothing on earth will make us secure unless we are strong, unless we are productive and unless we have faith in ourselves. We can and we will recover our future and go forward in the path of freedom and security. I have unlimited faith that the American people will choose that path next November.

At Louisville Armory, Louisville, Ky., September 8, 1944

The Building of a Lasting Peace

It is good to be in Louisville again and to be the guest of Governor Willis and the Federation of Republican Women's Clubs. I am particularly happy to be able to attend this biennial conference of the women of our party because it symbolizes the vital influence of the women of America in our public affairs. Your influence is needed. Your help is needed in our government. It is especially needed to bring about the thing that is closer to our hearts than life itself—the achievement of a permanent peace at the end of this war. We have been willing to fight for it. Thousands of our sons have died for it. We must be willing to struggle and to work and to sacrifice for it in the years to come.

Twice within twenty-five years the American people have gone to war to defend their liberties from attacks that had their beginnings thousands of miles away. As a result we Americans are completely agreed upon one proposition: We do not intend to have a third world war. This time must be the last time.

We know that we cannot make good that resolve by any effort to withdraw or isolate ourselves from the rest of the world. Our problem is not how to stay out of a future war, our problem is to prevent a future war before it happens, instead of getting into it after it has happened.

Of course, that is easier said than done. Wars have a habit of recurring regularly through all the centuries, but when war comes to us it brings forth a united American effort. It is a non-partisan matter when we are in war. So also we must learn to make peace a non-partisan matter, to be achieved through a united effort. Only through a non-partisan approach to the shaping of a peace structure can America achieve unity of purpose. Only with unity of purpose can America influence the rest of the world in the manner which its real strength has entitled and equipped it. I am deeply convinced that our peace efforts can and must become a non-partisan effort.

I am happy to say that this idea is already at work. I have made a practical beginning with Secretary Hull in a bi-partisan co-operation to establish an international organization for peace and security. Both parties are working together today in this great labor so that it can go forward year after year, decade after decade, regardless of the party in power. Now let me make this very plain: I believe that the organization of peace is a subject which should be talked about earnestly, widely and publicly.

We cannot meet the problems of peace on any hush-hush, pussy-foot basis. The steps by which this great goal is to be approached cannot be secret. They must not be devious or obscure. On the contrary, they must be methods the American people will believe in. They must involve procedures and commitments that the American people will not merely accept for today, but will wholeheartedly support for today and for tomorrow and for fifty years from tomorrow.

For no document we sign at the end of this war will, of itself, preserve peace. Peace will be preserved only by the hard labor, the understanding and the willingness of all people during all the years to come. It will take sacrifice and continuing effort; it will never be something we can take for granted. We must wage peace as we have waged war, by the united purpose of all our people. That is why I have taken unprecedented action of promoting the non-partisan character of the conferences now in progress. Experts of both parties and members of the Senate of both parties are now conferring and will continue to confer as the work progresses. So long as I have anything to say about it, I shall insist on two things. First, that the American people shall be fully informed of our efforts to achieve the peace of the world. Secondly, these matters shall never be subjects for partisan political advantage by any individual or by any party either in or out of power.

Tonight I want to discuss a few of the many aspects of the problem of preventing future wars.

There are, at once, two different things for us to do. One deals with the immediate problems of victory and the other with the long-term, world-wide problems of organized peace. Work on both of these should go ahead right now, but they are different problems entirely.

Let us consider first the immediate problems of victory. I have long and repeatedly insisted that when the period of actual combat is over we must continue close co-operation among the four great powers, the United States, Great Britain, Russia and China. The disarmament of Germany and Japan—a disarmament that must render them powerless to renew aggression—is primarily a responsibility of the victorious allies. Now what must be done to carry out that responsibility?

First, the military defeat of Germany and Japan must be complete and crushing. Germany must never again suffer from the delusion that she could have won this war. Japan must be so utterly beaten that the people—not just the leaders of both of these nations—must be taught to see and to believe that war does not pay. They must learn in their hearts the bitter lesson that they must never try it again.

The criminals, high and low in both Germany and Japan, who have outraged the world by their treatment of minorities, of war prisoners and of

conquered peoples—these men must be dealt with promptly, justly and relentlessly.

Germany and Japan must be completely disarmed. The weapons of aggression must be taken away from them, broken up and destroyed. Beyond that, the very means of rearmament, the chance to make guns and fighting planes and warships, must be forbidden to both of them.

But we must remember that we are not worrying about another world war in the next five years or ten years. All the great powers will be too exhausted and depleted to wage a great war then. Our task and our hope is to see that war does not come upon us when warlike nations are again strong enough to wage it.

In the case of Germany it will probably be necessary to establish a commission which in the first instance and for a number of years to come must be responsible to the victorious powers. That commission must supervise the actual disarmament of Germany and the necessary measures to prevent rearmament. To prevent rearmament it will be necessary either to eliminate or to place under close supervision all industries which are readily convertible to war production.

For some years to come, it may be necessary to forbid Germany any aviation industry of her own. I have already suggested publicly the advisability of internationalizing the entire Ruhr which is the heart of Germany's heavy industry. Such a course would have its advantages not merely in removing from direct German national control the raw materials and the industry for new war production. It would also permit this area to work for the rehabilitation of the entire continent of Europe.

In the case of Japan, similar measures adjusted to the particular characteristics of that island nation will be needed. Here China, clearly, will have a definite and special interest. But the disarmament of the aggressor nations, the punishment of war criminals, the immediate post-war supervision of German and Japanese industry—all this is a responsibility of the victors and of such of the liberated countries as are willing to join in the endeavor.

Now these are specific tasks which we can plan now and carry out according to agreements publicly made and publicly to be observed by all parties. This is the specific task of the great, victorious powers.

The other task is a broader one. It is to establish a world organization in which all nations may share as sovereign equals, to deal with future threats to the peace of the world from whatever source, and on a permanent basis.

If our only problem were to make certain that neither Germany nor Japan should ever again be able to renew their attack upon the peace of the world, it would be fairly simple. We would have only to disarm those two nations and keep them disarmed. But let us be clear-headed as we look to the future. There have been many wars in which neither Germany or Japan took part. We must therefore take measures broader in scope than just to deal with the aggressors of this war.

We are seeking to make secure the peace of the world, not merely in the next ten years, but as far ahead as the mind of man can think. We will delude ourselves if we think that the disarmament of Germany and Japan will eliminate from the face of the earth all future threats to the peace of the world.

So we must have a world organization equipped to meet the problems now unforeseen which may arise five and ten or fifty years from now. That world organization must be the work of many minds. No one man or two or three or four men can shape it. Some sixty nations all over the globe, great and small, must help to shape it, must believe in it, join it and make it work over all these years to come.

Upon certain aspects of the organization we are, I think, agreed. There will be a general assembly comprising all peace-loving nations of the world. In this general assembly all nations will have representation. It is generally agreed, too, that there will be a council small enough for almost continuous meeting and prompt action. The major nations will participate in the council and the smaller ones through selected representatives. This world organization should develop effective cooperative means to prevent or

repel military aggression, and such means should include the use of force as well as the mobilization of international opinion, of moral pressure and of economic sanctions however and to what extent they may be devised. There should be a world court to deal with justiciable disputes.

But even this is not enough. We should not seek merely repression of conflict. Force alone breeds revolt unless it is the servant of the law and the servant of justice. We should and must work to create conditions under which peace will be desired and not merely compelled.

If we are to obtain this ideal we must be fair and upright in our dealings with the smaller nations. They, no less than ourselves, have a stake in world peace.

We in America believe that all decent members of a society must share the responsibility for its order. If we are to give leadership to the world we must put into action the ideals we believe in. The people of Poland, of France, of the Low Countries, the people of Norway know even more bitterly than we the price and the tragedy of total war. They and all other peoples of good will are entitled to full partnership in preventing its repetition. They feel as deeply as we do. Their stake is as great as our stake. The Polish mother feels no less deeply than the American mother, the loss of a son or a husband. To us, might can never make right. We Americans and a few strong friends must not assume the right to rule the world. It is the common obligation of the mighty to make common cause with the less powerful in the interests of justice and peace for all.

When we have done all of these things we will still be only at the threshold of the better work we seek. There will be for each of us not only as nations but as individuals the daily task of getting along with our neighbors wherever they are.

By this I do not mean getting along by the philosophy of the Washington wasters. They have been proposing that America should try to buy the goodwill of the world out of the goods and labor of the American people.

They propose to buy for themselves international power out of our pocket-books. They are the very ones who tell us America is old and that its period of vigor is all over. They say we are mature. They say we have no future except to quarrel over the division of what we already have. Yet they are the very ones who now talk glibly of an American WPA for all of the rest of the world.

To hear them talk Uncle Sam must play the role of the kindly but senile old gentleman, who seeks to buy the good will of his poor relations by giving away the dwindling remains of his youthful earnings.

That is no lasting way to win friends or to influence peoples. Good will cannot be bought with gold. It flows to the man who successfully manages his own affairs, who is self-reliant and independent, yet who is interested in the rights and needs of others.

We shall want to help—we will help as a nation—the liberated peoples through this period of crisis, so they can again help themselves. We can and we will seek to work out conditions that will lead to an ever wider exchange of goods and services without injury to our own people. We look toward a more general access to the raw materials of the world as to an ever widening opportunity for all to contribute most effectively their best to the production of the goods needed by all.

Beyond that, we know that we shall be able to help in keeping this long peace we pray for, only if we are strong at home. We can no more separate our influence in the world from our domestic affairs than our armies can fight without our production at home. If we at home are to be torn by internal strife; if we are to have leaders *who set groups of Americans against other groups of Americans*; if we are to be governed by the philosophy that America is overbuilt and is done; if we cease to be a land of opportunity for our own people, then we shall fail both at home and abroad.

But if here this year we can put down forever this spirit of defeatism that has haunted our government for twelve long years, if we can restore the faith of Americans in America, if we can regain the irresistible forward progress which never halted until the New Deal decade of the 1930's, then we need have no fear either at home or abroad.

I say "if". But we need not have any doubts. The great achievements of American industry, American labor and American agriculture in meeting the requirements of this war are a challenging demonstration of what this country can do and can be when we can once more turn our pursuits to the problems of peace.

The New Deal is afraid of peace. The New Deal proposes to keep men in the Army after the war is over because—and they say it—it's cheaper to keep men in the Army than handling them at home as unemployed. They can see only a return of their own eight years of mass unemployment.

I do not share that fear. I believe that our members of the Armed Forces should be transported home and released at the earliest possible moment after victory. I believe that the occupation of Germany and Japan should very soon be confined to those who voluntarily choose to remain in the Army when peace comes. There can, and must be jobs and opportunity for all.

For years I have been saying up and down this country of ours that America is not finished. It need never be finished. America is at the morning of her destiny. If you believe with me, let us now resolve that we will never rest until we make this American dream a living and a moving reality.

A vital and necessary part of that American dream is that America shall, by her conduct and example, give leadership and inspiration to all the world. We are still young. We are in the fullness of our strength. We shall go forward on this mighty continent of ours to build a better life for all our people and in so doing, we shall help build a better world for all the peoples of the world.

At Civic Auditorium, Seattle, Wash., September 18, 1944

Labor

Within the past ten days I have just renewed what is for every American a great experience. I have come across the broad sweep of this country of ours many times before but each time it is a new and rich experience to talk with the people who are America, to learn their problems face to face.

It is good to come again to the State of Washington and to have once more the thrill of seeing close at hand this vital, pulsating, growing West Coast which symbolizes the magnificent future of the United States. It is good to find the State Administration in the able hands of your constructive and forthright Republican Governor, my good friend Arthur Langlie.

Today, the first thoughts of all of us are on the war—the war in Europe and the war in the Pacific. It seems already clear that this year will see the end of the war in Europe. Then as we have so long wanted to do, we shall be able to throw all of our energies and all of our might into the war in the Pacific.

This year, also, we are called upon to hold a National election. Does that mean that there must be the slightest hesitation in our forward march to victory? It means exactly the contrary.

Our military leadership in this war has been superb. I have made it plain and I cannot emphasize it too strongly that a change in the National Administration next January will involve no change in the military leadership of the war.

What this campaign will do is prove to our enemies that we can fight total war and speed final victory by changing and strengthening our administration.

It will drive home to Japan—and to Germany also if that country should still be in the war on November 7, the bitter lesson that every day they delay their surrender will make more onerous by just that much the terms of their defeat.

This election will also bring an end to the quarreling and bickering and confusion in the Nation's Capital which has hampered our war effort from the beginning to the end.

Among the things which have been holding us back here at home is an Administration Labor Policy which has bred class division, hate and insecurity. I can say without qualification that the labor policy of this administration

has been one of delays, bungling and incompetence. It has put untold obstacles in the way of labor's effort to avoid wartime strikes. It has fostered strife between one labor group and another, between labor and business and between both and government. It has affronted the wage earner by reducing his basic rights to the level of political reward. It has made the wage earner's pay envelope and his hours and conditions of work a football of politics. The labor policies of this administration are another reason why it is time for a change.

Where are we today in the field of labor? We are adrift. There is no course, no chart, not even a compass. We move, when we move at all, to the shifting winds of the caprice of one man. Is that the fault of the law—of the National Labor Relations Act? Not for one minute. The National Labor Relations Act was the work of a bi-partisan majority of both Houses of Congress. A majority of the members of my party voted for it. That act was modeled on the Railway Labor Act of 1926, a measure which was written, passed and approved by a Republican Administration.

The National Labor Relations Act is a good and necessary law. It acknowledges the trend of our times and will continue to be the law of the land. But that law has been working badly. It has failed to secure the industrial harmony we sought. It has failed because under the present administration, the whims of bureaucrats take the place of government by law. Why, even on the railroads where an orderly system of mediation has been painstakingly created, we stood last December on the brink of a paralyzing strike. That was only because one-man government could not keep its hands off established, previously successful legal processes.

There is another reason why the National Labor Relations Act has not worked as it should. Our Labor Relations right down the line have been smothered under a welter of agencies, boards, commissions and bureaus.

Let me give you a list of just some of them:

There's the War Manpower Commission, the War Labor Board, the Office of Labor Production, the Wage-Hour and Public Contracts Division, the National Labor Relations Board, the Conciliation Service, the Fair Employment Practice Committee, the Retraining and Reemployment Administration, the War Production Drive Division, the National Mediation Board, the Shipbuilding, Lumber, and other special industry commissions.

In addition, there are labor sections of OPA, WPB, OES, OWI, The War Shipping Administration, Selective Service, and a jumble of others too numerous to mention.

This towering confusion of agencies has marked a serious backward step for the working people of the country. A Republican, President Taft, was the first to recognize that labor's problems were of cabinet importance. Under him the Department of Labor was created. That new department was soundly administered under four national administrations. Neither labor nor the Nation had any quarrel with its operation. But for twelve straight years of New Deal bungling the Department of Labor has been left in the hands of an estimable lady who has been Secretary of Labor in name only. For all practical purposes we have neither a Secretary of Labor nor a Department of Labor today. We need a Secretary of Labor. We need a Department of Labor. Twelve years is too long to go without them. Sixteen years would be intolerable.

Let me give you a concrete example of what has been going on in every part of the country. A while ago an election was held to decide the collective bargaining agency in an important industry engaged wholly in critical war-time production. A dispute arose and both workers and employer found themselves forced to deal with the following agencies in that one dispute:

1. The United States Conciliation Service.
2. The Shipbuilding Commission of The National War Labor Board.
3. The Regional Office of The National War Labor Board.
4. The National War Labor Board.
5. The Regional Office of The Labor Division of The War Production Board.
6. The Washington Headquarters of The Labor Division of The War Production Board.

7. The Labor Division of The Regional Office of The Procurement Agency of The United States Maritime Commission.
8. The Washington Headquarters of The Procurement Agency of The United States Maritime Commission. Labor Division.
9. The Regional Office of The National Labor Relations Board.
10. The National Labor Relations Board.

Ten different government offices, all presuming to settle one labor dispute. There were four formal hearings in Washington. Both sides had to file seven different briefs and I may add, fifteen copies of each.

Finally, one year and five days after a union was certified by the National Labor Relations Board, there was a final order issued by the War Labor Board. At last things seemed clear and the agreement was sent to the printer.

But before the printer's proof was received, both sides were notified by the National Labor Relations Board that a new petition had been granted for a new election. So they were right back where they started.

Is it any wonder, in the face of that record, that the leaders of organized labor have found their jobs very nearly impossible? Is it any wonder that the workingmen and women of this country have felt they had just grievances? With more than twenty-five Federal agencies pulling in opposite directions, we have been yanked from crisis to crisis in the field of labor.

So, Democratic Congressman Smith and Democratic Senator Connally produced the Smith-Connally Act which they promised would solve all problems. Honest men are willing to believe that nothing could make the situation worse. So the statute was passed.

It has not solved the problem. In the twelve months prior to the passage of the Smith-Connally Act there were 3,359 strikes. In the twelve months following the passage of that act there were 4,448 strikes. In other words, the number of strikes after the Smith-Connally Act was passed increased by one-third. That law—the Smith-Connally Act—will expire with the termination of the war, as it should. The provisions of this law and the other New Deal interferences with free collective bargaining should never be renewed.

The right of workers to leave their jobs individually or together—the right to strike—is one of the fundamental rights of free men. It has sometimes been abused. But what has caused that abuse?

Let's get the answer to this one straight for the record, too. The New Deal is exclusively responsible for most of the serious wartime strikes. The chief blame goes directly into the White House and to its agency created at the top of all this chaos of agencies—the War Labor Board. That board has supreme power over the vital matters of wages and conditions of employment. Whether by design or sheer incompetence, its practice has been to stall weeks, months, sometimes years before issuing decisions. For that reason, too, the working man and working woman and their families have had to suffer.

One month ago today, on August 18, the War Labor Board had pending before it, still undecided, 22,381 cases. One of the oldest of these involves the rights and wages of 600,000 workers. Another one directly affected half a million wage-earners. The other 22,379 cases involved literally millions of working people living in every industrial center of this Nation. That's why it's time for a change.

Now who gains by this planned confusion? The workers don't gain. The public is always in the middle. The war effort has been constantly hampered. Who does gain? There can be no doubt of the answer. This policy of delay, delay and more delay serves only the New Deal and its political ends. It puts the leaders of labor on the spot. It makes them come hat in hand to the White House. It makes political loyalty the test of a man getting his rights. Personal government instead of government by law, politics instead of justice prevails in the labor field in this country and I am against that kind of administration and always will be.

This strategy of delay sets the stage for a great gesture—a big favor to labor before Election Day—a gesture carefully designed to make labor believe that something it is justly entitled to is a special gift from on high from the New Deal.

I refuse to believe that workers in this country will play the role of supplicants to any throne. I refuse to believe that any man or group of men can deliver any section of our people by holding the power of government over their heads as a club.

I do believe the American people when they go into the secrecy of the voting booth will insist on government by law and not by special favor and political extortion.

I propose that we shall have government by law after January 20, 1945. Here is the first thing to be done. We must have, from the ranks of labor, an active, able Secretary of the Department of Labor.

Second, the functions of the Department of Labor must be put back into the Department of Labor. It will not be necessary for the workingmen and women of America to knock on door after door and sit in waiting room after waiting room to find out what their rights are.

Third, we shall abolish many of these wasteful, competing bureaus filled with men quarreling for jurisdiction while American citizens stand and wait. We shall put their powers and their duties into the one place where they belong, in the Department of Labor.

Finally, just as we shall abolish unnecessary bureaus and agencies, we shall abolish privilege for one group over any other group. We shall see that every working man and woman stands equally in that department created to serve them, not to rule them. And there will be no back door entrance to special privilege by one group over any other group of Americans.

There is no question where we want to go during these peacetime years for which we are electing a new president. We must establish equality between business, labor and agriculture, we must have full employment. It must be at a high wage level. We must have protection of the individual from loss of his earning power through no fault of his own. We must have protection of the individual against the hazards of old age. We must have these things within the framework of free—and I mean free—collective bargaining.

To reach these goals we must increase, not decrease, our standard of living. We must increase, not decrease our production.

If there be those who would turn back the course of collective bargaining, they are doomed to bitter disappointment. We are not going back to anything, not to bread lines, not to leaf raking, not to settling labor disputes with gun fire and gas bombs, not to wholesale farm foreclosures, not to another New Deal depression with ten million unemployed. We are going forward. The American workingman and his family can go forward. They will go forward in the size of their pay envelope, in the improvement of working conditions, in their possession of more and more of the good things of life.

We are going to establish fair, even-handed government with competent, orderly administration.

American working people know that with the restoration of freedom they will have their greatest opportunity to build better and stronger free labor unions. They will have unprecedented opportunity to bring genuine freedom to the members of the labor movement. They know that with such freedom, the workingmen themselves will drive both the racketeers and the communists from positions of power, in the labor movement. That is why the racketeers and communists are against a change of administration. That is another reason why it's time for a change.

The all-out peacetime effort of your next administration will be to encourage business, both large and small, to create jobs and opportunity. We shall establish conditions which will make it not only possible but good business for management to join hands with the great, free labor movement of this country in bringing about full employment at high wages.

Those who come home from the war and those who have produced for war—all our people—have earned a future with jobs for all. Nothing less can be considered victory at home to match our victory abroad. We must build a just and lasting peace. We must go forward, a courageous and united people, determined to make good the limitless promise of America,

At Ice Coliseum, Portland, Ore., September 19, 1944

Essential Elements of Peace and Prosperity

It is with a warm and happy feeling that I come again to the great State of Oregon. It is a privilege to have the opportunity to thank you in person for the friendship your people have shown to me in the past and it is gratifying indeed to have been welcomed so cordially by your friendly and able Governor Earl Snell.

Four years ago when I spoke here in Portland, I pointed out the danger which I believe has now become apparent to all—the danger of one-man government in a free country.

At that time Mr. Roosevelt represented himself as indispensable to the peace of America. Now, four years later, he seeks a fourth term, for a total of sixteen years as President, upon the claim that he is indispensable to the world. In the carefully supervised words of his own running-mate, Mr. Truman, "The very future of the peace and prosperity of the world depends upon his re-election in November."

Peace and prosperity are, of course, the objectives of both parties. My opponent claims to be indispensable to peace and prosperity. In other words, he claims that the United States and the world cannot get along without him. He has chosen this as the issue of the campaign. I accept the issue, and I challenge it.

Now let's find out what are the essential elements of that peace and prosperity we all seek.

We know that victory in Europe is close at hand. Soon we shall be able to throw our full strength into the Pacific for the total, crushing defeat of the Japanese. If we in America are to do our share in helping to make secure the peace that will follow victory over both Germany and Japan, we must be a strong and united people.

The first requirements for peace and prosperity are unity in our government and strength and unity among our people. Is a fourth term indispensable to that?

The plain fact is that for twelve straight years, the New Deal has given this country a continuous demonstration of quarreling, dissension and disunity. It has set group against group, race against race, and class against class. Under this Administration, business and labor have been set against each other and labor's own house became divided.

We have listened without surcease to the shrill, abusive tirades of Mr. Ickes. We have heard Vice-President Wallace recklessly denouncing unspecified Americans as fascists. We have been treated daily to blow by blow accounts of innumerable feuds within the New Deal itself. You will recall the long quarrel between the Vice-President and the Secretary of Commerce in which they publicly called each other "obstructionist" and "liar."

Then, there was the long series of quarrels within the War Production Board—quarrels we now know to have been promoted by the New Dealers who have at length succeeded in taking it over. This running feud recently culminated in the resignation of several top officials of the WPB while the head of the board was shipped off to China by Mr. Roosevelt himself.

I do not believe in that quarreling, bickering kind of government. An administration which cannot unite its own house even in war can never unite the Nation for the tremendous peace tasks ahead of us.

We must have the strength of unity within our government and among our people if we are to contribute to the building of a lasting peace. As a first step to that end we must have a government in which the lines of responsibility are clearly laid down. We must have the kind of an administration that inspires teamwork and devotion to the service of the country. I propose that we install that kind of administration next January 20.

The one indispensable thing to achieving this teamwork and devotion, this unity in government we have so long lacked, is a change from the indispensable man. With that new unity in our government, we will achieve the unity among our people so essential to the peace and prosperity of America and of the world.

Now there is a second thing that is essential to achieving our agreed objective of peace and prosperity. That essential thing is joint, harmonious action between the President and the Congress. Is a fourth term indispensable to that?

Every step we take in these critical years ahead must have the joint support of the Congress and the President. Can any such joint action and harmonious relationship be achieved under this Administration?

It is a matter of common knowledge that the New Deal has continuously sought for twelve years to bring the Congress of the United States into popular disrepute. As a result, no bill which this Administration can propose to Congress is today received with anything less than suspicion. The Nation is now reaping the bitter fruit of executive arrogance toward the elected representatives of the people.

We need only recall the recent episode when Mr. Roosevelt vetoed the tax bill. On Washington's birthday he sent to the Congress a veto message so savage and unjust that even the long-suffering and subservient Senator Barkley, Democratic Majority Leader, rebelled. You remember the moving and impassioned speech that Senator Barkley made. You remember how, provoked beyond endurance, he rose in the Senate to denounce the words of the veto message of Mr. Roosevelt as "more clever than honest" and as "a calculated and deliberate assault on the legislative integrity of every member of Congress." You remember how the other Senators, regardless of party, rose as one man to cheer this declaration of independence by Senator Barkley. And the members of the House, regardless of party, crowded into the Senate Chamber to shake Mr. Barkley's hand.

But this dramatic episode was only an example of a long-continued trend. There exists today a hopeless division amounting to open warfare between the Congress and the President. We cannot enter this critical period ahead with a Chief Executive at war with Congress.

It is a part of the job of a President to work in harmony with Congress just as it is part of the job of a governor to work in harmony with the Legislature. I can speak with feeling on that point. I have worked closely with the Legislature of my own State. We have had many difficult problems to work out. But we have never found it impossible to reach agreement when we sat down together to discuss these problems. If we cannot agree at the first meeting, we meet again, and often sit together far into the night talking the whole thing over and eventually reaching a meeting of minds.

If we have learned any lesson from watching the rise of Fascism elsewhere in the world, surely we should have learned the need for strengthening, not undermining representative government.

My opponent has demonstrated that he cannot work with the present Democratic Congress. How in the name of the future of our country can he be expected to get along with the Republican Congress which will certainly be elected this fall?

We need in this country an administration that wants to work with the elected representatives of the people and that knows how to do it. We can get such an administration only by getting a new Chief Executive.

There is a third thing that is essential to achieving our agreed objective of world peace and prosperity. This absolute essential is a strong and vigorous America with jobs for all. Is a fourth term indispensable to that? Once again let's look at the record.

When this administration took office in 1933, the depression was already more than three years old. By 1934 that depression had lasted longer than any other in the previous 100 years of American history. Yet, there were then twelve million unemployed in the United States. By 1940, after the New Deal had been in office a full seven years, it had enjoyed unprecedented power, it had spent fifty-eight billion dollars, and there were still ten million unemployed. My opponent had succeeded only in the incredible accomplishment of making a depression last nearly eleven years, twice as long as any depression in the previous century. Under the New Deal, we had to have a war to get jobs.

What is the use of going back to the methods of the New Deal which failed so completely for seven years? We need a whole new approach to the relationship between the government of the United States and its people.

I shall discuss this new approach on the radio from San Francisco on Thursday night of this week. I shall present the philosophy by which I believe we can achieve our two great goals for America, freedom and security for all.

Meanwhile it is entirely clear that we need a new approach to the problem of the operation of our government. We need to revise and radically reduce the unnecessary burdens and handicaps placed by government upon the job-making machinery of our economic system. We need to revise our present tax policies which now deter every kind of business enterprise which makes jobs. We need a drastic change in government policies which now incite labor disputes and place handicaps upon responsible labor leaders in their work. Some of these changes I outlined at Seattle last night.

We need above all, a government which believes in the future of the American people.

These, then, are three elements essential to achieving our agreed objective of peace and prosperity in America and in the world. If we are to have unity we obviously need a new administration to bring it about. If we are to have harmony between the President and the Congress we need a new Chief Executive to work with the Congress. If we are to have a strong and vigorous America with jobs for all, then we need a new administration to bring it about.

Let's have no more of this pretense about indispensable men. There are no indispensable men. If our Republic after 150 years of self-government is dependent upon the endless continuance of one man in office, then the hopes which animated the men who fought for the Declaration of Independence and the Constitution have indeed come to nothing.

The peace and prosperity of America and of the world can never depend on one man.

The American people know that peace will be the work of many, many people all over the world for many years. We must build a structure of peace which our people and all people will support not merely this year—or the next four years—but for twenty-five—fifty—and many more years to come.

It is for these reasons that I have taken unprecedented steps to put the present conferences at Dumbarton Oaks on a non-partisan basis. It is my hope—my earnest hope—that in this we have laid the sound groundwork for a future American foreign policy which will always be non-partisan, regardless of the party in or out of power.

Now what will come after these conferences? Tentative agreements will be reached. Then each of the members of the conferences will go back to his own government for discussion of points of agreement and the solution of points of disagreement.

Then, we hope that the other nations of the world will be invited to conferences at the earliest possible moment. For there will be no peace unless it is a just peace in which the small and the weak participate as well as the great and the mighty.

The diplomats of these nations also will work long and hard. Then they, too, will report to their governments. Through that process will come the sound, common understanding on which we move toward a strong, a just and a lasting peace.

That is the way to build a lasting peace. In this method there is no indispensable man. The peace we seek must not hang by the slender thread of personal acquaintance of any two or three men. The pages of history are littered with treaties proclaiming permanent peace made privately by rulers of nations and quickly and publicly broken. This cause is too important to be trusted to discredited methods or to be dependent upon the life span and continued friendship of two or three individuals.

I want to see a peoples' peace come at the end of this war. I want to see a peace which has been worked out in the full light of day before all the world. We all want to see a peace which has been labored over by the trained experts of all the nations who will be involved in it.

We want, most of all, a peace which all the freedom-loving peoples of the world have had a part in creating—a peace they have labored for, and believe in—a peace they will be willing to sacrifice and work for in all the years to come.

At Municipal Auditorium, San Francisco, Cal., September 21, 1944*Political Freedom and Economic Security*

It is mighty fine to come again to your great State of California and to see at first hand the progress you are making under my good friend, your distinguished Governor, Earl Warren. I am happy, too, to share this platform tonight with your able Lieutenant Governor, and next United States Senator from California, Frederick F. Houser.

As I have traveled here, across this magnificent country of ours, I find that men and women everywhere are looking eagerly toward the peace which will follow our total victory over Germany and Japan. I find that as they look ahead beyond the final victory, two great desires are paramount. We want political freedom and we also want economic security. The great question of the years ahead will be this: Can we have both political freedom and economic security?

I believe we can. I believe we must find a way to have both. To solve that problem we need a new Administration. That's why it's time for a change.

The present Administration has failed utterly to find a solution for that problem. Saturated as it is with the defeatist theory that America is past its prime, the New Deal can see only two possibilities for America—ever-increasing regimentation as one alternative, and reaction as the other. It believes that economic security can only be purchased at the price of freedom.

That argument is false. Our people do not want to see this country dragged further and further toward complete government control over every aspect of our lives. Neither do we want to go back to the reactionary philosophy of dog-eat-dog.

Neither of these alternatives is necessary. There is a better way. There is an American way to meet the modern needs for greater economic stability and individual security within the framework of a free society.

Let's consider a moment where we are today. We speak of freedom, but the farmer asks, "Does that mean freedom to go broke when there are peacetime surpluses and the prices of our crops fall ruinously?" Labor asks, "Does that mean freedom to walk the streets in bad years, looking for work at any price?"

These are questions which go to the heart of our problem. No man can be free when he stands in constant danger of hunger. By the same token, no man can be either free or secure under a government which seeks to regulate his whole life.

So what is the solution? Must we accept the New Deal way of ever increasing regimentation as the only escape from reaction? I think not.

Whether we like it or not, and regardless of the party in power, government is committed to some degree of economic direction. Certain government measures to influence broad economic conditions are both desirable and inevitable.

Let me give you just three examples.

First, money and credit. Before we have finished financing the war, our national debt may be over three hundred billion dollars. The annual interest on that debt at current rates will be six billion dollars. That is more than the total annual cost of our National Government in any peacetime year before the New Deal. That six billion dollars a year must be raised by taxes before we begin to meet the current costs of government. We cannot afford a substantial rise in interest rates which would still further increase the cost of carrying our national debt.

So one result of this unprecedented government debt which now faces us is this: In order to keep down taxes and prevent the price of government bonds from falling as they did after the last war, the Federal Government is going to have to keep interest rates stable.

Now, let's take up another vital aspect of our life—wages. In bygone days, working men and women worked for whatever they could get. When a lot of people were looking for work, wages went down. In hard times people had to work for literally starvation pay. That was one of the brutal ways our society adjusted itself to depressions under the old-time dog-eat-dog economy. Those days are never coming back again.

They are not coming back because we are never again going to submit to mass unemployment. Government's first job in the peacetime years ahead will be to see that conditions exist which promote widespread job opportunities in private enterprise. There are many means to that end, including the creation of foreign markets and the promotion of foreign trade. If at any time there are not sufficient jobs in private employment to go around, then government can and must create additional job opportunities. There must be jobs for all.

We have unemployment insurance, old age pensions and minimum wage laws. They are here to stay and we are going to broaden them. Tomorrow night on the radio from Los Angeles I shall discuss some of the things we need to do to advance our social progress. We have strong labor unions, protected by law in their rights to collective bargaining. Moreover, we have developed over the years a social viewpoint which will not tolerate any solution to the economic cycle which rests upon the grinding down of the wages of working men and women.

So here again we recognize that our economy has become more subject to government action. The savage old cut-throat adjustments are gone for good. We simply will not tolerate them.

Now, consider agriculture. The farmer, too, has lived under the iron law of supply and demand. In wartime or when crops were normal and demand was good, the farmer prospered. When crops were big and demand was small, the farmer watched his produce go begging while his children were in need.

But the farmer had no control over either supply or demand. He might work his head off all summer long, and then lose everything. He had no protection from the inexorable swings of the economic cycle, which swept him alternately from good times to distress.

All that is also in the past. As a nation, we are committed to the proposition that the farmer must be protected against extreme fluctuations of prices. We are committed to the proposition that the prices of major farm crops must be supported against the menace of disastrous collapse.

We have undertaken that commitment for the sake of the entire Nation. We know that depression on the farm leads to depression in the Nation, just as unemployment and misery in the city leads to misery on the farm.

In agriculture, in labor and in money, we are committed to some degree of government intervention in the free workings of our economic system. In many directions the free market which old-time economists talked about is gone.

Now, in all this there exists an obvious danger to our fundamental freedoms. The danger is that in accepting the support of government in certain broad aspects of our economy we may slip by stages into complete government control of our lives. In other words, in our search for economic security we may lose forever, our personal and political freedoms.

Not once in all the past twelve years has the New Deal faced this situation frankly and courageously. Instead, it has sought to buy the favor of one group and then of another. It has pretended to be the generous uncle for each group, meanwhile playing one against the other for political profit. It has built up a towering bureaucracy which today reaches into the smallest village in the country and directly affects the lives of all our citizens. Not content to deal with major economic factors, or possibly because it was not competent to deal with them, it has sought to fasten upon the individual citizen, the deadening hand of bureaucratic control.

The result is that today we confront two dangerous alternatives. Under one, we may slip by gradual stages into complete government regulation of every aspect of our lives. Under the other, we may become so intolerant of the restraints and interferences in our lives as to take refuge in complete reaction. Either of these courses would be tragic. Neither is necessary.

We have reached a point where we must make a crucial decision. We must decide this year whether we shall reject both of these courses and choose a new leadership pledged to attain a maximum of security without loss of our essential freedoms, and with neither malice nor favor toward any group or class.

For myself, I am utterly confident that America can achieve stability and lasting prosperity without the loss of any part of its political freedom.

Facing the world ahead and recognizing the necessity of a government active in promoting the best interests of individuals and of individual enterprise, we should establish three principles at the base of such action. All three of these principles are the exact opposite of the New Deal.

The first is that government action must be of a character consistent with the American system of opportunity for all. Its objective must be not to restrict individual economic opportunity but to widen it. Government must do this without any reservations as to its faith in individual enterprise. It must promote fair trade and not consider trade as something just to be tolerated.

The second principle is, that government action must be administered by men and women who believe in and understand American workers, American businessmen, and American farmers. There has perhaps never been a time in our history when the character of the men who compose our government was so important as it is now.

The temptation to be bureaucratic, to usurp power, to puff themselves up has proved irresistible to those who have swarmed to Washington under the New Deal. We must have men in government who have the strength of character to resist the inevitable temptation toward petty tyranny. We must have men in office who believe that the preservation of individual rights and freedoms is more important than the exaggeration of their own power.

Finally, we must have a new point of view toward the relationship between government and the people. The role of government cannot be the purely negative one of correcting abuse, of telling people what they may or may not do. Government must be the means by which our people, working together, seek to meet the problems that are too big for any one of us or any group of us to solve individually.

The industrial worker, however capable and energetic he may be, cannot in our modern society assure himself by his own unaided efforts continuity of employment. Even the largest industrial corporation cannot maintain employment, if the country as a whole is undergoing a depression.

Yet, if there is one thing we are all agreed upon, it is that in the coming peacetime years we in this country must have jobs and opportunity for all. That is everybody's business. Therefore it is the business of government. But how?

Where are we going to find these jobs for everyone who wants to work? Certainly they will not be found in government itself. If all of us should go to work for the government, then our system would be no different from Communism or Fascism.

There can be jobs for all only if business, industry and agriculture are able to provide those jobs. There are no clever short-cuts to this goal. It cannot be achieved by some ingenious scheme concocted by a social dreamer in a government bureau. The New Deal pulled rabbits out of hats for seven years and ended up in 1940 with ten million still unemployed. We will achieve our objective only if we create an economic climate in which business, industry and agriculture can grow and flourish.

Our small businessmen, our farmers, the men who run our offices and factories and stores and mines must know that government wants each of them to succeed, that government stands ready, not to hinder, but to help. I am concerned only that our people shall have jobs, and people cannot have jobs if businessmen are afraid to go to work, if management is afraid to manage, if farmers are afraid to produce. We want the enterprising men and women of America to make a success of their endeavors because that is the only way we can have a going American economy in which all our people can find work at decent pay.

We have seen in the war what can be done when American technical and management skill is given a chance to do a job. All that was necessary was to give American enterprises the green light in order to bring forth miracles of production. In the same spirit, American business and American industry can be given the green light for peacetime production. Then we shall see peacetime miracles as we have seen wartime miracles.

There is much that government can do. Our repressive tax laws, which now operate to penalize incentive and to put a brake upon the kind of enterprise that makes job opportunities, must be drastically revised. We must have the kind of taxes that do not discourage, but encourage men to start new businesses and to expand old businesses. At another time, I shall discuss this question of taxes in detail.

Government regulations which discourage and wear down producers in every field must be revised. The whole atmosphere of studied hostility toward our job producing machinery must be replaced.

More than this, we must have laws that are sufficiently simple and clear so that men can know what they are allowed to do. Most of the laws passed by the New Deal and the regulations under them are so involved and complicated that it is impossible for even the ablest lawyer to advise what they mean. The judges, when called upon to apply them, are violently divided among themselves. There can be neither freedom nor a healthy economy under laws and decrees which are so multitudinous that businessmen, labor leaders and indeed citizens generally, cannot be law abiding except by doing nothing.

The man who has an idea that could lead to greater job opportunities must feel that government is as anxious for him to succeed as he is himself. That means also that government must cease to pursue policies which foster antagonism and mutual distrust between workers and employers.

For too long we have been a nation divided and government has been the great divider. Now under the stress of war we have drawn closer together. We have come to appreciate a little better the part that each of us must play. Labor, industry and agriculture, each in its place, has made a mighty contribution to the winning of the war. We must learn to work together in peace as we have worked together in war. We must seek mutual understanding. The worker, the farmer and the business man are equals and are equally important. No one can disregard the interest of the others save to his own cost. No one can be master over the other two. No one is entitled to a voice in the affairs of government at the sacrifice of the others.

The government must be equally concerned with the welfare of all elements in our society. Government is not the property of any section of the country or any segment of our society. It should be the servant of all. We are not going back to the days of unregulated business and finance. We are not going back to the days of unprotected farm prices. We are not going back to leaf raking and the dole. We are not going down the New Deal road to total control of our daily lives. We are going forward on the better road. We are going forward to achieve in peace what the New Deal could only achieve at the cost of war—jobs and opportunity for all.

And we shall recover and preserve our individual freedom, which has once again been made sacred by the blood of American men.

At Memorial Coliseum, Los Angeles, Cal., September 22, 1944

Social Security

During the past two weeks I have traveled once again across this great continent of ours, from Albany to Coeur d'Alene, then down the magnificent sweep of the Pacific Coast from Seattle to your great city of Los Angeles. I wish it were possible for every American to share this rich experience. Only to see the natural wealth and beauty of our country—to talk with our people where they live—is a profound and moving refutation of the defeatist New Deal doctrine that America has passed its prime. Our country is still young, still vigorous, still capable of growth. Once we get a National Administration which believes in our economic system and in the American people—there is no limit to America.

In the course of this trip, I have talked with thousands of people, individually and in groups—to labor leaders and to farmers, to cattle men and ranch hands, to politicians, to business and professional people, to soldiers and sailors, to housewives, and newspapermen. I have done some talking, but a lot more listening.

The most moving thing about my trip this year is that I find our people, wherever they live, are in a mood to work together. They want a National Administration in Washington that will help them work together. They are thoroughly fed up with government policies which divide the West from the East and the Middle West from both. They are fed up with policies which divide the farmer, the businessman and the working man into rival and contending groups.

Men and women from all parts of our country have been fighting and working side by side in this war. They want to work together with the same unity when peace comes. They want to meet the problems of reconversion fairly and justly, without advantage to any section over any other section of the country. The great industrial plants you have built here in the West to produce for war must have an equal opportunity to convert to peacetime production with the industrial plants of the East and the Middle West. The workers in all our war plants wherever located must have an equal opportunity for peacetime jobs.

Our people are thinking very much alike upon the major questions of our day. Moreover, they are approaching these questions in a similar mood. They are searching for constructive answers to our problems. They are keenly aware of the mistakes and blunders of the past. They want to put those mistakes and blunders behind. They are not thinking in terms of the past. They are thinking in terms of the future.

First in the minds of all of us is the winning of the war. Everyone is agreed that the war can end only with the complete defeat of Germany and Japan, right in Germany and Japan. We want nothing short of total crushing victory. That comes before everything else. Then we want to get the men and women in our armed forces back home as promptly as possible.

The next thing uppermost in the minds of all our people is the securing of a lasting peace. Among the thousands of people that I talked with was an Indian mother in Wyoming. She was leading her little two-year-old son by the hand. She had a gold star pinned on the blanket she wore over her shoulders. She came up to me and pointed to the little boy and said: "His father killed in France." Then she said: "You make sure we never have another war."

That Indian mother spoke what is in the hearts of all Americans today. They want America to join with the other peace-loving nations of the world in building a permanent organization for peace. And they know that if this great undertaking is to succeed, it must not be the work of one party or of one man. Representing the aspiration of all our people, it must be a bi-partisan effort, having the support of all people.

Everywhere people knew and approved of the joint efforts of Secretary Hull and myself to establish bi-partisan cooperation for a permanent world organization to maintain lasting peace.

A third important thing on everybody's mind is the question of jobs here at home after the war is over. From one side of the country to another, our people are determined that we are not going back to the ten million unemployed we had in 1940. They know that under the New Deal we had to have a world war to get jobs. You don't have to tell people that. They haven't forgotten it. And they are worried about it. They are worried about it because they remember that in all those long years from 1933 to 1940, this country failed for the first time in its history to achieve real economic recovery and go ahead of previous decades.

The American people are thinking about the problem of how we are to obtain economic security without sacrificing our personal freedom. Last night in San Francisco I discussed the philosophy of government which I believe we must establish if we are to achieve the goal we seek—freedom and opportunity with the fullest measure of economic security.

Tonight I am going to talk about another aspect of this great question; how we are to obtain greater security for the men and women of this country in their personal lives and what the United States Government should do about it.

It is nothing new for Americans to be concerned about social progress. Social progress in America did not begin in 1933. It began when the first settlers came to this continent. It was in the blood of those who came to

these shores to found a new kind of nation. It has been as insistent as the growth of our country. It is in our blood today.

Let us look at one of our important social laws today. Let us consider where we stand and where we go from here.

In 1935, our Social Security Act was passed by a non-partisan vote of overwhelming proportions. Just once in the nine years since then has there been any attempt to improve and extend that social progress. That was in 1939 when a few changes were made. There have been many recommendations since but there have been no results.

Men and women everywhere are eager for concrete definite proposals. They want to know what we can do to bring about the better life that we are seeking. Accordingly, I propose that our program for social progress be broadened and strengthened, and that we move forthwith to do these things:

First: The Social Security Act should be amended to provide old age and survivors' insurance for those who most desperately need protection and are not now covered by Social Security or some other pension or retirement system.

Twenty million of us—farmers and farm workers, domestic workers, employees of non-profit enterprises, many government employees, and those who work for themselves—are left without this protection as the law now stands. What kind of security is it which leaves all these people unprotected yet puts the high-salaried officials of large corporations in the system, whether they need it or want it or not?

Why should farm families be denied the benefit of this system of old age security? Why should farm workers be denied security? Why should domestic servants be excluded? Why should those who work for themselves be denied this security? Why should large numbers of white collar workers be excluded? Because there are difficulties of administration? That is not a good enough answer.

In bringing about the necessary broadening of old-age and survivors insurance, we will, of course, meet with many problems. We will have to adopt different methods of collecting the social security tax in order to avoid a bookkeeping burden upon small employers, family-type farmers or others we seek to protect. If we make up our minds that protection against old age is something to which every American is entitled, we shall find a way to reach that objective.

A serious omission in the list of those covered at the present time consists of the men and women now in military service. Those who once worked in jobs covered by old-age insurance and who stepped out of those jobs to enter the service of their country, suffer a gap in their old-age benefit credits. Unless the law is changed, their reward for serving their country may be a net reduction and loss in their old-age or survivors benefit. The law must be changed promptly to correct this injustice.

Second: We must widen the provisions of unemployment insurance to include the groups which are now unprotected.

Here again there will be problems, but they can and will be solved.

Third: The employment service, originally handled by the states and taken over by the Federal Government during the war, should be returned to the states as soon as practicable. After all, jobs are in the states, not in Washington—we hope. The employment service must be where employment is and in the hands of people who know local conditions.

Employment service and unemployment insurance are clearly parts of one and the same job. They ought to be handled in the same office by the same administrator. To provide benefits without providing employment service is to do less than half the job. After all, it is another job a man wants—and as soon as possible.

Fourth: We must help to develop a means for assurance of medical service to those of our citizens who need it, and who cannot otherwise obtain it. This is a task that must be carried out in cooperation with our medical men. There can be no group better able to advise on medical care than the medical profession. Yet, unhappily, this is the very group which the New Deal has managed to alienate. Our free and independent medical profession has advanced medical science in America ahead of every other nation in the world. Its freedom has made it great. It should be encouraged, not

discouraged. Let us enlist the leadership and aid of the doctors of America in organizing our private and public hospitals as well as our other services into a fully effective system to protect the health of all our people.

Fifth: The states and the local communities must be encouraged to establish the fullest information service for veterans.

When the veteran comes back to his home town, he should be able to get prompt and expert counsel as to his rights and opportunities. The G.I. Bill of Rights is a non-partisan law. It rightly recognizes service to veterans as a part of the cost of the war and as a national responsibility.

But that is not all that needs to be done. Every veteran should be able to talk over his plans with someone at home. There should be someone who can tell him where to look for the best possible job, how to go after that job, how to continue his education if he wants to. There should be someone to tell him where to find the local, State or Federal agency that can best help him meet his problems. The State and the home community can do this best because they alone have an intimate understanding of the personal problems involved.

This is already being demonstrated in my own State of New York. We are proud of the effective work being done by our Veterans' Commission, headed by Lt. General Hugh Drum. It takes our State service to the place where the veteran lives, where he is known, and where he expects to work. Other states and communities are doing a similar job. I am sure all others will.

Here is a program to pick up and carry forward an American system of social progress. The years 1945-1949, for which we are selecting a new Administration, will be largely peacetime years. But the pattern that will shape them is a pattern that has been slowly forming through the agonizing years of war.

Out of the suffering of war there has emerged a high resolve in the minds of the American people that the world we live in must become a better world.

To that end we must work together to increase the security of the individual against the hazards of old age, of unemployment, of ill health. We must work together to increase the security of our society against the hazards of mass unemployment, falling prices and periodic depression. But we must never forget that security alone is only half of the goal. The other half is freedom and opportunity. Without these, there can be no real security.

America became great because of the courage and resourcefulness of her men and women. America became great because in this country there was unlimited opportunity. It is for us who have inherited America to keep her great by making sure that in this country there is always opportunity.

At Municipal Auditorium, Oklahoma City, Okla., September 25, 1944

Record of New Deal's Failure to Prepare for War

Senator Moore, Governor Schoeppel, My Friend and Next Senator from Oklahoma Bill Otjen, fellow Americans everywhere:

For two and a half weeks I have been laying before our people the program I believe we must adopt if we are to win here at home the things for which our American men are fighting abroad. In six major speeches I have set forth a part of that program. There is much more to come.

In doing this I have been deeply conscious that this campaign is being waged under the most difficult circumstances and at the most trying time in the history of our Nation. Our national unity for war and for the cause of lasting peace must be strengthened as a result of this campaign. I believe the conduct of the campaign on our side has greatly strengthened that unity.

I had assumed that every American joined me in hoping that would be the spirit of this campaign. Last July, Franklin Roosevelt, in accepting his party's nomination for a fourth term said, and I quote: "I shall not campaign, in the usual sense . . . in these days of tragic sorrow, I do not consider it fitting . . .," he said.

Last Saturday night the man who wants to be President for sixteen years made his first speech of this campaign. Gone was the high-sounding pledge. Forgotten were these days of tragic sorrow. It was a speech of mud-slinging, ridicule and wisecracks. It plumbed the depths of demagoguery by dragging into this campaign the names of Hitler and Goebbels; it descended to quoting from "Mein Kampf" and to reckless charges of "fraud" and "falsehood."

Let me make one thing entirely clear. I shall not join my opponent in his descent to mud-slinging. If he continues in his desire to do so, he will be all alone.

I shall not use the tactics of our enemies by quoting from "Mein Kampf." I will never divide America. Those tactics also I leave to my opponent.

I shall never make a speech to one group of American people inciting them to hatred and distrust of any other group. In other nations the final product of such discord has been Communism or Fascism. We must never reap that harvest in America.

The winning of this war and the achievement of a people's peace are too sacred to be cast off with frivolous language. I believe that Americans whose loved ones are dying on the battlefronts of the world—men and women who are praying daily for the return of their boys—want the issues which vitally affect our future discussed with the utmost earnestness. This I shall continue to do with full consciousness of the solemn obligation placed upon me by my nomination for President of the United States.

My opponent, however, has chosen to wage his campaign on the record of the past and has indulged in charges of fraud and falsehood. I am compelled, therefore, to divert this evening long enough to keep the record straight. He has made the charges. He has asked for it. Here it is.

My opponent describes as, and I quote him, a "fantastic charge" the statement that his Administration plans to keep men in the Army when the war is over and that it intends to keep them there because it fears there will be no jobs for them in civil life. Well, who brought that up?

Here is the statement of a high official of the Administration as reported on August 23, 1944, in the publication of the United States Army, *The Stars and Stripes*. He said:

We can keep people in the Army about as cheaply as we could create an agency for them when they are out.

Now, who said that? It was the National Director of Selective Service appointed by Mr. Roosevelt and still in office.

But, says Mr. Roosevelt, the War Department thereafter issued a plan for what he called "speedy discharges." You can read that plan from now until doomsday and you cannot find one word about "speedy discharges." It is, in fact, a statement of the priority in which men will be discharged after the war. It does not say whether they are to be retained in service a month or years after victory. That will be up to the next Administration. The present Administration, with its record of peacetime failure, is afraid to bring men home after victory. That's why it's time for a change.

Now why does my opponent first describe what is a matter of record as a "fantastic charge" and then try to laugh off the problem of jobs after the war? He jokes about depressions—about the seven straight years of unemployment of his Administration. But he cannot laugh away the record.

In March, 1940, Mr. Roosevelt had been in office seven years. Yet the depression was still with us. We still had ten million Americans unemployed. Those are not my figures—those are the figures of the American Federation of Labor.

Is that fraud or falsehood? If so, let Mr. Roosevelt tell it to the American Federation of Labor.

By waging relentless warfare against our job-making machinery, my opponent succeeded in keeping a depression going eleven long years—twice as long as any previous depression in our history, and the somber, tragic thing is that today he still has no better program to offer. That is why the New Deal is afraid of peace, that's why it resorts to wisecracks and villification—when our people want victory followed by lasting peace in the world—and jobs and opportunity here at home. That's why it's time for a change.

Now I had not intended in this campaign to rake over my opponent's sad record of failing to prepare the defenses of this country for war. It's all in the past—a very tragic past. It has cost countless American lives; it has caused untold misery.

But my opponent has now brought that subject up. He seized violently upon the statement that we were not prepared for war when it came. In his speech of Saturday night he called that a falsehood which not even Goebbels would have invented.

Now, were we prepared for war, or were we not? It's a perfectly simple question of fact.

In 1940, the year after the war began in Europe, the United States was in such a tragic condition that it couldn't put into the field as a mobile force 75,000 men. The Army was only "25 per cent ready." Now, Mr. Roosevelt, did those statements come from Goebbels? Was that fraud or falsification? Those are the words of General George C. Marshall, Chief of Staff of the United States Army, under oath.

I quote again: "Dec. 7, 1941, found the Army Air Forces equipped with plans but not with planes." Did that come from Goebbels? That statement was made in an official report on January 4 of this year by H. H. Arnold, Commanding General of the Army Air Forces of the United States of America.

Does my opponent still desire to use the words "falsification" and "Dr. Goebbels?" Does he still claim we were prepared? If so, let's go further.

Four months before Pearl Harbor, there was a debate in the United States Senate. The chairman of a Senate committee described on the floor of the Senate the shocking state of our defense program. Senator Vandenberg asked the chairman where the blame should be laid, and the chairman replied, "There is only one place where the responsibility can be put." Then Senator Vandenberg said, "Where is that—the White House?" and the chairman of that committee replied, "Yes, sir."

Who was that committee chairman? It was Harry Truman, the New Deal candidate for Vice-President of the United States.

Again, in a magazine article in November, 1942, this statement appeared: "The reasons for the waste and confusion, the committee found, were everywhere the same: the lack of courageous, unified leadership and centralized direction at the top." Again, on the floor of the Senate in May, 1943, these words were uttered: "After Pearl Harbor we found ourselves woefully unprepared for war." Was that Dr. Goebbels on the floor of the Senate?

The very words my opponent calls a falsification came from the mouth of his running mate, Harry Truman, the Democratic nominee for Vice-President.

Now listen to this: "When the treachery of Pearl Harbor came we were not ready." Mr. Roosevelt, was that from Dr. Goebbels? The man who said that was Alben Barkley, your Majority Leader of the United States Senate. And where do you suppose Alben Barkley said when the treachery of Pearl Harbor came we were not ready. Right in his speech nominating Mr. Roosevelt for a fourth term.

Now, why is it we were not ready when we were attacked? Let's look at my opponent's own words. In a message to Congress in 1935, he said: "There is no ground for apprehension that our relations with any nation will be otherwise than peaceful."

In 1937 he said, and I quote: "How happy we are that the circumstances of the moment permit us to put our money into bridges and boulevards . . . rather than into huge standing armies and vast implements of war."

But war came just two years later. It was in January of 1940 that I publicly called for a two-ocean Navy for the defense of America. It was that statement of mine which Mr. Roosevelt called, and I quote his words: "Just plain dumb." Then as now we got ridicule instead of action.

The war rose in fury. When Hitler's armies were at the gates of Paris, Mr. Roosevelt once again soothed the American people with the jolly comment: "There is no need for the country to be discomboomerated."

The simple truth is, of course, that my opponent's record is desperately bad. The price the American people have had to pay for that record is desperately high. This is not a record on which any man should seek the confidence of the American people.

My opponent now announces his desire to be President for sixteen years. Yet in his speech of Saturday night he called it a "malicious falsehood" that he had ever represented himself to be "indispensable."

Let's look at these closely supervised words of his hand-picked candidate for Vice-President. Mr. Truman said of my opponent, and I am quoting him: "The very future of the peace and prosperity of the world depends upon his re-election in November." Now I have not heard Mr. Truman repudiated by Mr. Roosevelt as yet. He usually waits to shed his Vice-Presidents until they have served at least one term.

Here are the words of Boss Kelly of the Chicago machine, who was the manager of that fake third-term draft of 1940, you remember? He said: "The salvation of this Nation rests in one man." Was that statement ever repudiated by my opponent? No, it was rewarded by increased White House favors. So it was repeated again by the same man at the same time in the same city and for the same purpose this year: "The salvation of this Nation rests in one man."

Now, was it a malicious falsehood that one of the first acts of my opponent's newly selected National Chairman was to announce last May that he was for a fourth term and that he was looking forward to a fifth term.

Let's get this straight. The man who wants to be President for sixteen years is, indeed, indispensable. He is indispensable to Harry Hopkins, to Mme. Perkins, to Harold Ickes, he's indispensable to a host of other political jobholders. He's indispensable to America's leading enemy of civil liberties—the mayor of Jersey City. He's indispensable to those infamous machines, in Chicago—in the Bronx—and all the others. He's indispensable to Sidney Hillman and the Political Action Committee, he's indispensable to Earl Browder, the ex-convict and pardoned Communist leader.

Shall we, the American people, perpetuate one man in office for sixteen years? Shall we do that to accommodate this motley crew? Shall we expose our country to a return of the seven years of New Deal depression because my opponent is indispensable to the ill-assorted, power-hungry conglomeration of city bosses, Communists and career bureaucrats which now compose the New Deal? Shall we submit to the counsel of despair that in all the great expanse of our Nation there is only one man capable of occupying the White House?

The American people will answer that question in November. They will see to it that we restore integrity to the White House, so that its spoken word can be trusted once again.

On battlefields and at home Americans have won the admiration of the world. Under the stress of war, we have thrown off the stupor and despair that seemed in the decade of the nineteen thirties to have settled permanently on our land.

Today we know our strength and we know our ability. Shall we return to the philosophy my opponent proclaimed when he said our industrial plant is built? Shall we go back to the seven straight years of unemployment? Shall we go back to the corroding misery of leaf-raking and doles? Shall we continue an administration which invokes the language of our enemies and recklessly hurls charges of falsehood concerning things it knows to be the truth?

I say the time has come to put a stop to everything that is summed up in that phrase "the indispensable man."

If any man is indispensable, then none of us are free. But America, America hasn't lost its passionate belief in freedom. America has not lost its passionate belief in opportunity. It need never lose those beliefs. For here in this country of ours there is plenty of room for freedom and for opportunity, and we need not sacrifice security to have both freedom and opportunity.

To achieve these objectives we must have integrity in our government. We need a new high standard of honesty in the Government of the United States. We need a singleness of purpose, a devotion to the people of this country and to the gigantic problems we face at home after this war. We need a whole-souled devotion to the building of a people's peace that will last far beyond the lives and friendships of any individuals.

We need humility and courage. With the help of Almighty God we shall achieve the spiritual and physical strength to preserve our freedom in the pursuit of happiness for all.

From Executive Mansion, Albany, N. Y., October 3, 1944

Taxation and Tax Reduction

This year more than fifty million Americans are paying income taxes. The man who makes as little as \$11 a week now pays an income tax.

So taxes today are mighty important to everyone of us. They are important because the amount of taxes taken out of your pay envelope decides how much will be left to take home.

Taxes are also important because tax laws can either destroy our job-making machinery or can permit it to go to work. And jobs, after the war, will be a first objective of your new National Administration.

In speeches over the radio within the past few weeks I have made constructive proposals for achieving our great objectives for the years ahead. These are some of the things we must do if we are to be successful both here at home after this war and in doing our share in bringing a lasting peace to the world.

As we all know, it took a war to get jobs under the present National Administration. The New Deal was in office from 1933 until 1940 when the war finally reduced unemployment. Now, how is it that the New Deal managed to make a three-year depression last nearly eleven years? Why, with all its borrowing and spending, with all its emergencies and unlimited powers, were there still ten million unemployed in the spring of 1940?

One of the most important reasons was that our present administration never once established a policy of encouraging people to do business. It never once had a stable policy that allowed people to make plans, to go ahead and carry them out. Our tax laws should be the most stable. They have been the most unstable. Consider just one startling fact. The New Deal changed our tax laws fifteen times in twelve years. It actually passed two revenue acts that were out of date before they could even go into effect, because new laws had been passed in the meantime.

How in the world can people plan ahead when they don't know from one month to the next what their taxes are going to be?

Moreover, under this administration these laws have even been used to discourage high wages. Here is an example. The Lincoln Electric Company is a long established firm which manufactures electrical equipment. It employs 1300 highly skilled and productive workers who have enjoyed high wages for years. In 1941 those 1300 employees made an average of \$5400 a year. But a Treasury agent went into that plant and announced: "A man who works with his hands should not be paid as much as \$5000 a year." I have here photostatic copies of the Treasury Department notice to the Lincoln Company, marking the pay of worker after worker as "excessive."

That is the way the New Deal keeps Americans from getting ahead. That is the way it has been fighting for twelve years against the whole future of our country.

Now, when this war is over, eleven million of our best men and women will be coming home. They will be eager for jobs or an opportunity to start in business for themselves.

Suppose one of these young men wants to set up a little business. He goes to some of his friends who have saved some money and they incorporate. His wife may go with him as secretary-bookkeeper. The first thing she finds out is that she has to be an accountant, a statistician, a lawyer and a tax expert all at once.

But even the experts cannot advise her how to do business under the New Deal, because they can't understand the laws themselves. I have here a dozen examples. Just listen to this little gem from section 23 (p) of the present Tax Law. It says that contributions to employees' pension plans "shall not be deductible under subsection (a) but shall be deductible, if

deductible under subsection (a) without regard to this subsection, under this subsection, but only to the following extent . . .". From here on it gets technical.

But suppose, in spite of everything, our veteran and his wife do succeed in building up their business and in creating some jobs for other people. If they make any profit at all they must hand over to the government \$25 out of every \$100 the business earns. If they are still more successful, then the government takes \$40 out of every hundred. And if they are really very successful under the present tax laws, the government takes \$80 out of every hundred. . . .

Of course we cheerfully pay high taxes to meet the cost of war. But the taxes we are paying today are not just for the war. They also go to pay for the waste and extravagance of the sprawling bureaucracy built up by the New Deal in these last twelve years.

Even Vice-President Henry Wallace has now made a speech urging relief from "excessive taxation" and "excessive government regulation." And who do you think came out in this morning's papers for tax relief for business. Harry Hopkins, whose slogan has been "tax and tax, spend and spend, elect and elect." In other words, the highest New Dealers at last admit that this Administration has created an impossible condition which urgently needs repair.

But they have had plenty of chances. They have had twelve long years of what they now admit is failure. They changed the tax laws fifteen times in those twelve years and only made things worse. So they ask for sixteen years and promise to do better. Unfortunately, experience shows that they only talk about improving at election time and then forget all about it. That is why it's time for a change.

But this is only part of the story. Not only does the man who makes as little as \$11 a week now pay an income tax. But under the New Deal personal income taxes have been raised so that a man with a wife and one child who paid \$5 when the New Deal began, now pays seventy-six times as much on the same income. In addition, countless hidden sales taxes have been piled onto almost everything we buy or use today. It has reached a point where every time a woman powders her nose there is a tax of 20 per cent on the powder.

One of the first jobs of your new administration which takes office next January 20 will be a revision of our tax laws. We need a whole new point of view. We need an administration which believes in full employment and in opportunity for all. We need a tax policy directed toward achieving and maintaining full employment and a rising standard of living for our people.

To that end I propose the following program to take effect immediately after victory is won:

(1) Revise the personal exemptions so that the man who makes as little as \$11 a week no longer has an income tax taken out of his pay envelope.

Our objective in the peacetime years must be expansion and recovery. We cannot achieve that objective by taxes which eat into the income of those who are already below a decent American standard of living. However necessary these taxes may be in wartime, there can be no excuse for them in peace.

(2) Reduce personal income tax rates. The tax law now takes at least twenty-three cents out of every taxable dollar after credit for dependents. That cuts the living standard of everyone who lives on a small wage. It would slow up our recovery after the war. We want to speed recovery along.

(3) Change and lower the income tax on incorporated business companies until it no longer acts as a drag upon production and a barrier to jobs. The special wartime taxes which now rise to 95 per cent should end with the war. These taxes, of course, are almost confiscation. If continued after the war, they would encourage waste and inefficiency, discourage low cost production, and block the expansion which creates job opportunities.

(4) Shorten the present endless list of excise or nuisance taxes. We should eliminate as soon as possible all excise taxes except those on alcoholic beverages, tobacco, gasoline.

(5) Completely overhaul our existing, confused and complicated tax laws. We must create a basic tax law which can be expected to remain simple

and generally stable. It must be one which can be adjusted from time to time by changes in rates, without requiring a complete revision once a year or oftener.

(6) Establish and proclaim a consistent, national tax policy—one directed toward achieving full employment and a rising national income—one that will assure us of a solvent nation and the ultimate reduction of our national debt.

In the years ahead we face a national debt of \$300 billion. We face an annual cost of government, including adequate armed forces, far above the level of pre-war years. Just to meet the interest on this debt and the cost of government we shall need large Federal revenues. But it is stupid to suppose that we can support our Government by levying heavy taxes upon a dwindling national income.

Our first aim must be to increase our national income by putting to work all of the productive resources of our country—industry, labor and agriculture. It is far better to have a low tax rate with a national income of \$150 billion, rather than a high tax rate with a national income of \$76 billion as we had under the New Deal at its peacetime best. What we want is a thriving, progressive country with jobs for all. We want our tax laws to be stable and understandable, so they will no longer be a road block in the way of progress. We want them to be levied sensibly, with understanding for the human needs of our people.

That kind of tax policy we are going to have. We are going to have the kind of tax laws under which America may once more live and grow. We will have a government which wants to see every American get ahead.

At Municipal Auditorium, Charleston, W. Va., October 7, 1944

Incompetence in Washington—New Deal Failures in War Production

Even as this terrible war moves toward our inevitable victory, we are preparing to decide the whole future of our country at the polls. If every American who believes in freedom for his country will register and vote, free America will win an overwhelming victory here at home on November 7.

That victory at the polls will mean an end to a very, very tired administration in Washington. It will mean the beginning of a new, a competent and an honest government in Washington.

This victory at the polls will also serve to speed the defeat of Germany and Japan because it will bring an end to bungling, fumbling and incompetence in Washington.

I have already made it clear that a change of administration will mean no change in the military leadership of the war. It should be equally clear that with a change in administration the work of international organization for peace will proceed with only increased competence and zeal. I have taken unprecedented steps to put that work upon a non-partisan basis. I intend to see that it remains a non-partisan effort with the help of the ablest Americans of both parties in command.

Beyond victory, what kind of a country will our American men and women come home to? This election will decide that question.

We have a fateful decision to make but that decision must be made not on vague and irresponsible political discussion, but on the facts. On Thursday night of this week my opponent repeated his charge that "There are politicians and others who quite openly worked to restrict the use of the ballot in this election." Now I do not know who Mr. Roosevelt means because he seems to lack the courage to name names and say what he means. So let's look at the facts.

He sadly complained that not enough people vote. But he pointed with pride to the fact that in 1940, 62½ per cent of the eligible voters of this Nation went to the polls. Well, in the State of New York not 62½ per cent, but 77 per cent of the eligible soldiers and sailors of our State have had ballots mailed to them already. Despite my opponent's attempt to play politics with the soldier vote every evidence indicates that we will have an

even larger percentage of soldier votes than we will of civilians. Let's have no more of this political pretense on a matter so important to us all. Now we know where the truth is.

And let me point out, my opponent is relying for his main support upon a solid block of votes in states where millions of American citizens are deprived of their right to vote by the poll tax and by intimidation. Not once in twelve years has my opponent lifted a finger to correct this and his platform is cynically silent on the subject.

In his speech of Thursday night, my opponent softly denies that he welcomes "the support of any person or group committed to Communism, or Fascism."

Now, that is news. But doesn't this soft disclaimer come a little late? Only last week in Madison Square Garden Earl Browder, the head of the Communist Party in America, proclaimed to 15,000 cheering adherents that the election of my opponent was essential to his aims. This is the same Earl Browder, now such a patriot, who was convicted as a draft dodger in the last war, convicted again as a perjurer and pardoned by Franklin Roosevelt in time to organize the campaign for his fourth term. The soft disclaimer does come a little late.

Now, why is my opponent's election so essential to the aims of the Communists? The answer is right in the record of this administration. The aims of the New Dealers were stated on May 23, 1939, by Adolph Berle in a carefully written memorandum submitted to the Temporary National Economic Committee, an official agency set up to decide upon our future for us. There he said: "Over a period of years, the government will gradually come to own most of the productive plants in the United States."

Now, who is this Adolph Berle? He is one of the original brain trusters and today he holds the office of Assistant Secretary of State.

What does he mean by the government owning "most of the productive plants of the United States"? That means, of course a system where government would tell each of us where we could work, at what and for how much.

Now, I do not know whether my opponent calls that system Communism or National Socialism or Fascism. He can take it any way he likes it. It's his program, not mine. But I do know it is not an American system and it's not a free system.

Let's just see how far we have traveled down that New Deal road. A report just released by a Congressional committee headed by a Democratic United States Senator shows there are fifty-five government corporations and credit agencies with net assets of \$27 billion. The Federal Government now owns or operates one-fifth of the manufacturing plants in the country.

Little by little, the New Deal is developing its own form of corporate state. It becomes clear why the twice convicted Comrade Browder and his friends are so eager for the re-election of my opponent. There is another reason. They love to fish in troubled waters. Their aims can best be served by unemployment and discontent. They remember that the New Deal in all its seven peacetime years never cured unemployment. They remember that in the spring of 1940 we still had ten million unemployed. They remember that under the New Deal we had to have a war to get jobs. That's why they want a fourth term and sixteen years of the New Deal. That is one of the very good reasons why it's time for a change.

Just for a moment let's look at the way this tired administration bungled its way into conversion for war production. Then we will know how well they can convert for peace and for jobs. In August, 1939, more than six years after Hitler came to power, Mr. Roosevelt finally created a War Resources Board under Edward R. Stettinius. It worked for three months and brought in a report. But the report was buried and the board quietly died. The report is still a secret after five years. Like so many other things, we will never know about it until a new administration opens the record of these past twelve years.

With Poland conquered, Hitler took Norway and invaded the Lowlands. At last, in response to public pressure on May 25, 1940, Mr. Roosevelt acted. He created the Office for Emergency Management under Executive Order No. 8,248.

But just four days later he piled on top of this one a seven-man advisory commission. In doing this he was repeating with exact fidelity the most notorious blunder of the first World War. Of course it failed.

So next we were handed the prize monstrosity of all, the Office of Production Management under two different heads, William Knudsen and Sidney Hillman.

It was Sidney Hillman's performance in this job that led the chairman of a Senate Investigating Committee to say "If Mr. Hillman cannot or will not protect the interests of the United States, I am in favor of replacing him with someone who can and will."

The Senator who said that is now my opponent's handpicked running mate Harry Truman. In spite of his unkind remarks the Democratic National Convention was allowed to nominate Mr. Truman because he was "cleared with Sidney."

Of course that agency was a failure, too. So Mr. Roosevelt piled on still another one, the Supply Priorities and Allocations Board. That was on August 28, 1941, and of course that failed too. It was not until five weeks after Pearl Harbor that Mr. Roosevelt did what should have been done at the beginning. At last we got a War Production Board with a single responsible administrator at the head of it.

But that was not the end. By way of coordinating all this confusion and, as he said, "to resolve and determine controversies," my opponent created a sixth agency, the Office of War Mobilization. That was on May 27, 1943, eighteen months after Pearl Harbor. Still conflicting orders, overlapping responsibilities, backbiting and character assassination handicapped the war effort.

So the inevitable happened again. A little over a month ago, the War Production Board itself, fell apart. One official after another resigned in a torrent of recrimination and the head of the board was given a ticket to China.

Now, during all these months that the war effort was being hampered by open warfare in Washington, the responsible head of our Government was doing nothing about it. For weeks our daily papers carried stories of the internal dissensions within the board. After it finally blew up, Mr. Roosevelt's only comment was that he had of course been aware of dissention but he had "hoped it would disappear." Judging by the words of my opponent it has become dreadfully clear that his Administration is too tired even to do the job at hand. It is obviously too tired for the job ahead.

We need a house cleaning in Washington. We need clear lines of authority with competent men to carry out their jobs. We need team work in our Government. That's why it's time for a change.

The American people have succeeded in the face of every difficulty in sending overwhelming supplies to our armed forces. With a new administration we can speed victory and also be ready for reconversion to peacetime jobs.

Is there any chance the New Deal can ever do this job ahead? Not according to its own best friends. Even Henry Wallace last year described the whole picture as "Bureaucracy at its worst" and he added "It is utterly inexcusable in a nation at war."

Now listen to Richard T. Frankenstein, Vice-President of the CIO auto workers union and delegate to the National Convention in which the great Democratic Party was taken over by Earl Browder and Sidney Hillman. Here's what he said: "The trouble is that no adequate over-all planning is being done to insure orderly reconversion which will lead into a post-war period of full employment."

How in the name of the future of our country can such an administration be entrusted with the vital task of creating peacetime jobs? How can we move ahead to peacetime jobs and opportunity under an administration that has no cure for dissention within its own ranks except for the feeble hope that "it would disappear?" How can we trust our future to an administration which talks out of one side of its mouth about government ownership of our factories, while out of the other side of its mouth it softly disavows its Communist supporters?

On January 20 of next year we shall restore honesty to our Government so that it's spoken word can be trusted. We shall proceed to put into effect a program to recover those things we have lost and to make them secure.

This program I have already outlined in part.

To labor we are pledged to restore the Department of Labor with an able and experienced man from the ranks of labor at its head. We are pledged to abolish or transfer to the Department of Labor the almost countless bureaus with which the working men and women of our country now have to struggle. We are pledged to full support of the guarantees of free, collective bargaining through the National Labor Relations Act and to restore freedom from government dictation to labor in this country.

We are pledged to work with all our hearts and souls to bring about a lasting peace through international organization with adequate force to back it up. And I may add, I have stated such a program at Louisville in detail, something my opponent has never yet done.

We are pledged to an expanding Social Security for the people of this country. Twenty million Americans have been forgotten by this Administration in the nine long years the Old Age Pension Laws have been on the books. We propose to bring security to them as well as to make our Social Security System sound and supportable by an expanding economy. For there can be no security without a strong, free society to support it.

We are pledged that our Government shall not again use its power to set race against race, creed against creed, or class against class. We are pledged to a government which has equal respect for the rights of agriculture, labor and business, and for every race, creed and color.

We are pledged to a future of freedom and abundance for agriculture with assurance by government that the farmer will never again suffer ruinous prices. We are pledged to a scientific and expanding soil conservation program so that the soil of our country may be preserved and built up.

We are pledged to a specific program of tax relief which will permit our job-making machinery to go to work. We are pledged to bring an end to the tired defeatism of this administration which talks glibly of opportunity and did nothing about it for seven peacetime years.

And what has been the answer of the New Deal to the specific proposals of our platform and the detailed statements of policy I have made on the radio in these recent weeks? We have heard nothing but glittering generalities, ghosts of the dead past and wisecracks. We have heard no answer because my opponent has no answer. We have had no answer because, in truth, as the New Deal itself has said, it wants a government owned America. It has no other solution.

I say there is a better way. I have outlined much of that way in detail. Ten million returning heroes will demand that better way under the freedom they have fought to win. Under Divine guidance they will have here a land of security with freedom and opportunity for all.

At Kiel Municipal Auditorium, St. Louis, Mo., October 16, 1944

Need for Competent Leadership Now and in Post-War America

I am happy to come to Missouri tonight to carry on the battle for honest and competent government. I am happy also to salute your distinguished Republican Governor, who, next January, will become United States Senator, Forrest C. Donnell, and your next Governor, Jean Paul Bradshaw.

It is clear by now that the New Deal has been taken over by the combination of corrupt big city bosses, Communists and fellow travelers. The people of Missouri have shown their independence before by throwing off the rule of the corrupt Pendergast machine. In the light of that record, I am sure they will never permit men who are products of that machine to succeed in their current attempt to take over our National Government.

The war in Europe is drawing to a close but hard tasks remain. We must speed the drive for a final victory. We must put behind our fighting men the backing of competent, effective government at home. We must make

sure that when total victory is won, those fighting men are brought home promptly.

We must take the leadership in bringing about effective international cooperation to prevent a future war.

We in America face a mighty decision. Ten million heroes will be coming home, entitled to the fruits of victory—a prospering country with security and opportunity to get ahead. Millions of workers in war plants will demand their right to a good job in peace industry at good wages with security and stable employment. The farmers of America have a right to know that their tremendous efforts in the face of inadequate help and machinery will be rewarded by a new future of freedom from regimentation with stable and good prices for the fruits of their labor.

Is the tired and quarrelsome New Deal all America has to offer? Must we go back to leaf raking and doles? Must our returning heroes go on the same old W.P.A.? Must our farmers go back to detailed control by a host of New Deal agents, with falling prices to boot?

These questions will all be decided in this election. The freedom and future of our country are at stake. Never in our history was it so important that we have a government which will be respected at home and respected abroad. Never was it so important that we choose a government which can restore our job-making machinery.

Jobs and opportunity for every American and our chance for a lasting peace—all depend on this election.

Now, what kind of administration do we need for the mighty problems we shall face after the war? As never before we shall need a government that meets these simple tests:

1. Is it honest?
2. Are the people who run it trained and competent for their jobs?
3. Is it a government with faith in the future of America and a whole-hearted determination to make our system work?

Let us apply these simple tests to what we now have so that we can find out whether it's time for a change.

For twelve years the New Deal has treated us to constant bickering, quarreling and back-biting by the most spectacular collection of incompetent people who ever held public office. We must not trust our future to such people as Harry Hopkins, Madam Perkins and Harold Ickes. Certainly America can do better. I propose that we will do better.

But we can never do better under the New Deal. The scars of its failures and its own quarrels are too deep. Going right back to its beginning, if it wasn't a free-for-all fight in the N.R.A., it was Messrs. Ickes and Hopkins fighting over who got four billion borrowed dollars to spend on P.W.A. or W.P.A. It was Henderson and Ickes squabbling over the right to be gasoline czar or a fight between the rubber director and the Under Secretary of War. If it wasn't the O.P.A. fighting with itself, it was Mr. Ickes denouncing the War Labor Board for its part in what he called a "black—and stupid—chapter in the history of the home front. . . ."

The most disgraceful performance came when Vice-President Wallace accused the Secretary of Commerce Jones of having "done much to harass the . . . effort to help shorten this war. . . ." And Mr. Jones charged the Vice-President with "malice, innuendo, half truths and no truths at all. . . ."

What kind of government is this that even a war cannot make it sober down and go to work? Little men rattling around in big jobs. Our country cannot afford the wasteful luxury of incompetent people in high places who spend their time fighting each other.

Even Mr. Roosevelt publicly confessed on August 21, 1942, that these conflicts within his administration have been a "direct and serious handicap to the prosecution of the war." How costly they have been we will never know. But we do know one thing. Twelve years of this kind of government are too long. Sixteen years of it would be intolerable.

This administration has lived on conflict. They plan it that way. Listen to the President's executive order No. 9334. It says in part: "The Secretary

of Agriculture and the War Food Administrator . . . shall each have authority to exercise any and all of the powers vested in the other. . . ."

In other words, Mr. Roosevelt gives two men the same powers and then turns them loose to fight about it. He has been doing that for twelve straight years and it is one of the major reasons the New Deal failed in peacetime and would fail again if it got a chance. We can't afford this kind of planned, noisy chaos and bungling in the days ahead. That's why it's time for a change.

Now there is another important reason why this New Deal administration has been one long chapter of quarreling and confusion. That reason is the consistent practice of evading responsibility. High officials issue statements. Nobody rebukes or removes them. But when the statements later prove embarrassing, they are lightly disavowed or turned aside as unauthoritative.

Last month I challenged a statement by the National Director of Selective Service in which he said, "We can keep people in the army about as cheaply as we could create an agency for them when they are out."

Mr. Roosevelt was quite upset. In fact, he spoke about "reckless words, based on unauthoritative sources. . . ." And last Saturday he handed out from the White House a letter from General Hershey in which the General said the idea was all his own.

Now, is Mr. Roosevelt quite accurate when he calls General Hershey, his own appointee, unauthoritative? The fact is that the Director of Selective Service is charged by law with the duty of helping to get jobs for returning veterans. If anybody in the country in an authority on that subject, he is the man.

Now, where did General Hershey get the idea Mr. Roosevelt calls "unauthoritative"? I'll tell you. He got it from another one of those "White House" releases put out by Mr. Roosevelt himself. Moreover, it was submitted by Mr. Roosevelt's own uncle, Frederick A. Delano, Chairman of the National Resources Planning Board. It was the report of the conference on post-war readjustment of civilian and military personnel, appointed by the President. This discussed the pros and cons of speedy demobilization. After saying that good reasons exist for desiring a rapid rate of military demobilization, the report goes on to say that: "Despite . . . compelling reasons for rapid military demobilization, the prospects of economic and industrial dislocation at the close of the war are so grave and the social consequences are so far-reaching that a policy of orderly, gradual, and, if necessary, delayed military demobilization has been strongly advocated. The following reasons," it goes on to say, "have been advanced. Rapid demobilization might throw into the labor market large numbers of men just at the time when the industries might be least able to absorb them. It might create unemployment and depression. Those in the services," this report continues, "will constitute the only large group of persons over whom the Nation could, in the event of economic crisis, exercise any degree of direct control. . . ." Then it says: "The economic and social costs of retaining men in the services would be less than those involved in dealing with an unemployment depression through civilian relief. . . ."

So this idea of keeping men in the Army for fear that they won't get jobs after the war was in a report made public last year by Mr. Roosevelt himself. The New Deal has had it in mind right along.

Now, let my opponent try to pass the buck to one of his assistants. They can slip and squirm in this New Deal, but when my opponent uses the word "falsification," as he did on the radio in the Teamsters speech, it comes home to haunt him.

And let me add that as long ago as last April, Mr. Roosevelt remained silent while his Director of Selective Service in a public speech in New York said he saw no purpose in letting men out of the Army "into some kind of a W.P.A." I do not see any such purpose either. Our fighting men ought to be brought home from the armed services at the earliest possible moment after victory and to jobs and opportunity. And that will be done when we get a new, an honest and a responsible administration in Washington.

The truth is that the New Deal has been afraid all along that when the time came to let men out of the Army there would be no jobs for them—that it would be a case of hack to normalcy under the New Deal with ten million unemployed.

When the New Deal took office on March 4, 1933, the worldwide depression was already nearly four years old. In its first seven years it had more power than any government in our history. It spent nearly fifty-eight billion dollars. Yet the last official figures of the League of Nations prior to the outbreak of the World War, show that among the major nations of the world, nineteen had made greater recovery than the United States from the crash of 1929. All but five had exceeded the 1929 level of production and gone well beyond it. The fact is that the New Deal depression in the United States was actually holding back economic recovery all over the world.

It was Winston Churchill who, late in 1937, said: "The Washington administration has waged so ruthless a war on private enterprise that the United States . . . is actually at the present moment leading the world back into the trough of depression."

Then he added: "Those who are keeping the flag of peace and free government flying in the old world have almost the right to ask that their comrades in the new world should . . . set an example of strength and stability."

But Mr. Roosevelt ignored the warning. He went on with this war on business and employment, his experimentation—his quarrels and his chaos.

The New Deal's record at home is one long chapter of failure. But some people still tell us: "We agree that the New Deal is a failure at home but its foreign policies are very good." Let me ask you: Can an administration which is so disunited and unsuccessful at home be any better abroad? Can an administration which is filled with quarreling and back-biting where we can see it, be any better abroad where we cannot see it? Well, the answer to that seeps through even the thick wall of censorship.

For example, on February 11, 1943, while we were seeking vital war materials in Brazil, an article in *The New York Times* told how the conflict between Mr. Wallace and Mr. Jones was being echoed among our representatives in Brazil. It went on to say that dissension among the scores of agency representatives had actually "led the Americans to participate in department rows among agencies of the Brazilian Government itself."

Last year a special committee of United States Senators was sent to our war theatres overseas. Read what a Democratic Senator, Richard B. Russell, said in a report to the Senate on October 28, 1943. These are his words: "Our civil agencies abroad are numerous, but too often they are either working at cross purposes, or, worse to relate, in some cases have no apparent purpose."

Here is a report from the July 30, 1943, issue of the United States News. It says: "... in North Africa . . . field agents of half a dozen agencies—the Treasury, B.E.W., Lend-Lease, State Department and others—are reported to have brought confusion to the brink of chaos."

Why is it that our representation in the vital areas abroad is on the brink of chaos? The answer is exactly the same as at home.

In addition to the duly constituted officers of the State Department and the Army and Navy, there are now operating wholly or partly all over the world the following agencies of this administration:

The F.E.A., R.F.C., W.F.A., O.C.I.A.A., O.S.S., O.W.I., W.S.A., W.R.B., O.A.P.C., O.C., O.W.M., P.W.R.C.B., O.F.A.R., F.R.C., and the A.C.P.S.A.-H.M.W.A.

There are more, but that's enough.

Our country has a very important role to play in the world in the years to come. We can never achieve our objectives under an administration too tired and worn out to bring order out of its own chaos either at home or abroad.

This Nation of ours can be an inspiration to the world. We can be a steadying influence for freedom and peace. But first we must have peace in our own Government. We must set our own house in order. That can never be done by a weary and worn-out administration. It can and must be done by a fresh and vigorous administration which will restore honesty and competence to our government.

These things we pledge to you:

An administration devoted to public service instead of public bickering.
An administration working in harmony with Congress.

An administration in which you will not have to support three men to do one man's job.

An administration which will root out waste and bring order out of chaos.

An administration which will give the people of this country value received for the taxes they pay.

An administration made up of the ablest men and women in America who will receive full authority to do their jobs and will be let alone to do them.

An administration free from the influence of Communists and the domination of corrupt big city machines.

An administration in which the Constitution is respected so that the liberties of our people shall again be secure.

An administration which will devote itself to the singleminded purpose of jobs and opportunity for all.

My distinguished associate, John W. Bricker, and I are united in our determination to these ends. We know that they can be achieved.

We are united by these objectives and a firm determination under God to achieve them. America must never go back to the insecurity, unemployment and chaos of the New Deal.

Because she must, America can and will go forward once again.

At New York Herald-Tribune Forum, Waldorf-Astoria Hotel, New York City, October 18, 1944

This Must Be the Last War

It is a great pleasure to participate in this annual exchange of opinion about urgent problems of our time. Certainly the most urgent problem we face in the world is the prevention of future wars.

We are agreed on one thing: we must not have a third world war. That means we must prevent a future war before it happens.

If any doubts remained after Pearl Harbor, they have been ended by the last desperate act of the Nazis in launching Hitler's blind weapon of revenge, the robot bomb. This is futile savagery. But it serves to warn us against the future.

Japanese planes launched from a few aircraft carriers on December 7, 1941, struck us a devastating blow at Pearl Harbor. If we fail to make secure the peace of the world, the next war will not begin by a surprise attack upon an outlying base. It will begin when robot bombs launched thousands of miles away suddenly rain death and destruction on our major cities.

Even before this war, the airplane had reduced the size of the earth. The robot bomb has made this world of ours still smaller. It has put us under the guns of any aggressor nation that may rise to power anywhere in the world.

If there should ever be a third World War, America would be in the front lines in the very first hour. That is not an argument. It is a fact.

Every American must learn the inescapable conclusion. We must never forget it. We must never again run the risk of permitting war to break loose in the world. Together with all freedom-loving people, we have had a narrow escape. We dare not take another chance. This war must be the last war.

To this end, the United States must take the lead in establishing a world organization to prevent future wars. I am more than a little tired of the defeatist attitude which some people take toward our participation in world affairs. To hear them talk, you would think that the United States had never shown any competence in foreign relations. At least, not until the last few years.

Actually, from the earliest days of our Nation, when Benjamin Franklin induced the King of France to enter the Revolutionary War on our side, American history is packed with diplomatic triumphs and international achievements.

Time and again, even in the earliest days of our Republic, the United States wielded a moral force far in excess of its military power. In more

recent years, our history is studded with a series of brilliant measures taken by able American Secretaries of State, to broaden the basis of international collaboration.

On any roll call of these great American Secretaries of State, there would stand out the names of Blaine and Hay and Root, of Hughes, Kellogg and Stimson. Their names are linked to such achievements as the Good Neighbor Policy, the Open Door for China, the Hague Peace Conference, the disarmament conference by which the Japanese Navy was limited to an inferior status, the Pact of Paris to outlaw war, the World Court, the policy of non-recognition of the fruits of aggression, and many measures to broaden the basis of international cooperation.

All these were great achievements carried through by men who had the respect of their country and of other nations. And every one of these great Secretaries of State whom I have mentioned was a Republican.

These achievements and countless others were made under administrations where the President conducted foreign affairs through the Secretary of State and our regular foreign service. These Presidents did not presume to be both President and Secretary of State. They did not presume to substitute their own personal will for the informed judgment of the American people.

If we are to be successful in our future labors to bring about lasting peace, they cannot be the property of one party or one man. They must draw their strength from all our people, everywhere. Only a united America can exercise the influence on the world for which its strength and ideals have equipped it. Of that I am deeply convinced.

I am equally convinced that to the extent that we leave our international relations to the personal secret diplomacy of the President, our efforts to achieve a lasting peace will fail. In many directions today our foreign policy gives cause for deep anxiety.

The case of Poland is one example. Poland was the first nation to resist the oppression of Hitler. The restoration of free Poland is the outstanding symbol of what we are fighting for. Admittedly Poland has differences with Russia that go deep in history and for which there is no simple solution. Yet Mr. Roosevelt undertook to handle this matter personally and secretly with Mr. Stalin. At their only meeting, neither our Secretary of State nor the Under-Secretary was present. Instead Mr. Roosevelt took along Mr. Harry Hopkins who acquired his training in foreign affairs in running the W.P.A. But, because of the secret nature of the meeting, American public opinion has been silenced by the fear that some delicate negotiation might be embarrassed.

Mr. Roosevelt, nevertheless, has not yet even secured Russian recognition of those whom we consider to be the true Government of Poland. Neither was it possible to save that immortal group of Polish patriots, led by General Bor, who struck, as they believed, in coordination with Russia, only to be abandoned. After sixty-three days of gallant and unequal struggle, they were overwhelmed by the Nazis.

In all this, we Americans would have a clearer conscience if the voice of our people had not be stifled.

Now look to Italy. Some fifteen months have passed since Italy's surrender. We have sent over a batch of alphabetical agencies. They brought with them invasion currency bearing the legend "Freedom from want. Freedom from fear." What a mockery that must seem to the Italian people. Here is the comment of the Vice-President of the International Ladies' Garment Workers Union, who has just returned from Italy. He reports "mass unemployment, hunger, despair, degradation, delinquency and painful disappointment . . ." because the Allies have not "helped the Italian people help themselves." He quotes the solemn warning of the Pope as follows: "The great democracies must show greater interest and concern for Italy if she is not to plunge from one dictatorship into another."

The Italian people deserve something better than the improvised, inefficient administration which personal New Deal government is giving them.

Take now the case of Germany. Our experience in Italy should have brought about timely decisions on how to handle the invasion and occupation of Germany. As long ago as last January, General Eisenhower told us

we would have to deal with that problem this year. Yet, when the invasion of Germany began, there was still no official plan. Careful plans had, to be sure, been worked out by the two departments primarily qualified—the War and the State Departments. But that kind of planning goes for nothing when the President personally handles foreign policy.

There was a conference involving this very vital subject between the President and Mr. Churchill at Quebec last month. Did Mr. Roosevelt take the Secretary of War or the Secretary of State to the conference? As usual, he took neither. Instead, he took with him the Secretary of the Treasury, whose qualifications as an expert on military and international affairs are still unknown.

The result was a first class Cabinet crisis when it appeared that the work of the State Department and the War Department was to be scrapped in favor of a brand new scheme produced by the Treasury. In the end, the Treasury plan was scrapped. A new plan was ordered, this time to be produced by Mr. Crowley, head of the Foreign Economic Administration. And still there is no official plan.

Meanwhile, Germany's propaganda Minister Goebbels has seized upon the episode to terrify the Germans into fanatical resistance. On the basis of our Treasury Department's ill-conceived proposals, the German people were told that a program of destruction was in store for them if they surrender. Almost overnight, the morale of the German people seemed changed. They are fighting with the frenzy of despair. We are paying in blood for our failure to have ready an intelligent program for dealing with invaded Germany.

Turn now to France. The unfortunate consequences of Mr. Roosevelt's personal antipathy for General DeGaulle are only too well known. We backed his antagonist, Darlan. When Darlan was assassinated, we backed Giraud. Now, with France free, Mr. Roosevelt is compelled to deal with General DeGaulle, who is in fact, heading the only existing French Government. Mr. Roosevelt's persistent refusal to grant recognition to the DeGaulle government of France is contributing to the increasing chaos behind our lines at a critical period of the war. France is Germany's principal neighbor and knows most about German aggression. The glorious resistance the French people made during four tortured years entitles them to more generous treatment. We need France in our councils and we need her now.

One more illustration. Look at Rumania. On September 12, 1944, an agreement was made restoring peaceful relations. This was no mere military armistice. That agreement fixed the future frontiers of Rumania. It disposed of Bessarabia and Transylvania, two of the worst trouble spots of Europe. It dealt with economic matters.

Now, who negotiated and signed that agreement? It was signed "by the authority of the government of the U.S.S.R., the United Kingdom and the United States by Melinsky." That treaty was signed by a representative of Soviet Russia acting in behalf of the United States.

The day after it was signed, the Secretary of State of the United States declined to comment on the ground that the terms had not been received from Moscow in time for study.

These are just a few examples of what happens when a President insists upon handling foreign affairs on the basis of personal, secret diplomacy. The result is today that no one knows what our foreign policy is with respect to Poland, France, Germany, Rumania and other countries of Europe, or for that matter, South America or China. We have no hint of what commitments may have been made and American opinion is stifled and ineffective. Yet despite these obstacles we are fighting our way to victory and we shall achieve American participation in a world organization to prevent future wars. We are going to succeed because in this matter we have followed the American way of doing things. The handling of this vital matter has been left to the State Department where it belongs.

Many times in the past, and six weeks ago, in detail, I have set forth the principles which should govern us in the great work ahead. There are two distinct tasks. One is the immediate problem of victory—the question of what shall be done with Germany and Japan when they have surrendered. The other is the long-term problem of world organization for peace.

The first task is primarily the responsibility of the victors. It will require continued close collaboration among the four great powers, the United States, Great Britain, Russia and China. France, too, must have a voice as well as other countries whose territory has been conquered by the Nazis, but whose heroic people have shared in the winning of the victory.

Germany and Japan must not only be utterly defeated but also completely disarmed. As I have already suggested, it may be necessary to forbid Germany any aviation industry of her own and the entire Ruhr, which is the heart of Germany's heavy industry, should be internationalized. Beyond that, the war criminals, both high and low, must be brought to justice. The people of Germany and Japan must be taught once and for all, that war does not pay.

But I cannot repeat too emphatically, that the second major task, the building of a world organization for peace, should not wait upon final victory. It should go forward as rapidly as possible, to immediate solution.

The main outlines of that organization have already become clear. It must include a general assembly comprising all the peace-loving nations of the world and a council small enough for almost continuous meeting and prompt action.

This world organization must be enabled, through the use of force where necessary, to prevent or repel military aggression. It must be supplemented by a world court to deal with international disputes.

These, in essence, were also the recommendations since drawn up by the conferences at Dumbarton Oaks. At those conferences we have made a good start. But this is only a beginning. Important matters remain to be worked out. It would be a profound tragedy if, after having reached a broad general area of agreement on the major principles, we should now fall to impatient quarreling over things still to be settled.

There are already those among us who want to attack the work that was done at Dumbarton Oaks because it did not go far enough. There are others, equally vehement, who are fearful that the plans go too far. Extremists on both sides have missed the point. The important point is that a beginning has been made. Let us remember that achievement can only be reached through agreement—agreement between the Executive and Congress—agreement among our people—agreement not merely among the three most powerful nations, but among some sixty nations which must join in this endeavor for it to succeed. It is imperative that the small nations of the world be brought into full partnership in this work now and not later. World opinion in the final analysis is essential to continuing success. Force, without justice, can never preserve peace. The treatment of small nations is the test of the conscience of civilization. They should have a full share in these labors from the start.

There are two great disasters which could occur to us. The first would be if a few individual rulers should in secret conferences try to shape the future peace of the world. The second would be for any nation involved to break up into quarreling groups over individual proposals. We must make certain that our participation in this world organization is not subjected to reservations that would nullify the power of that organization to maintain peace and to halt future aggression. The surest way to invite disaster is to insist that everything must be perfect from the start. Human progress is not made in that way and this is a profoundly human problem.

Whatever the difficulties, we must not be diverted from our goal by the irreconcilables of either camp. We have before us vividly the grim reminder of the robot bomb which shows no nation anywhere can be safe against aggression. No single nation can make itself impregnable to attack. We can no longer rely solely upon our own defenses or upon our own love of peace. We can and we must have a world organization to prevent future wars.

We must have two unities on which to build. One is the unity of the United Nations. The other is unity of the American people.

We are working successfully now. With 130,000,000 of our own people to satisfy and with almost sixty other nations to come to agreement—I am sure none of us will get exactly what he wants. Individuals must have convictions but if any of us insists on exactly what he wants or nothing, we

will get nothing, and that would be the greatest disaster the human race has ever suffered. Secretary Hull is working steadily with a bi-partisan committee of the United States Senate in the best American fashion. I have been happy to join with Secretary Hull in non-partisan work between both parties on the drafts which have recently been completed at Dumbarton Oaks. In the end I am convinced that we can meet all of these problems if we will use patience, wisdom and the full force of our people's determination.

We have made a great beginning. We must hasten our labors to a successful conclusion. Our objectives and our methods must be known to our people and approved by them so that they will be willing to support them and to sacrifice for them in all the years to come. Ten million Americans are making sacrifices today beyond any our Nation has seen before. Some will come home permanently scarred. Some will never return. These tragedies must not visit us again. Our dead must not have died in vain.

We must keep our unity at home bright and fresh for the great tasks ahead. With that unity we can give leadership in bringing lasting peace to a stricken world.

At Pittsburgh Armory, Pittsburgh, Pa., October 20, 1944

Labor in Post-War America—Manipulation of Labor's Rights for Political Power

Governor Martin, fellow Americans, it's good to be in Pittsburgh again and to hear from Governor Martin that Pennsylvania will be in the Republican columns this year for the State candidate, for Senator Davis and nationally. I am happy to report that a great upsurge is sweeping the country. Everywhere from coast to coast the American people are coming to the decision that it's time for a change. Republicans are confident of winning—Democrats who deeply resent the kidnapping of their party by the Communists and the Political Action Committee are also confident of winning—with us. Together with independents they are fed up with twelve long years of quarreling, waste and decay. They agree that sixteen years would be intolerable. They want a fresh and vigorous government with faith in the future of America. And that's why it's time for a change.

In twenty-six states having two-thirds of our population our people have found that we can have good progressive government without wrangling, waste and confusion. We have learned that change to Republican state administrations greatly strengthen our unity for war and our capacity to hasten victory. With our great military command continued a similar change in civilian Washington will also speed our work for a just and lasting peace. In the same way a change of administration offers the only future to the working people of America. The post-war slogan of the New Deal is: back to normalcy with ten million unemployed. That's where we were in 1940 after seven years of the New Deal. But we Americans will not, we must not, go backward.

When the war is won a tremendous job will just begin. No one man, no single group will be able to hold all the forces released by war in constructive channels. Every group in our population—agriculture, business, labor and government—will have to pull together as never before. Can this great effort be led by an administration which is both worn out and torn to shreds by internal dissensions? Can it be done by a President who has warred with a Congress of his own party year after year until that Congress is in open rebellion?

Let me recall to you what happened at the end of the last war under another tired administration. Nineteen hundred nineteen brought soup kitchens into our cities—not for the helpless—but for returning soldiers. In the best organized communities it took a returning soldier an average of two and a half months to find a job. While that veteran walked the streets this Nation was shaken by its first general strike. That same year brought the great steel strike, the meat-packing strike and the lockout in the building trades. Making the strife more bitter were the assaults of the Democratic

Attorney-General A. Mitchell Palmer on union halls and civil liberties. This Nation was so torn by cleavage and insecurity that it was in that year 1919 that the Communist Party of the U. S. A. was organized, dedicated to revolution.

Improved labor relations and advances for the working people of this country came only with good times. Labor leaders joined with a Republican Congress to establish the Women's Bureau of the Department of Labor. They helped a Republican administration set up the Railway Labor Act which is today still the model law in employer-employee relations. Under Republican administrations came legislation against child labor, limitation of interstate distribution of the products of prison labor, laws for payment of prevailing rates of pay on government jobs and the Anti-injunction Bill of Rights for Labor.

This program was a part of the social trend which has continued since in the Social Security Law, the Wage and Hour Law and the National Labor Relations Act. There is no reason why our social trend should not continue. There is no reason except one—the New Deal—tired out and too long in office. It distrusts the people. It treats the social gains of the 1930's as its own private property.

The New Deal sits by the fireside and gazes back on its long lost youth with happy contemplation. It wants to spend its declining days clipping coupons on its political investments of the 1930's. It wants to hold office forever in stalemated idleness. I say that social gains are not the property of any party. They are the property of the people of the United States and no party can exploit them for its own political profit. Good laws are necessary, but they are not enough. Social progress needs vigorous protection and promotion all the time. It needs the nourishment of competent free government.

Now, let's look at what has happened to the right of collective bargaining under one-man government. The New Deal has posed for years as the friend of labor but today it has turned collective bargaining into political bargaining.

Let's take just one example. In the autumn of 1942 the 1,100,000 non-operating railroad employees and then the 350,000 operating workers requested a wage increase to meet the costs of higher living. Since 1926 the machinery of that law had always worked successfully in such application. And it started to operate properly this time with the regular hearings before the National Mediation Emergency Board.

But what happened? The grasping hand of one-man rule reached in and set itself above the law. Mr. Roosevelt's Economic Stabilization Director Vinson completely destroyed the effectiveness of the Railway Labor Act by setting aside the recommendation of the Mediation Board for an increase of eight-cents-an-hour. Desperate, the railway workers of the Nation decided to walk out, if necessary, by a vote of 97 per cent. For six months last year while uncertainty and tension increased, Mr. Roosevelt did nothing but wage a war of nerves against the railway workers. Finally he decided the stage was set for making political capital. He called the union leaders to the White House. They met there four times. Mr. Roosevelt demanded that he, instead of the legally established Mediation Board, be selected as the final arbitrator. Three presidents of railway brotherhoods declared and I quote: "The whole thing had all the earmarks of a political set-up."

The tension rose higher. Finally Mr. Roosevelt seized the railroads to forestall a national disaster which he himself had prepared. After he did that he graciously gave the very wage increase to which the railway workers had been entitled for over a year.

The comment of the three brotherhood leaders was and I quote: "The trouble was that the Administration was not content to follow the law."

"We are firmly convinced," they said, "that if the Administration had kept its hands off and had permitted the rail unions to proceed under the Railway Labor Act we could have reached a satisfactory settlement with our employers without stopping work for a single day and without causing the slightest bitterness."

"But," they concluded, "the Administration did not do that. It insisted on changing rules in the middle of the game."

Now political power wasn't the only profit in this case. There was political cash too for one of the New Deal city bosses. The railway brotherhoods had to be represented by special legal counsel because the proceedings were obviously of a very special sort. And who do you suppose was the lawyer? An eminent attorney in labor law? An authority on railroad economics? Not under the New Deal. With legal process tossed out the window by act of Mr. Roosevelt the railway workers were forced to hire someone who knew his way up the backstairs of the White House. So the railway brotherhoods had to hire Mr. Roosevelt's third-term National Chairman—that eminent authority on Belgian paving blocks, Boss Flynn of the Bronx. This was the man who once appointed the notorious gangster and gunman Dutch Schultz as a deputy sheriff of the Bronx. And did Mr. Roosevelt's political manager lend his aid for nothing? The price of his services for the railroad workers of America was \$25,000.

That sort of business must come to an end in this country. Our fighting men are entitled to return to something better than that in their Government. Political bosses and one-man government must not be allowed to keep a stranglehold on the rights of our working people. I believe with all my heart in collective bargaining and it must again be free collective bargaining. It must be bargaining for the rights of working people and not for the profit of political bosses.

Now, playing with the rights of labor for political power and political cash is bad enough. But there is something even more dangerous in what the New Deal is doing. Here are the words of Robert J. Watt, one of the top officials of the American Federation of Labor. He says: "Even as we fight for the survival of our basic freedoms we find that the Democratic process in many ways is being hog-tied and rendered subordinate to the dictum of a one-man boss . . ."

Just a week ago at a public forum in New York this same labor leader said: "Government intervention has already strangled collective bargaining to death."

And to this, railway brotherhood President David B. Robertson said: "I should like to say amen to that."

But collective bargaining is only one of the casualties of the rights of workers under the New Deal. Look at what happened to the white collar worker. A friend of mine is an employee of a publishing house. He asked his employer for a raise and the employer agreed. But then the trouble began. The employer filed an application with the appropriate Government bureau. Seven weeks went by, then what? More information was requested. Two months later the request was turned down. Three months more until an appeal was heard. Another month for a decision that the appeal had been denied. Three and a half months of further delay waiting word that a further appeal to Washington had been turned down. On the last appeal, four months later still, the word was finally handed down: "O. K. you can have half as much as you asked."

Thus more than fifteen months after the original request, the New Deal settled the case by the old Kangaroo Court method of splitting the difference. If the request had no merit in the first place a denial would be fair and proper. But when it's right all the time fifteen months delay and three appeals to get justice are inexcusable. It's been the same with millions of other white collar workers all over the country. That's why it's time for a change. The time has come to face the fact that the New Deal is a bankrupt organization living only to extend its powers over the daily lives of our people. It did some good things in its youth but now it seeks to live on its past. In this great national campaign my opponent has not offered to the people of this country even the pretense of a program for the future. He tells the working men and women of America to trust him to do as they are told and ask no questions. That is the end result under one-man government always. Everywhere it is the inevitable end of a philosophy which sees no real future for America. It is the result of a viewpoint that can see nothing ahead but a repetition of its own peacetime failures—a return after the war to unemployment with leaf raking and doles.

I am sure America will never submit to that dreary prospect. We are going forward to swift total victory over our enemies abroad. We are

going to take the lead in building a world organization for lasting peace and here at home we are going to establish a government which will make possible a vigorous productive economy with jobs and opportunity for all.

Only in this way can we maintain social progress and make secure the rights of free labor. With the full backing of our party, Governor Bricker and I stand committed to a program that will insure to American labor the guarantee of free collective bargaining through the National Labor Relations Act and with freedom from government dictation. We stand committed to the proposition that America can and must have both economic security and personal freedom. That program we shall begin to put into effect next January 20.

We shall appoint an active able Secretary of Labor from the ranks of labor.

We shall abolish wasteful, quarrelsome and competing agencies which are strangling collective bargaining.

We shall establish the Fair Employment Practices Committee as a permanent service.

We shall put back into the Department of Labor the functions that belong in the Department of Labor.

We shall bring an end to special privilege for one group of American workers over another group of American workers.

We shall see to it that every man and woman that works stands equally in the Department of Labor and that the department exists to serve and not to rule.

We shall work for a broader Social Security Act to include those not now covered. Old Age and Survivors Insurance is now denied to twenty million of our people. All those who have been left without protection under the New Deal must be included. Public employees who are not now protected by existing systems should also be included.

We shall work to widen the provisions of unemployment insurance to include the groups now unprotected.

These things government can and should do. But they alone are not enough. We can have a free labor movement and make social progress only within the framework of a society which encourages enterprise—that provides opportunity for all—that is productive and growing.

To that end we are pledged to remove from the backs of American farmers and businessmen the hordes of bungling bureaucrats and the load of red tape and regulations under which they have staggered so many years.

Necessary regulation of industry and finance will encourage not discourage freedom and opportunity. It must be administered by men who believe in the free enterprise system, by men who know that the personal and political freedom of the average American citizen is more important than increased power for a government bureau.

We must have a government that wants every American to succeed; a government that will make possible full employment with an ever increasing standard of living for every man and woman who works.

Above all we must have an administration that will restore unity to our country. That means a government with team work in its own ranks—a government that works in harmony with Congress—a government that has equal respect for the rights of agriculture, labor and business and for every race, creed and color.

The years that lie ahead will be largely peacetime years. They will bring great problems and great opportunities. Let us determine now that we shall work together in unity as free Americans under an administration that believes in the future of America.

Tonight brave men on far off battlefronts are fighting and dying for our country. If we are to be worthy of their sacrifices we must strengthen freedom here at home. That we will do and with God's help we will build a future fit for heroes—a land of equal opportunity for all.

At Municipal Auditorium, Minneapolis, Minn., October 24, 1944

America's Foreign Policy

It is mighty good to come back again to Minnesota, the state of that gallant leader, Commander Harold Stassen. As a great governor and a bold and courageous leader of opinion he rendered services to his country equalled only by his present services in the U. S. Navy.

To the people of Minnesota he gave something else very precious and too long absent from our national life. He gave teamwork government, not one-man government.

As a result, when he left for the Navy, there was a firstclass man ready and able to fill his shoes. That man has so ably and successfully conducted the affairs of the State that everyone agrees that you will elect by an overwhelming majority my good friend, Governor Edward J. Thye.

The experience of the people of Minnesota under these great Republican administrations points the way toward the progressive forward-looking teamwork government the people will install in the Nation next January 20.

I had intended to talk tonight about some of the problems of the American farmer. I have deferred that talk so that I can, without delay, correct some errors and omissions in the speech of my opponent last Saturday night. But before doing so, I want here and now to re-pledge my adherence to the Farm Program of the Republican Platform which was drawn by the farm leaders themselves. The wide fluctuation of prices of farm products that followed the last war will not be tolerated. A floor will be placed and maintained under farm prices with assurance of seal-up crop loans. A proper farm program will be created and so operated that it will leave with the farmers the administration, control and operation of their program without domination or dictation from appointed bureaucrats. I shall discuss in detail the problems of our farmers on the Farm and Home Hour next Saturday.

On three great objectives, we, the American people, are wholly agreed. We are determined to carry through this war to swift and total victory. We are determined that the United States shall take the lead even before victory in the war is won, in the establishment of a world organization to prevent future wars. We are determined that our fighting men shall find when they return victorious, a vigorous and productive America, the kind of America in which there will be jobs and opportunity for all.

It was for the purpose of keeping our unity for peace that last August I lifted our peace plans wholly out of partisan conflicts by joining hands with Secretary Hull in work on the proposed organization to prevent future wars. In my addresses on that subject I have tried to keep it out of partisan debate.

Unhappily, however, last Saturday night my opponent once again sowed among us the seeds of disunity. He made a very long speech on foreign affairs. We had hoped he would speak to the American people as grown-ups and tell us what our foreign policy is and where it is going. We had also hoped to hear some word of cheer about the smaller nations so important to the conscience of the American people; some word about the fate of Poland, some hope for the people of Italy, some assurance that the Scandinavian countries which have suffered so much, and the other small countries, might soon be admitted to their full partnership in the work for organized peace. But Mr. Roosevelt gave us none of that. Instead, he sat by the fireside and dreamed of yesterday. He paraded before the American people the ghost of the long-dead past. He told us a few bits of history, carefully selected, and then said in effect, "Ask me no questions—you are not entitled to know where we are going. Just leave everything to me."

Now Mr. Roosevelt said in that speech "I am giving you the whole story." But the isolated bits of history he gave were only a very small part of the story. I had intended to talk tonight about some of the problems of the American farmer. I have deferred that talk so I could without delay look with you tonight at the vital events my opponent left out of what he called "The whole story."

My opponent says the heavy hand of isolationism governed our country in the 1920's. Does he mean to apply that term to the three great Republican Secretaries of State: Charles Evans Hughes, Frank B. Kellogg and Henry L. Stimson, his own present Secretary of War? If so, I am afraid he has a very convenient memory. It was my opponent himself who said on the day he took office, the fourth of March, 1933, and I quote his words: "The world picture was an image of substantial peace. International consultation and widespread hope for the bettering of relations between the nations gave to all of us a reasonable expectation," he continued, "that the barriers to mutual confidence, to increased trade, and to the peaceful settlement of disputes could be progressively removed." That statement about 1933 was the truth. My opponent did inherit a progressively improving structure of international cooperation, from the Disarmament Conference of 1921, led by Charles Evans Hughes, through the great Kellogg-Briand Pact of 1928, in which most of the nations of the world renounced war as an instrument of national policy.

But it was on March 5, 1933, that Adolph Hitler made himself dictator of Germany. That was a fateful year. Germany walked out of the Disarmament Conference. Germany and Japan quit the League of Nations. And tragically, under the leadership of Mr. Roosevelt, America did her own bit toward the breakdown of international cooperation for peace.

Mr. Roosevelt now speaks fondly of the League of Nations. But it was he who in 1933 said this of the League, and I quote his words: "We are not members and we do not contemplate membership."

He rejected the policy of collaboration with the League which had previously been established, and in 1935 the American representative at Geneva was instructed "that we desire to follow our course independently."

Here are two parts of the story my opponent conveniently forgot. Now let's look at some more. It was also in 1935 that instead of the policy of consultation with other nations an overwhelmingly Democratic Congress adopted the fruitless Neutrality Act and the President signed it.

But it was in 1933 that we really had our last chance to bring order out of the chaos of international money exchange and trade. The London Economic Conference had been labored over for months by Republican Secretary of State Henry L. Stimson. Yet as one of his early acts as President, Mr. Roosevelt deliberately scuttled that conference. That was the most completely isolationist action ever taken by an American president in our 150 years of history. It was that tragic event that led at least one European statesman to say there was nothing then ahead in Europe but war.

Year after year, from 1933 to 1939, our representatives in Berlin and Tokio in their confidential reports, which are now partly made public, warned of the growing danger. Year after year our chiefs of staff reported on the utterly impoverished and pitifully small manpower of our Army. Year after year the Budget Bureau, which is under the personal direction of the President, cut down the amount requested. It was right in the fall of 1939, after the second World War had actually begun that Mr. Roosevelt's Budget Bureau cut out 550 million dollars of amounts certified by the Army for critical and essential items.

It was in January, 1940, that Mr. Roosevelt told the Congress that \$1,800,000,000 for national defense was, in his judgment, and I quote him, "A sufficient amount for the coming year," although he admitted that it was "far less than many experts on national defense think should be spent." It was in that month that I publicly called for a two-ocean navy, a concept which Mr. Roosevelt still later called "Just plain dumb."

It was in those terrifying days of the Nazi blitz in May of 1940 that he told us we should not become "Discombobolated." Then, with France about to fall, he publicly announced on June 4, 1940, that he saw no reason for Congress to stay in session. It was an election year,—so in that hour of national peril he said that a continued session of Congress would serve no useful end except, sarcastically, the laudable purpose of making speeches. It was that American Congress which refused at that historic time to go home. It stayed in Washington and went to work. It was that Congress which then passed the National Selective Service Act, sponsored by a Republican Congressman and an anti-New Deal Democrat. It was that Congress

which stayed after it had been told to go home which ran the appropriations and authorizations for national defense up to twelve billion dollars, and it was that Congress that authorized our two-ocean Navy.

Those are a few more of the chapters of the story—all of which my opponent conveniently forgets. But the American people will not forget them when they go to the polls in November.

Now, in his speech of last Saturday night my opponent did remember the Washington Arms Conference by which for the first time we succeeded in restricting Japan to an inferior naval relationship of 5-5-3. But he forgot that he was supposed to be telling "The whole story." He complained that we "scuttled" part of the strength of our Navy. But that is not what he said at the time. Then in a magazine article Mr. Roosevelt asked America to trust Japan and complained of, and I now quote his words: "The delay in the scrapping of United States ships as provided for and pledged in accordance with the Treaty." Close quote. What he also forgot last Saturday night was that as late as 1934 he called the Washington Arms Conference a "Milestone in civilization."

How election times do change men's memories. If we are going to learn our lessons for future use we have to keep the record straight.

It was in that year 1934 that Japan served notice of termination of the Limitation Treaty which kept her navy inferior to ours. Yet it was in the first two administrations of the New Deal that this country sent ten million tons of scrap iron and steel to Japan, unchecked by my opponent until October 16, 1940. The weight of that scrap iron alone was ten times the tonnage of the whole Japanese Navy.

Mr. Roosevelt said last Saturday night that we could have "compromised" with Japan, and I quote him: "by selling out the heart's blood of the Chinese people." Well, let's see what he did.

In addition to scrap iron he permitted the shipment of as much as three million barrels a month of oil, the heart's blood of war, for use against China and for storage against America. That oil continued to flow until July of 1941, four months before Pearl Harbor.

Let those who claim to have exercised great foresight remember these lessons in history. And let us as a nation never forget them.

Now my opponent in his speech actually blamed a handful of Republicans for our failure to go into the World Court in 1935.

That was when Mr. Roosevelt was still on the crest of his leadership with three-quarters of the United States Senate Democratic. Even with the help of nine Republicans he still couldn't muster a two-thirds vote. Since then he has warred with Congress at every major turn. He has insulted its integrity publicly, and its members have learned the bitter lesson that legislation asked for one purpose is twisted to another. This is a sad foundation on which to build the teamwork necessary for the future and that's why it's time for a change.

Three times in recent months I have discussed at length what I consider the sound and successful program for lasting peace. I have emphasized that this work must be pressed forward without waiting for the end of the war. I have emphasized, as my opponent has not, that, and I am quoting, "We must make certain that our participation in this world organization is not subjected to reservations that would nullify the power of that organization to maintain peace and to halt future aggression." That means, of course, that it must not be subject to a reservation that would require our representative to return to Congress for authority every time he had to make a decision. Obviously Congress, and only Congress, has the Constitutional power to determine what quota of force it will make available and what discretion it will give our representative to use that force.

I have not the slightest doubt that a Congress which is working in partnership with the President will achieve the result we all consider essential and grant adequate power for swift action to the American representative. But those who would attempt to ride rough-shod over the Congress and to dictate the course it should follow before it has even been acquainted with the facts are trifling with the hope of the world. They are deliberately, in my judgment, seeking to precipitate a hardening of minds. If this stubborn course is pursued it can only result once again, as in 1919, in a disastrous conflict between the President and the Congress. To that I will never be a party.

I deeply believe that we cannot build an understanding and a purpose for our future if we are to continue to have abuse from the President of the United States of the members of Congress of the United States. None of us has been all-wise in these matters. Individual Congressmen and Senators of both parties have made mistakes. Individual citizens have made mistakes. Every single one of us—both in and out of office—has made mistakes.

I am not interested in the mistakes of the past of any individual—in either party. I am interested—the people of this country are interested—in what the next Congress will do. We must not find ourselves after next January 20, stalled on dead center as a result of this series of recriminations between my opponent and the Congress. He has already demonstrated that he cannot work with a Congress of his own party. It is unmistakably clear that our future demands that we have a new chief executive who can and will work with the new Republican Congress. We must be able to go forward harmoniously and effectively if we are to meet the mighty problems of peace.

Now who will lead the next Senate and the next House? Well, here are the acknowledged leaders today:

Wallace H. White, Jr., of Maine, Acting Minority Leader of the United States Senate.

Arthur Vandenberg of Michigan, Chairman of the Senate Republican Conference Committee.

Warren R. Austin of Vermont, Chairman of the Republican National Convention Foreign Relations Subcommittee.

Robert A. Taft of Ohio, Chairman of the Republican Steering Committee.

Kenneth Wherry of Nebraska, Republican Senate whip.

Joseph W. Martin, Jr., of Massachusetts, the Minority Leader of the House of Representatives.

I hold in my hand a telegram from each of these gentlemen. Let me read you the wire from Senator Wallace H. White, the Acting Minority Leader of the United States Senate. It reads:

Your statements in support of a post-war organization and your vigorous leadership in developing and clarifying our country's foreign policy have my respect and approval. Your views will be accorded enthusiastic and loyal support by Republicans of the Senate and by the American people.

Now let me read a wire from Joseph W. Martin, whom my opponent last Saturday night by the way, practically conceded is likely to be the next Speaker of the House of Representatives. That wire reads:

When elected President, you can count on enthusiastic support of the Republican House of Representatives to carry into effect your plan for United States leadership in organization to cooperate with other nations for world peace. I shall personally be very pleased to follow your splendid leadership in bringing this plan into reality.

The rest of these messages are in identical vein and I have made them public tonight. Here is the kind of unity we need in this country—this is the kind we will need so desperately in these important years ahead.

From the beginning of this campaign I have insisted that organization for world peace can and must be a bi-partisan effort. I shall continue to insist on that approach.

The avoidance of future wars is too important to be in the sole custody of any one man—of any one group—or of any one party. It's too important to hang by the slender thread of one man's continuity in office.

Only with the unity now demonstrated by the telegrams I have read to you tonight from the next leaders of the Congress and the Senate can we achieve the kind of action necessary to preserve peace. Only with a chief executive who will work with the Congress in harmony can our future be assured.

Our work for future peace must and will become on January 20 next, a bi-partisan effort, bringing to it the ablest men in our country from both political parties.

That sense of unity can also be brought to our domestic affairs. With a Congress and a President who will cooperate with the Congress, we need not fear the peace. For agriculture, for labor and for business, we have an unlimited future before us, if we will seize it and unite to bring it about.

Certainly this, this is the least we can do in the name of those who are fighting today to make that future possible. With God's help we shall unite America and go forward once again.

NOTE.—See page 625 for telegrams referred to hereinabove.

At Chicago Stadium, Chicago, Ill., October 25, 1944

Principles of New Deal—Falsity of Claims for Social Achievements

It is good to come again to Chicago and to be the guest of your great Governor, Dwight Green. It is also good to hear from everyone that he, together with your next Senator, Richard Lyons, will be overwhelmingly elected on November 7.

Since I was here last June, a great campaign has gained force daily to restore honesty and competence in our National Government. All over the country that movement has taken hold until now it has become an irresistible tide, sweeping onward toward victory for a free America in November. The strength of that movement does not lie in any individual. It springs from an urgent conviction in the minds of our people.

The women of our country have had a vital part in advancing this cause. Today, throughout the nation, there has been a splendid demonstration of women's contribution to public affairs and of their faith in America. And tonight, Republican women in cities, towns and farm areas all over the country are meeting to perfect their plans to get out the largest possible vote.

Governor Bricker and I appreciate deeply the great work women are doing in this campaign. They have again shown an active and public-spirited citizenship. They will, I hope, take an increasing part in our national leadership in the years to come.

The women of America have an especial interest in this campaign because they know that the decision they make will determine the kind of a country their husbands, brothers, sons and sweethearts will return to when the war is over. They know, too, that the decision we make next November 7 will determine whether America is to have the kind of government which can carry through to success the hopes of all of us for world cooperation to prevent future wars. And women are, also, deeply concerned in this campaign, because the fundamental issues of this campaign are moral—the simple questions of honesty and good faith.

As this World War moves toward our inevitable victory, it becomes our high duty to decide in an election whether we shall save in America the principles for which we have fought abroad. We have fought at greater costs than ever before in our history for high moral principles—for freedom, for justice and for integrity. Without these, America would become an empty husk. With these, America is the land of opportunity, of faith and of freedom.

Governments, like people—are judged on the principles by which they live. Thomas Jefferson defined the basic principle of government this way. He said: "The whole art of government consists in the art of being honest." That was a good definition when Jefferson pronounced it, and I am old-fashioned enough to believe that it is still a good definition today.

Now, let us see how the New Deal's most vigorous supporters define the art of government as it has developed these past twelve years. Here is the opening sentence of a Fourth Term campaign pamphlet, of which two billion copies have been distributed on behalf of Franklin D. Roosevelt. It reads: "Politics is the science of how who gets what, when and why."

There in brief is the practical lesson of twelve years under the New Deal. There is the practical reason why we find working together for a Fourth Term the bosses of the corrupt big city machines, Sidney Hillman's Political Action Committee, and Earl Browder and his Communist Party.

They are working together to perpetuate my opponent in office for sixteen years because they think they know the answer to the question of "Who gets what, when and why." What it is they expect to get, the American people are not supposed to ask or know. When and why they expect to get it is very clear. They expect to get it in the next four years—as a reward for their services in behalf of the Fourth Term, and at the expense of the American people.

But the American people will have another answer. From the American people this whole greedy, power-hungry assortment will get a resounding "No" next November 7.

The New Deal began by casting aside the platform it had adopted in this very city twelve years ago. That was the platform that was called a solemn "Covenant with the people" and which Mr. Roosevelt promised to support 100 per cent. You know what happened to that. The New Deal went on from there to exploit for its own political ends the plight of millions of American men and women for whom in peacetime it never succeeded in providing jobs.

Men and women on WPA and on relief in state after state were shaken down for political contributions to the New Deal. For the sordid purpose of buying votes with money which belonged to the needy, people were added wholesale to the WPA payrolls before election only to be brutally thrown off after the votes had safely been counted.

Take, for example, the following instructions given to a director of WPA by a Democratic County Chairman in South Dakota:

They say, "Please place this man on WPA on the special set-up you have that takes care of rush men as welfare will not certify. Have looked into affair—has nine votes in family."

The whole story was set forth by a Senate Committee, four of whose five members were Democrats. "Funds appropriated by the Congress for the relief of those in need," this Senate Committee said, "Have been diverted . . . to political ends." The facts, it said, "Should arouse the conscience of the country."

But my opponent's conscience was not aroused. Instead, he made a speech in Kentucky, where some of the worst of these scandals had been uncovered. And he said: "Personally, I am not greatly disturbed by these stories." Instead of government consisting "in the art of being honest" my opponent gave a government as the science of "who gets what, when and why."

The tragedy was that the needy suffered, so votes could be garnered at election time. We don't want to go back to that after the war and that's why it's time for a change.

Time and again this administration has sought to do by subterfuge what it did not dare to do directly. You remember Mr. Roosevelt's attempt to pack the Supreme Court. He had a Congress overwhelmingly composed of his own supporters, but that was not enough. He wanted an obedient Supreme Court—one which would follow his advice to Congress and I quote "not to permit doubts as to constitutionality, however reasonable," to stand in the way of his designs. He knew no such proposal could succeed if presented in a straight-forward manner. So he disguised it in a lengthy plan to "reform" the courts. He solemnly said in a message to the Congress of the United States that the Supreme Court was behind in its work, but the Chief Justice of the United States nailed that one personally. He announced that "The Supreme Court is fully abreast of its work" and he cited the figures to prove it.

The Senate Judiciary Committee, a majority of whose members were Democrats, denounced this plan as "a proposal that violates every sacred tradition of American Democracy" and the Congress rejected it. But time and mortality and twelve years in office have enable Mr. Roosevelt to pack the courts with New Deal appointees today. The very preservation of our liberty demands that this practice be stopped—and that's another reason why it's time for a change.

Now, my opponent, whose veracity had to be corrected by the Chief Justice of the United States, is now talking in this campaign about "fraud" and "falsification." He implies that others have adopted his devious methods. Well, once again, he has asked for it and here it is.

A few months ago, Mr. Roosevelt drew up a list of New Deal achievements for the benefit of his papers. Almost the first achievement for which he took credit was the Federal Deposit Insurance Corporation for insuring bank deposits. This is a matter that goes right to the heart of the honesty of this National Administration. The truth is the man who sponsored Federal insurance of bank deposits was Senator Arthur Vandenberg of Michigan, a Republican, and Mr. Roosevelt opposed it and fought against it every step of the way.

Here is the record and it's the whole record. Senator Vandenberg first introduced a bill for deposit insurance in December, 1932. Mr. Roosevelt had previously opposed the whole idea and I quote his words as "an impossible drain on the Federal Treasury." Senator Vandenberg again proposed the bill as an amendment to the Banking Act of 1933. Now let's see what Mr. Roosevelt did then. On June 2, 1933, he wrote Senator Carter Glass as follows, and I quote: "I must, therefore again, express to you my definite feeling that the Vandenberg Amendment must be rejected in toto, even as revised, and I again repeat, no modification of this amendment proposed so far will avoid a serious situation." But Congress passed the bill in spite of Mr. Roosevelt and now he claims credit for it.

I am glad to say that other members of this administration have acknowledged the truth. For example, the chairman of the Federal Deposit Insurance Corporation wrote to Senator Vandenberg in 1934 and he said: "I consider you to be the father of the Federal Deposit Insurance Act."

Once again we find that social progress is not the property of any one party or of any one man. Certainly it is not the property of the tired and worn out New Deal.

Yet, my opponent, who claims credit for what another man did uses the words "falsification" and "false witness."

This is the same man who, when he ran for a second term, said: "My great ambition on January 20, 1941, is to turn over this desk and chair in the White House to my successor."

This is the same man who, when he ran for a third term, said, and I quote him again: "When that term is over there will be another President." And to make that doubly impressive he said to his neighbors on the evening before he cast the ballot in that election that this, and again I quote: "Is the last time, very obviously, that I will do this as a candidate for office," and now he's running for the fourth time. Is it any wonder that when the White House speaks the first question the people ask is not whether the news is good or bad, but "Is it true"? Is it any wonder that the *Christian Century*, an outstanding religious publication read by thousands of God-fearing men and women in this country, has passed this sober judgment on the present administration, and I read it:

"From the very beginning, Mr. Roosevelt has used deception as a major political stratagem until today he has lost the moral confidence of the Nation. Even in the ranks of those blocs which represent his followers his support rests not upon their confidence in his integrity, but upon the cynical assurance that he will serve their interests because," it concludes, "their votes are necessary to his maintenance in power." End of quotation.

But deception is not the only political stratagem that this administration has employed in its effort to perpetuate itself in power for sixteen straight years. Listen to this brazen piece of business.

I have here a letter written October 16, 1944, a week ago last Monday. It is written on the letter-head of the National Democratic Campaign Headquarters, Little Rock, Ark., and signed by H. L. McAlister and Sam J. Watkins, State Finance Directors. It begins: "This is an invitation to you to join the One Thousand Club. . . ."

"The idea of such a club," the letter continues, "originated at a recent conference at the White House between the President, Robert E. Hannegan, Chairman of the Democratic National Committee, and Edwin W. Pauley, Treasurer of the committee. At this meeting," the letter continues, "the President commented: 'I think it would be a good idea to have a list of one thousand persons banded together from all over the United States to act as a liaison to see that facts relating to the public interest are presented

factually to the President and members of Congress.'” That’s the end of the President’s statement. Then the letter continues. It explains the idea behind this plan of my opponent. This is what it says, and I quote:

“Members of this organization undoubtedly will be granted special privilege and prestige by party leaders. These members will be called into conference from time to time to discuss matters of national importance and to assist in the formulation of administration policies.” Those are the words of the letter. It continues, “To be eligible for membership in the One Thousand Club will require a contribution of \$1,000, to the National Democratic Campaign Fund.”

There, in crude unblushing words is the ultimate expression of New Deal politics by the theory of “Who gets what, when and why.” For a thousand dollars laid on the line to finance the Fourth Term drive, this administration bluntly offers for sale “Special privilege” including the special privilege of assisting “In the formulation of administrative policy.” And the sponsor of the idea is frankly stated in that letter to be the President of the United States. The man who holds the highest office within the gift of the American people, at a conference in the White House, sponsors an idea to sell “Special privilege” and a voice “In the formulation of administrative policy” for one thousand dollars on the barrel head and that’s another reason why it’s time for a change.

Let me make one thing clear right now. In the new administration that takes office next January 20 there will be no special privilege for sale to any one at any price. There will be no special privilege for individuals, for groups or for any section of our people.

When that new administration takes office every American will once again stand equal in the eyes of the Government of the United States. We will once again restore honesty and integrity to the White House so that its spoken word can be trusted.

In the years that lie ahead, the United States must give leadership to the world if we are to realize the aspiration of people everywhere for an enduring peace.

How can we give that leadership when our own Government has lost the moral confidence of the Nation? How can such an administration give strong and effective representation to the interests of the American people anywhere? How can we hope to solve the massive social and economic problems that will confront us in the post-war years with an administration which has forgotten that “The whole art of government consists in the art of being honest?”

Let us resolve here and now to put an end to government by the cynical theory of “Who gets what, when and why.” We need a house-cleaning of the followers of that practice who for twelve years have infested our Nation’s Capitol.

We need then to create a responsible Cabinet, composed of the ablest men and women in this country. We need once more to make government responsive to the will of the people. We need men in Washington who believe in the people of America and in the unlimited future of this country. We need the kind of government in which there will be no place for deception or for special privilege. We need a government which believes and practices, in public and in private, the art of being honest.

With such a government, quarreling and bickering will come to an end and victory on every front will be speeded. With faith in our future, we can and will bring home ten million heroes promptly after victory—home to an America with jobs and opportunity for all.

At Central High School, Syracuse, N.Y., October 28, 1944

Agriculture

These war years have produced trying days on the farms all over our country. Millions of sons from our farms are fighting on battlefronts all over the world. Fathers, mothers, sisters and brothers have taken over the extra work, without regard to age or physical handicaps. Shortage of help and shortage of equipment have increased the burdens. And to cap it all,

have been the inexcusable attempts at increased regimentation by New Deal theorists in Washington.

As on who has worked with our own farm leaders day and night to achieve the success of our Farm Manpower Service, our Emergency Food Commission and the Farm Machinery Repair Program, I have come to feel that of all the heroes of this war, our farmers have received the least credit for the tremendous job they have done.

Now the war is drawing ever closer to its conclusion. With mighty triumphs in Europe and the Pacific, our fighting men are bringing victory nearer every day. As you know, a change of administration next January 20 will not involve any change in our military command. But it will bring an end to the bickering, chaos and the confusion in Washington. It will bring a stronger, more united nation backing up our fighting men without division and warring at home.

It will be a signal to all the world that free government is strong and able to strengthen itself in total war. It will mean quicker victory. And it will mean an administration which does not fear the peace—one which will bring our fighting men home promptly when victory is achieved.

What will peace mean to our farmers? Will it mean just continued efforts to control their lives from Washington? Will it mean the same collapse of prices which occurred under a Democratic administration after the last war? Will it mean a return to the sub-standard prices our farmers were still receiving after eight peacetime years of the New Deal in 1940? It must not mean these things. We can and must do better if we are to have a free and progressive America.

Few people seem to realize that the American farmer is the largest purchaser of the products of our mills and factories. Every American, regardless of his business or employment, has a direct interest in the prosperity and stability of agriculture.

Unlike other producers, the farmer deals with elements wholly beyond his control. He may plant wisely and well and then the weather can destroy his crops. He may produce to the maximum and find that a national surplus has broken his prices to the point where he has a loss for an entire year's work.

We cannot control the weather. But for the sake of the Nation, we can and we must avoid these extreme price fluctuations. As a nation, we are committed to the proposition that the prices of major farm products must be supported against the sub-standard levels we saw for so many years before this.

We have learned that depression on the farm leads inevitably to depression in the Nation just as unemployment and misery in the city lead to misery on the farm. If we are to have a strong, vigorous and happy country, we must have full employment in the factories and fair prices on the farms.

Is there any hope of achieving this result under the New Deal? Well the simple answer is that after it had been in office nearly eight years in 1940, the New Deal had still failed to achieve anything like fair prices for farm products. And one of the main reasons for that was that there were still ten million Americans unemployed. Now, my opponent seeks a vote of confidence on that record. He asks for sixteen straight years in the White House. And what does he offer for the future? Nothing different from or better than the program which failed. It took a war to get decent farm prices just as it took a war to get jobs.

From the very beginning of the New Deal, farm programs put forward by the farmers have been set up, only to be exploited for political profit and to gain control over the operation of our farms.

For example, one of our most important needs is to preserve, restore and build up our soil resources. The Soil Conservation Service has done a good job in some parts of the country. But this program will fail if it is used as an excuse for regimentation and wasteful bureaucracy.

Let's be specific. Take, for example, a farmer not far from here who signed up with the soil conservation program. Within a period of four months, fourteen different government agents traveled to this one little farm of forty-five acres to tell how his job should be done. Several came many times. When he got all through, the farmer paid for the actual work, and he also paid in taxes for the thirteen unnecessary government agents.

That sort of thing would not have happened if local people had anything to say about it, if State and county, with Federal aid, were permitted to share in the job of seeing that Federal programs were adapted to local needs. This has been so well demonstrated by the successful work of the land grant colleges and the extension service, that even the New Deal should have found it out by now.

Government assistance in farm credit is also of the utmost importance. But if the farmer needs to borrow some money, he may go to a National Farm Loan Association, the Production Credit Association, the Farm Security Administration, the office of the Emergency Crop and Seed Loan, or to the Regional Agricultural Credit Corporation. If he wants a seal-up loan on his wheat or corn, he has to go to the AAA in still another office.

He goes to the ODT for a truck permit, to the OPA for a rubber boot permit, to the AAA for his lime and phosphate, to the Post Office for his Auto Use Stamp, to the Selective Service Board about his hired man, and until this election was drawing near, he went to the County War Board to get permission to buy machinery. He may have other assorted errands in town at the OCD, the USES, the WFA, the DSC or the SCS.

The other night in St. Louis I told about an executive order in which my opponent, on April 19, 1943, dealt with the powers of his new War Food Administrator, whom he had appointed to take over the job of the Secretary of Agriculture in handling our critical food situation. Referring to both of them, he declared, they "shall each have authority to exercise any and all of the powers vested in the other by statute or otherwise."

There it is in his own words—two men in one job.

Now, my opponent has complained that I did not tell the whole story about that executive order. I am happy to accept the invitation. Here's the rest of it.

That executive order created the usual conflicts. Within two months that War Food Administrator, Mr. Chester Davis, resigned. He was drafted to do a big job and then prevented from doing it. Here is what he said: "I find that I have assumed a public responsibility while the authority, not only over broad food policy, but day-to-day actions, is being exercised elsewhere."

So, we lost a first class man. Another man was put in the job and the chaos rolled on. But there is still more to this story of two or more men in one job. The White House cabal had been trying to get rid of Harry Slattery, the Rural Electrification Administrator. Finally they offered to create a new job for him, at the same salary and at the taxpayers' expense. He was asked to undertake a special study of rural electrification not in China, this time, but in wartorn Europe in 1943.

But Mr. Slattery stuck to his job. So the Secretary of Agriculture appointed a Deputy Administrator and gave orders to the entire REA staff that henceforth they should all report to the Administrator through his deputy. The deputy moved in and took charge, firing people right and left. And just at the time when the REA should be getting ready to do a big postwar job providing electricity to farmers, it has been torn apart by conflict and confusion between the usual two men in one job.

The White House spreads confusion from the Cabinet level up. And the Secretary of Agriculture spreads confusion from the Cabinet level down. That's why we need a responsible cabinet in this country. That's why it's time for a change.

I am resisting the temptation to talk at length about these things. Time does not permit discussion of what happened to support prices in the hog market and the egg market during the past year. But one thing is very clear: when the Government makes a pledge to support hog prices, for example, the farmer ought to know who is responsible—whether it is the OPA or the War Food Administrator or the Director of Economic Stabilization or the Secretary of Agriculture or who.

The hog market scandal is but another example of the fact that for twelve years in this country we have had an unmanageable surplus of promises—promises lightly made, sketchily kept, or openly violated.

That is why it is so important to restore efficiency as well as integrity to our Government, so that its spoken word may be trusted once again.

To that end my party in its national convention adopted a platform to which I am pledged. The unqualified pledges of that platform read in part, as follows:

A Department of Agriculture under practical and experienced administration free from regimentation and confusing government manipulation and control of farm programs.

An American market price to the American farmer and the protection of such price by means of support prices, commodity loans, or a combination thereof, together with such other economic means as will assure an income to agriculture that is fair and equitable in comparison with labor, business and industry. . . .

Disposition of surplus war commodities . . . without destroying markets or continued production and without benefit to speculative profiteers.

The control and disposition of future surpluses by means of new uses developed through constant research, vigorous development of foreign markets, . . . adjustments in production of any given basic crop only if domestic surpluses should become abnormal and exceed manageable proportions.

Intensified research to discover new crops, and new and profitable uses for existing crops.

Support of the principle of bona fide farmer-owned and farmer-operated cooperatives.

Consolidation of all Government farm credit under a non-partisan board.

To make life more attractive on the family-type farm through development of rural road, sound extension of rural electrification service to the farm and elimination of basic evils of tenancy. . . .

Serious study of and search for a sound program of crop insurance with emphasis upon establishing a self-supporting program.

A comprehensive program of soil, forest, water and wild life conservation and development, and sound irrigation projects, administered as far as possible at State and Regional levels.

To these pledges we stand committed and while this program is comprehensive, we may be sure that the farmers of our country can be relied upon to propose sound measures to meet any new kind of emergency which may arise. As the farmers of my own State, here today, know so well, your next administration may be counted on to welcome such programs.

Here we have a broad, forward-looking policy for the specific welfare of agriculture. But unless we have a market which can pay a fair price, the farmer will continue to have an inadequate income. He must not again find it necessary to live on his depreciation, on the point he cannot afford to put on the barn.

The farm and food problems of the United States are inseparable. Neither will be solved until all our people are well fed, and our agriculture is stabilized on a par with industry and labor.

We can have fully employed agriculture with fair prices and a real market if we have three square meals a day for all our people. That can be obtained through a fully employed, expanding industry with real money for real jobs.

By heroic efforts and against every obstacle, our farmers have increased food production by one-third. It will not be easy to maintain balance during the change-over from war to peace. It is going to take ingenuity, teamwork and the unhesitating will of government to maintain prices and wages and income without undue inflation or shrinkage from the present scale.

We in America have had the American standard of living—we have had more to consume than any other nation, because we produced more. We must again have the courage to push forward as our forefathers pushed beyond the frontiers of their day.

Despite our war prosperity, millions of families in America still do not get enough of the right things to eat. We have still further to go. We must never go back to the scarcity theories and shrinking economy of the New Deal years. We must go forward and develop the great American market for our farm products through improved diet for the American people. If we can keep set on this objective, we shall need, not a reduction, but an

increase in food production. We must not go back to those dismal days in the middle age of the New Deal when two families out of five in America were living at the undernourished level of less than \$20 a week.

Let us have an end of generalities about the abundant life from a government which for eight long years promoted a chattering fear of production.

For this we need a government in Washington whose primary interest is not in fighting within itself, not in teaching people to feed a family of five on a relief income of \$700 a year.

Before us lies the immediate practical prospect and reality of jobs—the business of making things and doing things—real jobs for real money, real prices in a real market.

This must be the fundamental which provides three square meals a day for our people, as well as cars, washing machines, radios, tractors, high-line power, running water, education and all the undeveloped realities which lie within our reach.

To these fundamentals, a productive and a prosperous agriculture is essential to the future of America. That future we can and will achieve by the constructive program I have outlined since the beginning of this campaign. And in doing so, we must again restore the freedom of the individual farmer from dictation and control by his own government. The farmers of our country have broken new frontiers in their productive power. It is our solemn duty to equal their contribution by going forward with a productive, growing and secure America.

At Memorial Auditorium, Buffalo, N. Y., October 31, 1944

Economic Failure of the New Deal—Republican Post-War Program

‘Tonight I want to ask you to look ahead into our future as a nation. Join me in looking at what our country will face the day after victory over our enemies.

But first, let me give you right now two solemn assurances prompted by the speeches of my opponent last Friday and Saturday.

Your next president will never use his office to claim personal or political profit from the achievements of the American people or from the sacrifices of their sons and daughters.

Your next president will never make you a promise that he does not intend with all his heart and soul to keep.

And let me add that except for the pledges I have made publicly to the American people, your next president will take office next January 20 without a promise, express or implied, to a living soul.

There is no One Thousand Club in my party. I have not offered the Government of the United States for sale at one thousand dollars to any man and I never will to any one at any price. Your next administration will take office honestly, without secret promises of special privilege to any class, group or section. We shall represent all the American people equally. We shall restore honesty and good faith to the Government of the United States on January 20, 1945.

Now put your minds ahead with me, if you will, into these peacetime years which by the courage of our fighting men and with the help of Almighty God are being brought closer every day.

Eleven million men and women will be coming home from this war eager for more education, for jobs, for a chance to start a business and to get ahead. Twenty million war workers will want peacetime jobs and opportunity.

Last Saturday night my opponent once again promised jobs for every American when peacetimes come. But his own peacetime record is that at the end of eight years, the New Deal had spent fifty-eight billion dollars; it enjoyed more power than all previous governments; and in March of 1940, there were still ten million Americans unemployed. On the record his promise of jobs is worthless. It will still be worthless, even though it is repeated again and again and again.

Having discovered from my Philadelphia speech, delivered two months ago, the need for a million new homes a year, my opponent now promises

that. The fact is that for years we should have been building a million homes a year just to get back up to the standards of 1930. But under Mr. Roosevelt, we got an average of only 380,000 homes a year. On the record then, that promise, too is no good, even though it is repeated again and again and again.

My opponent now promises to free the American working man from the strangling bureaucracy he himself has created. When a man promises, in trying to win an election, that he will reverse the course of everything he has done for twelve years—then that promise too, on the record is no good, even though it is repeated again and again and again.

My opponent promises the farmers good prices after the war. But the farmer knows that in all the peacetime years of the New Deal he never got decent prices. Under Mr. Roosevelt, it took a war to get prices, just as it took a war to get jobs. On the record that promise, too, is bogus, even though it is repeated again and again and again.

My opponent promises to be mindful of the problems of small business. The small businessmen of America will know how much faith they can put in that and I should like to talk briefly about the future of small business. This is the field in which a large part of our white collar workers earn their living. This is the field of the forgotten man and woman under the New Deal.

Now, American businessmen know that the New Deal way of being mindful of their problems has been slowly to drown them with a rising flood of rules and regulations, questionnaires, reports and directives.

It's been bad enough for large business, but the big corporation at least has its lawyers, its accountants, clerks and statisticians. When it comes to small businessmen, this New Deal burden of government paper work has too often meant the different between success or failure. Take the case of Captain J. F. Shields, of Seattle, who is in the salt codfish business. For thirty-three years his boats have gone out—until last year, when the War Labor Board failed even to pass on his wage contracts. So last year, he couldn't go fishing at all.

He reports that this year he finally got clearance, after going through twenty-four different government agencies in order to carry on his small business. In addition to the Navy Department, Interior Department, Commerce Department, Treasury Department, Immigration Service and the Maritime Commission, a partial list of the agencies he had to deal with includes, WLB, WMC, OPA, WSA, FBC, USES, WPB, ODT, SS, WFA and others.

Here is another sample of what our small businessmen have had to contend with. The world trembles in the greatest war of the ages and bureaucracy puts out the following ruling: "Mashed potatoes offered a la carte for weekday lunches would be in the same class of food as potatoes au gratin offered a la carte for weekday lunches, but would be in a different class than mashed potatoes offered a la carte for weekday dinners or Sunday supper. . . ."

Well, that's the New Deal way of being mindful of the problems of small business. It's the same from restaurants to beauty parlors, from electrical shops to the insurance business. And that's why it's time for a change—before it's too late. Yes, the New Deal pretends at election time to be the friend of small business. But how has small business actually fared under the New Deal.

The record shows that in 1942 and 1943, the most prosperous years we have had under the New Deal—because of war—there was a net decline of five hundred thousand in the number of American small business concerns, a net figure of half a million small businesses closed their doors.

And yet my opponent has the temerity to go on the radio and say: "This administration has been mindful from its earliest days, and will continue to be mindful, of the problems of small business. . . ."

In the light of the record, that promise, too, is worthless and it will remain so, even though it is repeated again and again and again. My opponent has read our platform and is now saying, "Me too." Even the New Deal knows it's time for a change.

No, we cannot live on promises. We must have performance this time—before it's too late. As we keep our minds on these peacetime years ahead,

let us remember one thing: my opponent has offered no program for the peacetime years ahead except the same one which failed for eight straight years of peace from 1933 to 1940.

And let me add that the figures showing that failure have been correctly quoted by me from the beginning to the end of this campaign. My opponent has insinuated that they were not correct, but he has never dared point to one he disagreed with. Instead, he says with a sneer that when he was Governor of New York he quoted figures correctly. I do not recollect his quoting figures at all when he was Governor of New York and very rarely since then—for one very good reason. In every administration Mr. Roosevelt has headed, he ended up in the red. No country can long survive under any leader who only piles up a higher debt each year, not just in war, but in peace.

Let us, as a nation, re-learn one simple thing. Our peacetime economic system is like a high powered motor. Every part of it must work or the engine will run badly. If one spark plug goes bad, the engine loses power. If the distributor is out of order or the fuel line gets stopped up or the carburetor goes bad, the whole tremendous power of the machine fails.

That's what the New Deal doesn't know and never could learn. It had to tinker first with one thing and then with another. It has changed the tax laws fifteen times in twelve years so no man could plan ahead. It fought first one part of our job-making machinery, then another. It was never willing in all its years to let all the parts of this machine function smoothly.

It is a shocking thing that my opponent, after twelve years as president felt compelled to announce, as news, last Saturday night, that he believes in the enterprise system. Yet, in all his campaign speeches, my opponent has not indicated how he will achieve in post-war years what he so tragically failed to achieve in pre-war years. Let me summarize, in brief, some essential parts of the program of action I have proposed these last two months for the peacetime years ahead. Virtually every element of our program is something the New Deal has fought against or neglected and cannot now, for election purposes, claim to favor.

Here is the program for these peacetime years ahead.

Proposal No. 1—Direct all government policies toward the goal of full employment through full production at a high level of wages for the worker with an incentive for the business man to succeed. Your next administration will work out the problems affecting labor, agriculture and business in full consultation with all three and without discrimination against any class or section of our country or any race, creed or color.

Proposal No. 2—Adopt an entirely new tax structure which will do these things:

1. Change the personal exemption so that a man who makes as little as \$11 a week no longer has an income tax taken out of his standard of living.

2. Reduce personal income tax rates so that the tax law, after credit for dependents, will no longer take at least twenty-three cents out of every taxable dollar in the pay envelope.

3. Change and lower the income tax on business so that it can be encouraged to expand and help create the millions of jobs we need.

4. Overhaul the whole tax structure so that it is simple, so that everyone can understand it and then stick to it over a period of years so everybody knows he can go ahead and build, and create jobs.

Proposal No. 3—Make our Social Security System available to every American and not to a selected part of our people. For nine long years, the New Deal has kept twenty million Americans out of our Old Age Pension System. The right to old age benefits has become a fundamental of our society. We can and must extend the system of old age benefits and Social Security to all our people and build a society strong enough to support it.

Proposal No. 4—Establish a definite and secure floor under farm prices by the means outlined in my speech last Saturday, together with the other elements of that program and free the American farmer from dictation by Washington.

Proposal No. 5—Restore free collective bargaining in America. Sprawling government agencies have now established an iron rule over the wages, hours

and chance to get a job, of every American worker. We shall establish the Fair Employment Practices Committee as a permanent agency with full legal authority. We will merge the balance of these agencies in a strong and competent Department of Labor under the leadership of a man from the ranks of labor.

Proposal No. 6—Survey forthwith the millions of reports required of big and little business every year by government and immediately abolish the greater part of them. We have done it in New York and we can do it in the Nation.

Proposal No. 7—Bring a competent staff of prosecutors into the Department of Justice so that we can bring an end to business monopoly in this country instead of just talking about it.

Proposal No. 8—Establish an entirely new basis between the President and the Congress so that once again each shall have respect for the other and be willing to work together again. My opponent has continually criticized and attempted to purge the members of the House of Congress elected by the people. He has so abused and insulted the Congress that his own Senate leader rebelled just this year and denounced the words of a veto message by my opponent as "more clever than honest" and as "A calculated and deliberate assault on the legislative integrity of every member of Congress." That declaration was cheered to the rafters by the Senators and the members of the House swarmed into the Senate to congratulate the speaker. That is what three terms of unlimited power does to a man. That is why four terms, or sixteen years, is the most dangerous threat to our freedom ever proposed. That is one reason why I believe that two terms must be established as the limit by Constitutional Amendment.

We have seen that a New Deal Congress no longer trusts or accepts leadership from my opponent. It is generally agreed that the House and probably the Senate will be Republican next year. So, already Mr. Roosevelt has undertaken to insult the new leadership. In his speech of last Friday night he accused the men who will be the new leaders of placing political advantage above devotion to country, just because they publicly pledged themselves to a program for lasting peace. We must not have—we cannot have four years more of stalemate and hostility between the President and the Congress.

We must restore to the White House a willingness to work out problems with the Congress as equals, in the American fashion, over the conference table. We must bring an end to government by abuse and smear.

Lastly, I propose that, with an end to name calling, and with unselfish devotion, we unite as a people behind the cause of a just and lasting peace through an international organization, with the strength to prevent future wars.

By these specific means and with a government made up of the ablest men and women in this country, we can restore honesty to our government and we can once again unite to secure the future which is our birthright.

Let us again make "getting ahead" a vital part of our American speech and thought. For years the New Dealers have sneered at the old American idea of "getting ahead." Let us make sure that our children can again believe that there is room for everyone to get ahead. Let us nail that principle to our masthead as we set out on a sure course for the future.

Let us determine that the end of this war will bring our young men and women home to the kind of America they have earned. With high purpose, with integrity and relying upon the guidance of the God of all of us, we can save freedom in America and go forward once again.

At Boston Gardens, Boston, Mass., November 1, 1944

Factions and Power-Seeking Groups Which Support the New Deal

Once in every four years, late in October, my opponent announces that he believes in the enterprise system. Then for the remaining three years and eleven months, he wages war against the American enterprise system day in and day out. That is why there were still ten million Americans unemployed in the spring of 1940. That's why we had to have a war to get jobs.

That's why it's time for a change. Because of our magnificent military command, the heroism of our men in uniform, and the efforts of our war workers at home, victory is coming closer every day. And by installing a fresh and united administration in Washington, the day of total victory and the return of our fighting men will be speeded up greatly. Then, what do we face?

As I pointed out last night, if we go into the post-war period with nothing better than the New Deal has offered us in the past, we can expect no better results than we had under its peacetime years before.

But if we go in with a new and vigorous administration, pledged to a program of constructive action, we can and will succeed. With a government in which the President works in harmony and mutual respect with the Congress, we can unite America for effective world leadership in a world organization for lasting peace.

Now, one reason why the New Deal cannot provide jobs and opportunity after this war—one reason why it cannot give our country the unity we need—is because of the kind of people to whom it would owe its election.

The New Deal is not a party. It is a collection of parties, all of which hate each other.

In my own State of New York, they hate each other so much that they won't vote except under their own emblems, and Franklin Roosevelt is running on three different party lines in the State of New York.

No, the New Deal has become a collection of warring factions, tied together only by a consuming passion for power. That's why my opponent is compelled to solicit the support of bigoted reactionaries on the one hand, of Communists on the other.

For twelve years the great Democratic Party has been under the crushing dominance of one man. As a result, it is weakened and divided. It is vulnerable to capture by forces hostile to every tradition for which that party has stood. Beyond that, Mr. Roosevelt, in his overwhelming desire to perpetuate himself in office for sixteen years, has put his party on the auction block—for sale to the highest bidder.

Who will buy it? Will it be the notorious One Thousand Club, which sponsored and paid for Mr. Roosevelt's speech last Saturday? This is the organization, formed at the President's own suggestion, which offers "Special privileges," a voice "in the formulation of administration policies" and a chance to visit with the President on Thursday afternoon, all for \$1,000.

Will these purchasers of "Special privileges" be the successful bidder for control of the captive Democratic Party? I doubt it. The Thousand Dollar Club members are being taken in. They will not get the "Special privileges" or the influence they were offered. There are higher bidders in the market. Those higher bidders are the Political Action Committee of Sidney Hillman and the Communists of Earl Browder.

In this campaign, the New Dealers attempt to smother discussion of their Communist alliance. They smear any discussion of this major question of our day. They insinuate that Americans must love Communism or offend our fighting ally, Russia. But not even the gullible believe that. In Russia, a Communist is a man who supports his government. In America, a Communist is a man who supports the Fourth Term so our form of government may more easily be changed.

No, the question of Communism in our country has nothing to do with our allies any more than it has to do with where a man was born. Every American—every one of us—traces his ancestry to some foreign land. As a nation, we owe our genius, our culture, our traditions, to nations all over the world. The keystone of the arch of American freedom is our opposition to intolerance. The foundation of our American system of civil liberties is an equal respect and an equal opportunity for men of every race, creed and color and regardless of national origin. The mighty bulwark of these liberties is the Constitution of the United States.

These are the things that have given America leadership in the world. These above all others are what America must continue to stand for if she is to give leadership to the world again.

The proof that Communism has nothing to do with national origin is the fact that Earl Browder, the avowed leader of Communism in America, was born in Kansas.

Now, who is Browder? He is the man who was convicted of draft dodging in the last war. He was again convicted—this time of perjury—and pardoned by Franklin Roosevelt in time to organize the Fourth Term Campaign. Browder stands for everything that would destroy America.

Everyone knows that Communism is for state ownership of all property, including your house, your farm and the factory, the shop, the office in which you work. It stands for absolute dictatorship, the abolition of civil rights and total political and economic bigotry. It stands for something else.

A few years ago, Mr. Browder wrote a book called "What is Communism." He said: "We stand without any reservations for education that will root out beliefs in the supernatural. . . ." He concluded: ". . . We Communists do not distinguish between good and bad religions, because we think they are all bad for the masses."

Now, Mr. Roosevelt in his recent speech from the White House very softly disavowed Communism. But the very next day, at a meeting right here in Boston, Earl Browder made a speech for Mr. Roosevelt and a collection was taken up for the Fourth Term. And not a voice in the New Deal was raised in protest. So much for Earl Browder.

Now—who is Sidney Hillman? He has held one official post after another in the New Deal, in addition to important duties as the head of a labor union. When the Fourth Term Campaign came along, he went to New York to concentrate on politics.

There, in the primaries this year, he organized a movement to take over the previously respectable American Labor Party. And he succeeded with the help of Earl Browder's Communists.

What is the American Labor Party today—the party whose nomination Mr. Roosevelt has accepted and whose votes he hopes will give him sixteen years in the White House?

Listen to the words of another set of my opponent's violent supporters. David Dubinsky, President of the International Ladies' Garment Workers' Union, was one of the founders of the American Labor Party. Here is what he said last spring about that party as of today: "I regard the former American Labor Party as a Communist Labor Party. Mr. Hillman can act as a front for the Communists; I never did and never will." So said David Dubinsky.

The *New York Post*, formerly the mouthpiece of the American Labor Party, says, editorially, that Mr. Hillman "Fronts for the Communists by serving as chairman for their American Labor Party."

The last candidate of that party for governor, who polled 400,000 votes in 1942, is another violent supporter of my opponent. But it was he who said last spring that he intended "Leaving Mr. Hillman and his fellow travelers to stew in their own juice."

"Political action by coercion is repugnant to our form of government. . . ." He also said, "Liberals throughout the country should beware of dealing with Mr. Hillman for he no longer comes to them with clean hands. He has set himself up as a new and dangerous type of political boss."

Just four months after that statement was issued my opponent ordered the Democratic National Chairman to "Clear everything with Sidney." The prophecy has come true. Sidney Hillman has become the biggest political boss in the United States and in the words of David Dubinsky, Sidney Hillman is a "Front for the Communists."

In addition to being chairman of the Communist-controlled American Labor Party of New York, Mr. Hillman is also chairman of the Political Action Committee. This is the committee which summarized the degradation of New Deal politics in a pamphlet, two million copies of which were sent out on behalf of Mr. Roosevelt. That pamphlet put out by Sidney Hillman's P.A.C., began with the words, "Politics is the science of how who gets what, when and why."

Under that cynical motto, Mr. Hillman today operates the National Citizens Political Action Committee with his lieutenants who have taken leave of absence from Federal posts. He stalks the country squeezing dollars

for the Fourth Term Campaign out of the working men and women of America, under threat that if they do not give the dollar, they will lose their jobs. But the working men and women of America are rising in protest all over the Nation. Letters have been pouring in to me denouncing this Roosevelt poll tax imposed by Sidney Hillman. As one of them said: "They can force my dollar out of me by threatening to take my job away but they can't force my vote because it is secret. I am going to vote Republican to save my own freedom."

It is not just his freedom that man will save when he goes into the secrecy of the voting booth. He and millions like him will exercise their precious right of a secret ballot and save the freedom of the American people.

Now, American liberty means that every man has a right to believe and vote as he will, even to vote Communist. But liberty involves a corresponding duty to defend our country from what we consider evil. I have never hesitated to expose and denounce the cynical alliance of the New Deal and the corrupting big city machines which depend on the most criminal and degraded elements in our big cities. And I do not propose now to be silent when the New Deal, through the President's political lieutenant, Sidney Hillman, strikes up a cynical alliance with Earl Browder's Communists.

For a long time it has been the fashion to brush aside the Communists of little importance because of their small numbers. The Communists themselves have cunningly played upon our respect for the very civil liberties which they themselves hold in such contempt. Yet the fact is that the Communists wield an influence far out of proportion to their numbers.

They are not themselves a political party. They are a fanatical, secret conspiracy of well disciplined, highly trained zealots who work at their purposes every hour of the day. Falsehood, deception and smear propaganda are parts of their technique. They are adept at working behind the false front of their technique. They are adept at working behind the false front of those they contemptuously describe as "innocents." They love to fish in troubled waters. They place their members at strategic points where they can seize control of large organizations. Millions of Americans have seen this happen time after time. Liberal, intelligent organizations suddenly turn out to be Communist propaganda fronts.

Similarly millions of workers have seen their union organizations captured by compact minorities who attend all the meetings, vote in a bloc and thereby seize the union machinery. Once in control, they cannot be dislodged. It was by just such tactics last spring that the Communists were able to seize possession of the American Labor Party of New York which in 1940 provided the balance of power that carried New York for Mr. Roosevelt.

Now, by the self-same tried and familiar tactics with the aid of Sidney Hillman, the Communists are seizing control of the New Deal, through which they aim to control the Government of the United States. If they should succeed, the fundamental freedoms of every American would stand in gravest jeopardy.

Throughout the ages man's greatest struggle is the struggle to be free—free to worship God; to have a family and family life; free to educate his children; to live in economic security in his own home; to be able to have work of his own choosing and to have a government which is a servant not a master.

Our Nation was founded by men and women who came here to achieve those things. They built their institutions in a deeply religious pattern and by the Bill of Rights they bound their government to respect freedom of religion and the dignity of the individual. Because of what they did, we call America "The Land of the Free and the Home of the Brave."

But we cannot take our freedom for granted, nor can we afford to stop being brave. There always have been and always will be, those who seek to destroy our freedoms.

Nazism and Fascism are dying in the world. But the totalitarian idea is very much alive and we must not slip to its other form—Communism. All of these concepts are enemies of freedom and we must equally reject all of them. They would make the State supreme, give political power only to those who deny the supremacy of God and use that power to force all men to become cogs in a great materialistic machine.

Under these systems, the individual cannot worship, vote, or think as he would, or conduct his life as his own. Slavish obedience to the will of the State is the first great command and the price of non-conformity is liquidation, either through violence or slow economic strangulation.

Today that pagan philosophy is sweeping through much of the world. As we look abroad we see that in country after country, its advocates are making a bid for power. We would be fools not to look for that same danger here. We have not far to look. Even Mr. Roosevelt has felt he must say that he does not welcome the support of any person or group committed to Communism. That is as may be. The important facts, are, first, that Mr. Roosevelt has so weakened and corrupted the Democratic Party that it is readily subject to capture, and, second, that the forces of Communism are, in fact, now engaged in capturing it.

That danger can be surely met only by ending a situation which leaves vast power in tired hands. The Republic Party is not perfect. But one thing at least is sure; neither the Communist group which Mr. Roosevelt professes to repudiate nor any other totalitarian group is making an effort to capture the Republican Party. They know how useless it would be.

The Republican Party is young and vigorous. In twenty-six states, Republican governors are bringing alert, progressive, competent and honest administration to the affairs of two-thirds of the American people. First in local governments then in the states, the people have turned to our party. Now it is prepared to assume the responsibilities of national government. It is rich in able leaders steeped in the American tradition. It is close to the people. It wants to continue the American way of life and to perpetuate American institutions founded upon the God-given right of individuals to be free. Millions of Democrats are voting Republican this year to save their own party and their country.

Under a Republican administration there will be no danger that the power of government will slip through tired fingers into hands which would destroy that free America for which our sons are fighting and dying.

I have a letter from an American soldier fighting in the far Pacific. He says: "When we come home there will be flags waving and people will exult in victory and cheer. But the greater effort will only begin then. We are only securing the bridgehead to freedom. Will our generation forget that fact? If we do, this victory will be only the beginning of defeat for us and our children."

Let us tonight resolve that we will be equal to the duty we owe that soldier and his comrades. Let us at home seize and hold that bridgehead to freedom. Let us install on January 20 a government which under God, will dedicate its purpose to the preservation of the individual dignity and freedom of every American.

At Baltimore, Md., November 2, 1944

(Not Broadcast)

Failure of New Deal Program—Factions Bidding for Control of Democratic Party

Mayor McKeldin, distinguished guests and fellow Americans:

It is grand to be in Baltimore again and to find your city under the distinguished, able and constructive leadership of your Republican Mayor McKeldin. And I am proud and happy to know that a very distinguished Democratic mayor of your city is with us today in our great effort.

We are all agreed on a few things in this campaign. The major thing that means most to all of us is that we shall speed victory on every fighting front. Now, how do we do that?

Do we continue with secret diplomacy, private undisclosed arrangements—do we continue with quarreling, bickering and chaos in Washington? Do we continue with Harry Hopkins, Madam Perkins, Harold Ickes and all the rest? It seems to me that we can do better than that. We have a great military command. We have the bravest, the greatest Army and Navy the world has ever seen. We have production such as we have never seen before by the people themselves.

Certainly with an administration which stops the quarreling and bickering and which brings unity to people, which backs up our fighting command to the limit, we can and will speed victory on every front.

And then we will want an international organization which will bring lasting peace to the world. Again, do we want one achieved by secret diplomacy, or do we want one achieved out in the open by the representatives of the American people with all the nations of the world participating so that it will rest on the firm rock of everybody's support? I am sure we can better achieve the latter by an administration which is willing to and knows how to work with the people's representatives in the Congress and the Senate of the United States.

And, lastly, we want an opportunity for every American after this war. Last Saturday night, my opponent dug out and dusted off all of the broken promises of 1932, 1936 and 1940, and then doubled them. He promised jobs for Americans—but look at the record. In the first seven years \$58,000,000 of money spent, more power than all previous administrations put together, and 10,000,000 Americans still unemployed in 1940. We had to have a war to get jobs. We have 11,000,000 Americans coming home at the end of this war. We have 20,000,000 people working in war industries. The best the administration ever did was in the spring of 1940, before the war started—it was 10,000,000 unemployed.

I don't want to bring 11,000,000 heroes home to that kind of country. And we don't need to.

My opponent dusted off something else. He promised a million homes a year after the war, as if there were something new in the desperate need now for new housing in this country. During his administration, and by that I mean from 1933 to date, including all the wartime housing that has been built at the expense of the people of the United States, we have had only 380,000 housing units a year when we need a million a year just to get back up to the standards of 1930. So that promise, in the light of the record, is, if I may say so, no good, although it is repeated again, and again and again.

My opponent talks in loving terms about the Social Security laws, but he forgets they have been on the book nine years and there are still 20,000,000 Americans who are not protected by old age insurance. I insist we cannot have a nation of secure and insecure and that the remainder of our people must be given the protection to which they are entitled and then that we get this system of ours going strong enough to support it all.

My opponent last Saturday night suddenly discovered—it must have been a blinding revelation—he suddenly discovered that the working men and women of this country had been choked and surrounded and borne down by twenty-five different agencies that he himself has created. So he promised to restore free collective bargaining after the war, and that promise is no better than the promises we have had before.

So it seems to me that if all we are offered after this war is over is the same program which failed and failed miserably for eight peacetime years before, it is time we followed a new and a good program, and it is time for a change.

But my opponent in his desperate desire for sixteen years in the White House is straining every conceivable effort, including offering to sell our government for \$1,000 to any man. By letter after letter which have now come to me from Arkansas, from Tennessee and several states of the Mid-West, the offer is being peddled in every state in the Union that for a \$1,000 men may have special privileges in our Government, men may help to shape its policies and have tea on Thursday afternoon with the President.

But, as I said last night, they are being taken for a ride. They won't get what they think they are going to get, because the higher bidders are Sidney Hillman and Earl Browder, the P.A.C. and the Communists. The deal is made. And it is time we decided that we here in America are going to go forward to preserve freedom and not accept any form of totalitarianism, however much desperate men may be willing to use its methods to achieve perpetual power.

For many years every national election in this country has been primarily a contest between Democrats and Republicans. Much of the strength of our

system of government has been owing to the existence of two major parties evenly matched and equally equipped through leadership and tradition to provide the people with good government.

Although they decide at election time on the political issues of the moment, they had in common one essential thing. Most Democrats and Republicans had an abiding faith in our system of representative government. The country had always been safe in the hands of either party—safe until today, when the two-party system stands in danger.

The Democratic Party is now weakened by twelve years of one-man rule. It has been taken away from the Democrats. It is now being captured by a coalition of subversive forces, including New Dealers, members of the Political Action Committee and the Communists. In the past elections, when the Democrats won, the Republican lost, and when the Republicans won the Democrats lost, but it won't be so in this election. If the Republican Party were to lose this election the Democrats would irrevocably lose their party too. This is not a contest between Democrats and Republicans any longer. It is a contest on the one hand between those who believe in our system of government, Republicans and Democrats alike, and, on the other, those who have kidnapped the Democratic Party in order to change our system of government.

The only way for the real membership of the Democratic Party to win this election, the only way for the Democrats to recapture their party is to join with the Republicans in defeating the New Deal, the Political Action Committee and the Communists all at once. The election of a Republican administration next Tuesday will be a victory for both Democrats and Republicans. It will be a victory for all who believe in our form of government. It will once more restore teamwork and mutual respect between the President and the people's representatives in the Congress.

My opponent has so consistently abused the members of Congress that today an irrevocable breach exists between the executive and legislative branches of our government. That breach began with an arrogant attempt to pack the Supreme Court, widened by an attempt to purge those members of Congress who defied the President's will and defended the Constitution. It has deepened year by year until it flared in open revolt this year.

You remember how on Washington's Birthday my opponent sent to the Congress a veto message so savage that his own Majority Leader, Senator Barkley, rose to denounce the words of that message, and I quote him, as "more clever than honest."

And he continued that it was a calculated and deliberate assault upon the legislative integrity of every member of the Congress, and the other Senators, regardless of party, rallied around Senator Barkley's declaration of independence and the members of the House crowded the Senate chamber to shake his hand, Democrats and Republicans alike.

Now, not satisfied with having alienated the members of his own party, Mr. Roosevelt last Friday night chose to insult the Republicans who will be the new leaders of the Congress. He picked his quarrels in advance. He made the savage accusation against them of placing political advantage above devotion to country, just because they publicly pledged themselves to a program for lasting peace—and that was an unforgivable insult.

Now how can that man work with the House or the Senate regardless which party is in power? He cannot work out the problems that lie ahead. We must have a President who can and will work with Congress.

We have made a good start as a nation toward the establishment of a world organization to prevent future wars but much remains to be done. In the end, it will be Congress that must approve the materials and scope of our participation in this world effort to maintain peace. In the working out of that program there must be mutual confidence and teamwork between the President and Congress.

If we are not to run the grave danger of seeing this whole program wrecked upon the rock of one man's arbitrary will, we must install next January 20 an administration that wants to work with Congress, that knows how to work with Congress, and that deserves the confidence of the people and their elected representatives.

I have read with the greatest of care every speech made by my opponent in this campaign. I have not yet been able to discover one single thing that he proposes to do different from all the things that failed in those peacetime years before 1940. We can't go on with that same program that has failed.

I have outlined from Philadelphia to Seattle and down to Los Angeles and back all the way across the country, through Buffalo into Boston, a complete, detailed program behind which the American people can unite. That program specifically deals with our job-making equipment, with our job-making machinery with the means by which we will achieve jobs and opportunities for all after the war.

It specifically laid out a program of the reforms whereby with an adequate national income we can again release the energies of this country and at the same time reduce these taxes on men who will make \$11 a week. We can and will take the choking hands of government off the throats of every small business in the country.

We can, because we believe in it, again restore free collective bargaining in the United States. And lastly I should like one particular job also—I should like to start the largest housecleaning Washington ever had. I want to give you two personal assurances in addition. Your next President will never use his office to divide one part of the American people from another part of the American people. He will never set race against race, class against class, or section against section. Your next President will never use his office to claim personal or political advantage out of the achievements of the American people or the sacrifices of their sons and daughters in a war.

We can and we will unite the American people because we believe in all the things that made our country great. We have given no hostages to those who hate our system. We have made no pledges except publicly to the American people. With your help we can start next January 20 once again on the American road toward freedom, toward opportunities, toward equality and toward the kind of a country we want to live in and we want our children and our children's children to have for all time.

At Wilkes-Barre and Scranton, Pa., November 2, 1944

(Not Broadcast)

Offer of Influence to One Thousand Club—Taxation and Employment

While the mightiest war of history is being fought to victory on every front, the Nation is engaged in a great decision over whether it shall continue down the New Deal road of totalitarianism or go upward on the road to freedom at home.

With these great problems before us it has been a tragic circumstance to find the leadership in our National Government viewing with cynical satisfaction the most corrupt offer ever made by any political party. Yet, the very brazenness of the One Thousand Club is just more evidence of the corrupting influence of too many years in power. Mr. Roosevelt admitted last Tuesday that it was he himself who thought up the idea of the notorious One Thousand Club. This is the organization which offers in writing "Special privilege" and a voice "in the formulation of administration policies" together with a chance to visit with the President on Thursday afternoons, all for one thousand dollars.

I now have another letter sent out by Mr. Roosevelt's "Special privilege" government society. It was written on the stationery of the Democratic National Committee to a select list in Kansas and tells us a little more about this One Thousand Club. It ends up by saying "membership in this group will be a badge of distinction forever. There are other advantages which I can explain to you when we meet. Instant action is necessary."

Mr. Roosevelt's club offers in writing to give "Special privilege" to a select group of men who can afford a thousand dollars for a campaign contribution. Then it offers something more, something it doesn't dare put in

writing. We can only guess what that is. Has this special privilege to do with war contracts? Or is it special concessions on income taxes? Or is Mr. Roosevelt's club peddling special influence with the War Labor Board or the National Labor Relations Board? One thing I do know, however, we are not fighting a war for freedom in order to have a government of special privilege by a select few contributors or for the Communists.

It is time to bring an end to government by secret deals. We want no secret deals either for special influence in the government at home or in our foreign policy abroad.

There is the closest possible relationship between taxes and jobs in the future. We have not one single indication from my opponent that he will revise our tax structure so that we can build the plants we need so we can go ahead and build and make jobs.

I have laid out a specific tax program step by step. We must change the personal exemptions so that the man who makes as little as \$11 a week no longer pays an income tax. We must revise taxes so that after credit for dependents we do not find at least twenty-three cents taken out of every taxable dollar in the pay envelope by the Federal Government.

We must revise the rates of taxes on our job producing enterprise so it can go ahead and create opportunities for employment for every American.

But there are those gloomy people who believe taxes must be kept up to the limit. They forget that tax rates alone do not determine the amount of tax revenues. The other important factor is the size of the national income. In all the eight peacetime years of the New Deal the highest national income we ever had was seventy-six billion dollars. That was far less than what our national income had been eleven years before. If we are to go back to a national income of seventy-six billion dollars, then, indeed, it will be necessary to keep taxes up to the limit.

But the truth is that we can never restore the financial integrity of our government. We can never meet the costs of our staggering national debt and all the other costs of government by leveling crushing tax rates upon a dwindling national income.

Our first step toward sound government finance must be to restore the vitality of our productive job making machinery. We must achieve a higher and higher national income, which will provide the revenues our government needs at tax rates our people can bear, our goal must be to increase national income by putting to work all the productive resources of the country of industry, labor and agriculture. That we can only do by installing a national administration that has the confidence of all our people. With that kind of an administration our people will be encouraged to go to work to produce, to create new jobs at high wages instead of piling on higher and higher taxes which act as a brake upon productive enterprise. We must revise our entire tax structure so that it will no longer crush incentive. It is far better to have a low tax rate with a national income of one hundred fifty billion dollars than a high tax rate with a national income of seventy-six billion dollars as we had under the New Deal at its peacetime best.

At Madison Square Garden, New York City, November 4, 1944

Republican Program—New Deal Inefficiency and Corruption

All over the world tonight Americans are fighting for the right of free men to govern themselves. Here at home we are waging a political campaign to make secure the liberties for which they fight.

Openly and in plain words John Bricker and I, in the name of the Republican Party, are dedicated to these propositions:

1. To speed total victory and the prompt return of our fighting men by putting energy and competence in Washington behind the magnificent effort of our military command.

2. To provide American leadership in the world for an effective organization among all nations to prevent future wars.

3. To direct all government policies in the peacetime years ahead to achieving jobs and opportunity for every American.

To these ends,

We shall restore honesty and integrity to our National Government;

We shall put an end to one man rule;

We shall unite our people in teamwork and harmony behind a President and a Congress that can and will work together to realize the limitless promise of America.

These are no partisan objectives. They are in truth the objectives of the American people. They can never be attained under the tired and quarrelsome administration that has been in office for twelve long years. They can only be attained under a new, vigorous administration that comes fresh from the people. That's why all over the country the people are saying it's time for a change.

America is determined to win a speedy and overwhelming victory in this war. All of us have perfect confidence in our military and naval commanders. But this war cannot be won alone upon the battlefronts. It must also be won at home. And each of us must play his part.

As recently as September 1, General Eisenhower renewed his earlier prophecy that Germany could be beaten in 1944 if everyone at home would do his part. Yet last Thursday Mr. Roosevelt decided to tell us that the war had still a long way to go.

What has happened in two months to cancel General Eisenhower's prediction? Mr. Roosevelt has not told us the whole story but part of it we know.

Mr. Roosevelt and Mr. Churchill held a conference in Quebec. Our Secretary of State was absent. Our Secretary of War was absent. In their stead Mr. Roosevelt took with him that master of military strategy and foreign affairs, the Secretary of the Treasury, with his private plan for disposing of the German people after the war. The plan was so clumsy that Mr. Roosevelt himself, finally dropped it—but the damage was done.

The publishing of this plan while everything else was kept secret was just what the Nazi propagandists needed. That was as good as ten fresh German divisions. It put fight back into the German Army; it stiffened the will of the German nation to resist. Almost overnight the head-long retreat of the Germans stopped. They stood and fought fanatically.

Here is how the military expert of *News-Week* described the tragic consequences of this blunder. "This necromancy ruins General Dwight D. Eisenhower's campaign. . . . Now he finds himself faced by resistance he never expected and which, in my opinion, would never have materialized had allied political warfare been astute instead of idiotic." So says the military expert.

Here's the report from the front by the United Press: "The home front talk about stern treatment for a defeated Germany has inspired bitter and fanatical resistance among German troops, in this sector at least, and the G.I.s are a little bitter about it. Sometimes the doughboys who are fighting and dying in the mud on this side of the Moselle wish people at home would quit announcing what they think should be done about a defeated Germany. Some soldiers said today that they thought it might be better to win the war first."

What does this mean? It means that the blood of our fighting men is paying for this improvised meddling which is so much a part and parcel of the Roosevelt Administration. And at the very moment when his own confused incompetence has thus prolonged the war in Europe, Franklin Roosevelt goes on the radio and claims for himself the credit for everything our engineers, our war workers, our industry, our farmers and our fighting sons have done.

We are advancing and we shall reach our goals. Once rid of capricious, personal government, once we give our whole, our united thoughts to victory, we shall reach Berlin and Tokyo quicker—with less cost.

Let me make one thing clear: Your next administration will never claim personal or political profit from the achievements of the American people or from the sacrifices of their sons and daughters. But it will put a stop to the incompetence in Washington which is costing the lives of American men and delaying the day of final victory.

That's why it's time for a change.

The people of this country are determined that we shall not again go through the heartache and sacrifices of these past three years. This war must be the last war. We shall take the lead in the formation of a world organization to prevent future wars. And we know that effort can never be the work of one man or of one nation. It can never be the product of secret agreements worked out in secret conferences between two or three rulers. For the United States, this great effort must have the support and understanding of all our people. And it must, under our Constitution, have the support and approval of the people's representatives in Congress.

Yet, Mr. Roosevelt, year after year, has systematically abused and insulted the members of Congress. Having already alienated his own leaders in Congress, he has now gratuitously insulted the Republican leaders of the Senate and the House. Those leaders joined with me in an effort to lift the program for lasting peace above partisanship. They publicly pledged themselves to support the program for world peace on which Secretary Hull and I had cooperated. But this harmonious non-political approach was not politically profitable to Mr. Roosevelt, so he denounced the Republican members of Congress and accused them of erecting a "party spite fence between us and the peace."

The time has come to bring an end to this name calling and abuse. American participation in a world organization for peace can only be built by a President and a Congress—Republicans and Democrats alike—working together in harmony and mutual respect. To achieve that harmony, we must have a new Chief Executive who believes in that fundamental principle and practices it. That's another reason why it's time for a change.

When victory is won, eleven million Americans will return from our fighting forces. They will be looking for jobs and opportunity.

They will want to marry, go to work and get ahead. Twenty million war workers will be looking for jobs in peacetime industries. If we are not to betray those who have fought and worked for victory in this war, we must have here in America a land of opportunity, a land of full employment at high wages, with a rising standard of living.

My opponent talks once again of jobs in the future, but he offers us nothing except a repetition of the New Deal policies which failed for eight straight years. This administration took office when the world-wide depression was nearly four years old. No previous depression in one hundred years of our history had lasted more than five years. Yet Mr. Roosevelt contrived to make that depression last eleven years—twice as long as any depression in a century. He had unlimited power; he spent fifty-eight billion dollars; yet in March, 1940, there were still ten million unemployed. Under the New Deal it took a war to get jobs.

We dare not, we must not risk the future of our country in the hands of those who never succeeded in eight peacetime years in even approaching full employment. We need to sweep away the strangling mass of rules and regulations, of petty bureaucratic interferences. We need to sweep away the old dank, wretched atmosphere of hostility and abuse. We need once more to let the American people—industry, labor and agriculture—know that their government believes with them in the American tradition of opportunity for all.

We need an administration that cares more about little business than it does about big government. We need an administration that will not be afraid of peace—that will want to bring our fighting men home when victory is achieved—and will keep its promise to do so. And that's another reason why it's time for a change.

There are other reasons. For twelve years we have watched the shifty, slippery nature of the present National Administration. It has stood for no principle except self-perpetuation in power. The result has been decay of the moral fibre of government. That decay reached its logical result when Franklin Roosevelt was compelled to admit that it was he himself who sponsored the One Thousand Club. This is the scheme which offers in writing for \$1,000, "Special privileges" and a voice "in the formulation of administration policies."

Never in our history has corruption been so brazen. Never before has a President admitted sponsorship of such a scheme.

All this is the inevitable result of too many years in power—and the desire for perpetual office. It is exactly what every great American beginning with George Washington and Thomas Jefferson warned against. It is inevitable that it should have produced political leadership which today publicly defines politics as the science of "how who gets what, when and why." I say the young men of America are not fighting and dying for these corrupt and decadent practices. In the name of those men, the American people will rise up and repudiate that whole philosophy of government. The time has come to put an end to government by "who gets what, when and why." That's why it's time for a change.

Today, the great Democratic Party, weakened by twelve years of one man rule, is being leased out to men who boast that they owe no allegiance to that party or its principles. It has been put on the auction block, for sale to the highest bidder, and the highest bidders are Sidney Hillman's Political Action Committee and Earl Browder's Communists. There is only one way for the real members of the Democratic Party to win in this election. That is to join with Republicans in defeating the New Dealers, the Political Action Committee and the Communists. That's why those who believe in our system of government, Republicans and Democrats alike, agree today that it's time for a change.

In this campaign I have set forth a constructive program for the years ahead built soundly, brick by brick. It shows how we can achieve our objectives—each of them, including full employment, high, stable income for labor, agriculture and business, broader old age benefits, tax reduction with an increased national income and freedom of both labor and business from crippling government regimentation.

My opponent has offered no program because the New Deal has nothing to offer save more of the same quarreling and vacillation which has marked its career for twelve long years. We can no longer afford the luxury of a government which spends half its time quarreling with itself and the other half quarreling with one segment or another of our people. In the years immediately ahead, we need new hands to steer the Ship of State steadily through the balance of the war, then into quiet peacetime waters where we can again make progress. We need to learn to work together again, in unity. We need above all to renew our faith; faith in the good will of our fellow men regardless of race, color or creed, faith in the limitless future of our country.

Our Nation was founded and built by men of great faith and good will, who came here to do great things. They created our institutions in the image of their beliefs. First of all, they believed in Almighty God. That was the rock on which they built. They believed in the moral law. They believed in the dignity of man. In the Bill of Rights, they consecrated and established that dignity of man without distinction of race, creed or color. They believed that man should be free—free to worship after the dictates of his own conscience, free to live in his own home, to raise a family—free to speak his own mind without fear or favor, free to get ahead in the world. They believed that government should be the servant, not the master of the people. Because they believed those things and built upon them, this Nation has been richly blest of God.

Our people have known hardship but they have never despaired. They have faced great odds, but they have never known defeat. To them the difficult is never too difficult. With them the impossible can be brought to a pass.

Let us in this election send a ringing affirmation to all the world that the love of freedom is still strong in the hearts of the American people. Let us register our faith that in America there is no indispensable man. Let us prove that free government still lives. Let us send the thrilling message around the world that America has changed administrations in order to speed victory and ensure lasting peace—that freedom is the most vital thing in the world—that we intend to have it—to hold it forever.

From Executive Mansion, Albany, N. Y., November 6, 1944

A New Administration As a Necessity for Good of Our Country

We come tonight to the eve of an election that may be the most fateful in our history. It is a test for each of us of our devotion to the American system of government. The great test is whether, knowing we need a new administration, we will make the change necessary to speed victory and to build the peace to come.

These years 1945 to 1949 will be important, difficult years. They will require vigorous, hard-working, harmonious leadership, with abiding faith in America. But there has arisen in this campaign an argument that the people dare not change administrations because our country is in the midst of a great ordeal.

Of course, there is nothing new in that argument. It was used four years ago, when we were at peace. In other countries, this same argument has been the pretext upon which men, originally voted into power by the people, have suspended popular government and maintained themselves indefinitely in power.

Long ago, Thomas Jefferson pointed out that "There will never be a time when real difficulties will not exist and furnish a plausible pretext" for not making a change.

In our own lives, we have seen a nearly unbroken period of crisis after crisis for thirty years. We have known war and depression and boom and depression and war again. During much of that time, it could have been argued that the state of the Nation and of the world was so critical that we ought not risk a change in administration. In the last analysis, the whole argument comes down to a bald plea for the re-election—so long as he lives—of whoever happens to be President.

But that, we know, is the opposite of a free system of government. So it is clear that if we are going to do our duty tomorrow, we must lay aside every other consideration and decide how best our country can be served these next four years.

In the course of this campaign, I have, honorably, and to the best of my capacity, presented the reasons why I believe so earnestly that the welfare of our country requires a new administration.

Now, for a few minutes, I should like to talk to you not as a candidate, but as a fellow-citizen who is privileged by your courtesy in listening, to come into your home and talk with you.

You are concerned, as I am, about the progress of the war. You are thinking day and night of someone who is facing death and hardship on the far-off battle lines of this war. And so, as you prepare to cast your vote tomorrow, the first question you ask yourself is this: What is the best way to make sure of a speedy and victorious end of the war? Will it help to shorten the war and assure quicker return of our fighting men if we have a change of administration?

I deeply believe that it will. I would have refused the nomination of my party for President if I did not believe so, with all my heart and soul. I have made it altogether clear from the beginning, that a change in our civilian government will mean no change in the military conduct of the war. Our Chiefs of Staff, Admiral King and General Marshall are doing a magnificent job. They are directing the movement of troops and of supplies and the grand military strategy that will carry our armies and navies to victory. The other commanders—Eisenhower—Nimitz—Arnold—MacArthur—Halsey and all the others are carrying on to their objectives. Their hands will be strengthened by the end of civilian confusion in Washington.

We all know that the war is being fought, not only on the fighting front, but also on the home front. Everyone has had a chance to see the Administration's part in the war effort at home—to watch the operation of the scores of agencies that have to do with the daily lives of our people.

Everyone has been sickened by the constant conflicts and shifting policies of these agencies, as well as in the handling of war production, of transportation, the problem of rubber and of other strategic supplies. Let me ask you one simple question: Do you believe the job at home is being handled

as well as possible? I think everyone, from the housewife who struggles with a new rationing problem every week, to the industrial executive who struggles with priorities and allocations—everyone will agree that we need improvement—and need it badly.

The things we can see and know about are only a fraction of the confusion and contradiction that exist in our whole civilian war effort. Multiply these a million times and it becomes clear why it is that the war is not coming to an end more rapidly.

General Eisenhower has told us twice that the war in Europe would be ended in 1944 if everyone at home would do his part. General Eisenhower has never changed that statement. It is Mr. Roosevelt who now tells us that the war has still a long way to go. Plainly things have not been going in Washington as well as General Eisenhower expected and had a right to expect. That is the basic reason why we should install in Washington a vigorous and competent administration that will put into the war effort at home a purpose and unity equal to that of our military leaders on the fighting fronts.

We want to bring this war to a speedy, victorious conclusion, to save unnecessary loss of life, unneeded hardship and sorrow. The question is no longer—Do we dare to make a change in administrations? The question is: Do we dare not to make a change when our own everyday experience, and the testimony of our eyes and ears cries out that a change is desperately needed.

Now there is another thing that you and I want. We want to make sure that this war shall be the last war: that this tragedy shall never happen again. Like a great light in a darkened world shines the nearly unanimous determination of our people to join together with the people of other nations in setting up a world organization for peace.

Much has been done to prepare the general principles that will govern the establishment of such an organization. I have been happy to contribute to our unity for this cause by lifting it above partisan debate. But the hardest part of the task is still ahead. So far as American participation is concerned, the difficult details must be worked out between the Congress and the President.

I have unlimited faith that it can be done by a President and a Congress working together, in harmony. It will take hard work, patience and understanding upon all sides.

In the name of those who are fighting and dying in the cause of freedom, we dare not risk leaving this vital labor in the hands of those who have grown tired and quarrelsome from twelve years in office. History must not repeat itself.

And history must not repeat the breadlines and soup kitchens to which our soldiers returned after the last war, under another tired, war-weary administration. After this war is over, eleven million men in our fighting forces will come home. They are entitled to find here an opportunity to realize in peace the things for which they are fighting. How can we best make sure that they will have these opportunities? We cannot—we must not return to leaf-raking and doles. We cannot forget that under the New Deal it took a war to get jobs. Here again the question is not whether we dare to make a change. It is clear that we must not risk failing to make a change.

These, then are the simple tests that must govern the decision of every American tomorrow. When you step into the secrecy of the polling booth, ask yourself these questions:

How can I help shorten the war?

How can I help secure lasting peace?

How can I help give us jobs and opportunity in the years that lie beyond our victory?

If you will soberly ask yourself these questions and will think the answers through in the light of your own knowledge, I have no doubt of the outcome.

And let us agree on one more thing. No matter how you vote—it is the duty of every American to vote tomorrow.

Let no one say: "My vote will never be missed."

Your vote does count—it counts mightily in the result and to you. Your secret ballot is your badge of citizenship. Keep it bright—and secure. If you neglect to vote you leave your destiny to the decision of others: only you can preserve your own freedom.

If everyone will vote, there can be no danger to our country. Of that I am sure—because I firmly believe in the eternal rightness of the people.

And now, may I read you a letter I have just received from a brave American woman whose son will never return. It is brief. This is the entire letter:

DEAR GOVERNOR DEWEY:

I am giving you my support and I hope it will help you to win.

You cannot bring back my son, lost in the South Pacific, but you can and will, I think, bring back the kind of America he would have wanted to come home to.

It is to that cause that we are dedicated.

We stand today on one of the strange promontories of human history, with the shadows of a dismal, stormy night behind us and the first gray streaks of dawn in the sky beyond us. For thirty years since 1914—nearly half the span of human life—we have seen a series of wars, revolutions, depressions—communism, fascism, naziism, cruelty and suffering, and finally another conflagration that has engulfed the world. At home we have had twelve unhappy years of turmoil and dissension, of group conflicts and class strife, of divisions and hatreds and antagonism.

Half a generation has grown up knowing no other atmosphere. I believe our children—our whole country can again live in a world where peace, friendship and mutual respect abide. After we're through with the war and get our boys back home, then we must have a period of peace and calm within our own country. Only in that way can we build the unity and strength to meet our problems at home—to support our labors abroad for the peace of the world.

Let us resolve to put aside these years of cynicism and of conflict. Let us resolve to put aside every antagonism, to throw off the nightmare of past years and breathe once more the atmosphere of courage and good will. Our people then can have a chance once more to build, to create and get ahead.

Under Divine Guidance, the people of America are stirring with awakening faith—faith in our country—in our future—in our unity. There is awakening a renewed sense of the dignity of the individual, of trust in the moral law. Once again, may we have and always keep that faith in ourselves and in our neighbors—faith of our fathers—living faith in Almighty God.

From Ballroom of Hotel Roosevelt, New York City. 3:15 A.M.
November 8, 1944

(Later Recorded for Newsreels)

Conceding Re-election of Franklin D. Roosevelt

It is clear that Mr. Roosevelt has been re-elected for a fourth term, and every good American will wholeheartedly accept the will of the people.

I extend to President Roosevelt my hearty congratulations and my earnest hope that his next term will see speedy victory in the war, the establishment of lasting peace, and the restoration of tranquillity among our people.

I am deeply grateful for the confidence expressed by so many millions of my fellow-citizens and for their labors in the campaign.

The Republican Party emerges from the election revitalized and a great force for the good of the country and for the preservation of free government in America.

I am confident that all Americans will join me in the devout hope that in the difficult years ahead Divine Providence will guide and protect the President of the United States.

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