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MESSAGES TO THE LEGISLATURE

Regular Session—Convened January 8—Adjourned March 26

ANNUAL MESSAGE

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, January 8, 1964

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

This is a somber moment in the history of our State and our Nation.

Four days ago the flags of New York State were restored to full staff, signaling the end of thirty days of official mourning for a great former Governor of New York State, an outstanding United States Senator, and a world-famed humanitarian—Herbert H. Lehman.

Seventeen days ago, the Nation concluded a thirty-day period of official mourning occasioned by the tragic and sudden event which so cruelly took the life of our young President.

We will not soon forget what these men have done for this State, this Nation, this world. For both Governor Lehman, who passed on in the fullness of his years, and President Kennedy, who was assassinated in the prime of his life, will live with all of us, in memory, for many years to come.

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We meet today at a time of profound change and historic challenge—moral and material and political.

We sense this change and challenge not only as proud New Yorkers but as responsible Americans. For I think we can claim, without vanity, that the State of New York and its Legislature have played unique roles in sparking the American destiny, from the birth of our Nation and, thereafter, generation upon generation.

Thus, it was precisely in this setting that the New York Legislature of 1782 became the first of our original thirteen states formally to call upon all states to unite in a convention enabling them—in the words of the United States Constitution—"to form a more perfect Union."

And from the founding of our federal system to this day, this has been the creative and progressive tradition of New York leadership: to endeavor on all fronts—the rule of law, the guarding of liberty, the advancement of welfare, and the nourishment of learning—to point the forward way for the whole of our beloved Nation.

For those historic reasons, then, we sense with special keenness the forces of change and the impact of events upon the American people as a nation.

What are these forces and their impact?

We stand in the shadow of the unspeakable national tragedy that ended the life of President Kennedy. Across the Nation—and, indeed, across the globe—this sudden event seared our hearts and minds as deeply as an intimate personal loss, a death in the family. I believe this was, in truth, the essential moral fact: the man and the President we mourn *did* belong to the *family* of the free—to the host of men and nations dedicated with their very lives to freedom, to justice, and to peace. So all in this family mourn him as one who had stood with the bravest and the best among themselves. But I believe there has been more than grief in the moral aftermath to the loss of our Nation's leader. I deeply believe there has stirred within us, as a people, a kind of awakening. This awakening has meant a quickened, sharpened sense of true values—in our individual lives and in our national life.

For we have been stunningly reminded of many things. We have been reminded of the preciousness of human life—and the brutality of force.

And we have been reminded that—just as John Kennedy had so much before him—so we, as a nation, must be inspired to use the time given us to take the forward road and move ahead with our vast unfinished business as a people.

All this coincides with a *second*, sweeping change and challenge before us.

A new generation has matured in the years since World War II with few emotional roots in that global conflict and even fewer in the years of economic crisis and depression of the 1930's. And the attitudes and aspirations of this new generation must inevitably turn the national outlook in new directions and toward fresh goals.

We see—on the world scene—a drastic revision in the relations among many nations. In the Communist world of the Soviet Union, clinging to its original concept of human slavery and world domination, a new generation is pressing as yet undefined claims upon its leadership.

The wider Communist world has become deeply torn—as an earlier generation of revolutionaries keeps Communist China at a high pitch of belligerence. Meanwhile, our own Western alliances are shaken by differences and divisions.

At this point I should like to pause to observe parenthetically that we can take hope in the events of recent days, when a great man of peace visited the birthplace of the Prince of Peace—and so the hearts of men who yearn for peace were lifted throughout the world.

Only history can give us the full measure of Pope Paul's unprecedented pilgrimage—but who is to say whether this mission of love and universal brotherhood may not eventually accomplish more than all the statesmen of these troubled times?

We know that the thoughts and appreciation of all men of good

will and of whatever faith were with His Holiness. I have expressed my personal sentiments to His Holiness as I know millions of others have done or will do.

Finally we see on our own national scene the rush of change and the more distant shape of great new tests and trials ahead.

A century after Emancipation, the battle for the full freedom and equality of our Negro population has entered its climactic phase—and it must be won. For what is at stake is not only the dignity of the Negro—but the honor of America.

The gravest social and economic problems threaten our society in the years directly ahead. One-fifth of the Nation's people still do not have sufficient nourishment, adequate clothing or decent shelter. The huge population growth warns of a coming need for jobs in unprecedented number—precisely as the revolutionary forces of automation already require massive replacement and retraining programs for our existing labor force.

And there are—on all fronts, from urban renewal to school building, from school dropout programs to medical care for the aged—an unbroken line of challenges, in the decade ahead, to test the creativity of our free economy and the imagination of our political leadership.

We are entering, then, a new era.

It is new in its moral tone, new in its challenges on the material level, and new in the tests it will bring in the political sphere.

With this knowledge and awareness, let us look at our own State of New York. Let us mark the progress we have made. And let us look to the unfinished business before us.

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Five years ago, when I first appeared before your Honorable Bodies, I presented the first of a series of programs dealing with:

- improvement of conditions in the State which affect individuals and family life;
- increasing job opportunities through creation of an economic climate favorable to business expansion and increased investment of private capital;
- restoration of integrity in handling the State's fiscal affairs; and

- improvement of efficiency and economy in the operation of State government.

In that 1959 annual message, and in the four which have succeeded it, I have called upon the men and women of the Legislature—in behalf of 17 million men and women and children of New York State—for actions to further these objectives and to achieve a resurgence of human progress in New York State. Much of the legislation to meet theretofore unsolved problems demanded of your Honorable Bodies the utmost in political courage, imaginative action, and constructive concern for the individual. Your response has been in the tradition of our State, both warm-hearted and responsible.

Because of this response and these actions, we begin the sixth year of the present State Administration, the 187th annual session

of the State Legislature, thankful that a great majority of the most difficult problems involving this State in 1959 are now being dealt with, within the new imaginative and constructive legislative framework enacted by your Honorable Bodies.

Within this framework, state actions to meet these problems of human concern have been supported by an expanding economy and increasing state revenues which are up by about 73 percent over 1958-1959 levels.

So it is that we can derive real satisfaction from what we have thus far accomplished together.

Underlying our common efforts has been our unwavering dedication to serving the spiritual heritage of the State and the Nation—the Judeo-Christian concept of the supreme worth of the individual. New York State, over the years, has enacted the most comprehensive and meaningful statutes in the Nation that deal with basic rights of "all men created equal":

- the right of access to places of public accommodation;
- the right to equal opportunities in education;
- the right to seek and obtain employment;
- the right to participate in apprenticeship, training programs;
- the right to join a labor union;
- the right of referral to an employment opportunity;
- the right to live where one's heart desires and one's means permit; and
- the right to be protected against retaliation by persons who would discriminate.

To give meaning and substance to these individual rights, together we have taken unprecedented actions to enhance each individual's chances for self-realization to the fullest of his or her potential.

Together we have taken steps to increase job opportunities through the creation of a more favorable climate for expansion of business and the investment of private capital.

Together we have combined the good offices of the State with the dynamics of private investment and enterprise

—to assure needed housing for more than 60,000 middle-income families;

—to assure needed college facilities at the State University and the community colleges for more than 160,000 high school graduates by 1970, as against the 38,000 enrolled in 1958, through over a billion-dollar construction program;

—to assure additional and more modern facilities for the mentally ill and the mentally retarded in State institutions through the expenditure of \$300 million;

—and all now supported by self-liquidating programs

Together we have created a new statewide network of centers for rehabilitation of the handicapped.

Together we have broadened the State's programs of research and education to combat heart disease, cancer and other major problems of the public's health.

Together we have established the Nation's most comprehensive program for medical care of the needy aged.

Together we have created on a pay-as-you-go basis the Nation's most extensive program for state assistance to local communities in carrying out their urban renewal programs.

Together we have moved to expand New York State's domestic commerce and export trade.

Together we have greatly expanded research in agriculture to help make even more productive the traditionally excellent efforts of our farm families.

Together we have taken steps to place New York in the forefront of peaceful atomic industry.

Together we have more than doubled the previous administration's mileage of highway construction and improvements—economic lifelines of the State and the tourist routes to our unparalleled vacation resources.

Together we have broadened the cultural life and recreational opportunities in the State for the enjoyment of every individual.

We take pride that all of these things are being done for people at a time when our State budget is balanced—and *has been balanced* for five years—and will be balanced again this year with no increase in taxes.

This not only means no new demands upon the people but inspires confidence in those entrusted with the investment of capital that this is a good state in which to begin or expand job-creating enterprises.

We take pride that we have reduced the tax-supported State debt by \$116 million in the last five years and cut bonded debt service to only 1.2 percent of the State's total budget. This means we are not mortgaging the future of our children and their children and the generations that come after them.

Out of current revenues, we are paying yesterday's debts, providing today's services and building tomorrow's future.

And because of what we have done together:

- a crippled child, through rehabilitation, now walks and plays;
- an elderly couple, confronted with adversity in advancing age, now lives in decency and modest comfort;
- a mentally retarded child now goes to school with a new promise of a more productive life;
- a child, no matter where in this State he lives and no matter what his parents were or are or have, is assured of unexcelled educational opportunity;
- a chronic mental patient, once classified as hopelessly doomed to a lifetime of institutional care, is returned to useful community living;
- the consumer is now protected better than ever before against fraud and deception;
- a young man or young woman, who before would not have had the opportunity, is graduated from college;

—a hospital worker, yesterday at the depths of the economic scale, today has new dignity and is beginning to meet the needs of his family; and

—every person of whatever race, creed, color or national origin stands under the law as the full equal of every other person. All of these illustrations apply to tens of thousands of citizens of our State who, only five years ago, looked out on a discouraging future.

I am gratified that, with the progressive and understanding support of your Honorable Bodies, we have been able to make this great human progress.

Let no one conclude however—certainly I do not—that even this imposing list of accomplishments marks the limit of either our capacity or our determination to put state government and its laws even more fully to the service of individual citizens and the security of their rights.

Undergirding all we have done and all we must do is our dedication to the concept

—that the State is the servant of the individual citizen and not his master;

—that the proper object of the law's concern is the individual person, made in the image of his Creator, without reference to race, color, creed or national origin;

—and that, accordingly, the proper object of government is to create those conditions most favorable to his opportunity for self-realization and well-being.

In this spirit, let us move ahead together to meet our continuing responsibilities to the 17 million men, women and children whom we serve, in terms of

—their safety,

—their well-being, and

—the services they need.

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The tragic events of recent weeks have brought into particularly sharp focus the duty of a democratic society—dedicated to a belief in the supreme worth of each individual—to guard as a sacred trust the dignity and the person of each individual.

A. CRIME AND CRIMINAL JUSTICE

The safety of the individual—in his home, in the streets, in the parks, wherever he may be—is a prime responsibility of government at every level.

The war on crime is also the concern of every individual. The essential function of government is not performed unless its citizens are protected against crime. At the same time, no society is worthy unless it protects individual liberty in the administration of criminal justice.

We must face the grim fact that the national incidence of crime over the last ten years has increased at a rate four times the rate

of growth in population. While New York State's trend is somewhat better, the record is deeply disturbing.

It is clear that the battle against organized and unorganized crime requires not only vigilance, but new tools and fresh efforts. Accordingly, I am recommending a major anti-crime program for New York State, which would:

(1) Initiate a statewide information-sharing system to provide speedily, through use of modern electronic techniques, complete and accurate information essential to the investigation and prosecution of crime and the administration of criminal justice.

(2) Take further steps to insure that able and dedicated professional law enforcement officers are attracted and retained in the public service.

(3) Undertake the statutory development of a pre-arraignment criminal procedure which, while best protecting individual liberties, will assure that law enforcement officials have effective means for investigating and prosecuting crime.

(4) Establish a new post-conviction criminal procedure to protect fully the constitutional rights of prisoners.

(5) Restore to the grand jury its ancient power to make proper presentments directed to fraud, corruption and misconduct by public officials.

(6) Improve upon the State's stringent weapons control law by regulating the indiscriminate availability of guns.

(7) Provide necessary funds to plan and establish a School of Criminal Justice within the State University to probe deeply and help meet the over-all problems of crime, crime causation and criminal justice.

(1) An Electronic Identification and Intelligence System

A most vital tool of criminal law enforcement is the accumulation and ready availability of information and intelligence. The criminal law cannot be administered without rigorous attention to facts—whether for investigating leads, for preparing criminal charges, for satisfying the search for truth at a trial, for developing meaningful background for judicial discretion in setting bail or fixing sentences, or for effective rehabilitative programs.

In this State there are 3,636 separate state and local agencies involved in administering criminal justice. Each agency—whether in police, prosecuting, judicial, probation, correction or parole work—has one overriding purpose: the maintenance of law and order. All are independent yet completely interdependent, since none can function alone. Each has a separate information system, manually maintained and rarely coordinated with the others. All urgently need a central pool of information, carefully collected from existing sources and readily available wherever and whenever required.

The increase in the incidence of crime, the modern techniques of organized crime syndicates and the increased mobility of our population make it imperative that law enforcement officials:

—use the most modern technology in collecting, storing, retrieving and disseminating information and intelligence, and —engage in more effective cooperative action in the area of information-sharing.

To achieve these objectives, I included in the 1963-1964 Executive Budget, and you approved, funds for a study to determine whether existing techniques could be improved through automation and electronic data processing. That study has been completed, with the extraordinary cooperation and assistance of an advisory committee of knowledgeable representatives of all state and local agencies concerned with the administration of criminal justice.

The study report, which I strongly commend to your attention, concludes that:

(a) A computer-operated information-sharing system for identification and intelligence in the administration of criminal justice is feasible within the present state of the electronic art, and

(b) Such a system would be of tremendous value to all agencies in improving their essential services to the people.

Under the system envisioned, each agency, participating voluntarily, could have access for official purposes to a factual storehouse—with a capacity equivalent to the relevant and non-confidential file information of all New York State and local agencies combined. This would produce the following advantages in the administration of criminal justice:

—Meaningful intelligence would be more widely available for the attack on organized crime.

—The speedy availability of accurate and complete facts would improve investigative efficiency and assist in the solution of specific crimes.

—Substantial duplication would be eliminated, thereby cutting costs and releasing valuable personnel and resources for other duties.

—Individuals charged with crime could receive greater protection in such matters, for example, as erroneous identification and opportunity for bail.

No such coordinated information-sharing system exists anywhere in the world. Because of the immeasurable benefits to be gained in our fight against crime, I will recommend in my 1964-1965 Executive Budget an appropriation to initiate the development and installation of such a system.

(2) Increased Professionalization in Criminal Law Enforcement

The effective prosecution of crime requires that public law enforcement services attract and retain able and trained professionals, dedicated at all times to performing their vital duties to protect the public. This year I have three additional specific recommendations in this regard:

(a) *Standard Qualifications for New Police Officers*

I recommend legislation, sponsored by the Chiefs of Police in the

State, to establish standard age, education, physical and character qualifications for all newly-appointed police officers.

(b) *In-Service Training for Police Officers*

I also recommend giving effect to that portion of the landmark police training statute enacted in 1959 which provides for the adoption of in-service training programs. Since 1959, over 3,100 newly-appointed municipal policemen have been trained under the mandatory basic course. Courses should now be provided for police officers who have never received formal training and for those who should have training in advanced techniques. The Municipal Police Training Council has been giving attention to such programs, and I expect to issue the necessary regulations this year.

(c) *Full-Time District Attorneys for the Large Population Counties*

There is an unduly high incidence of major crimes in counties with large, heavily concentrated populations. Increasingly, district attorneys in those counties are confronted with the need to renounce their private practice of the law in order to devote their entire time to their public law enforcement duties.

Where no such local requirement now exists, I recommend that such larger counties encourage the trend towards freeing district attorneys for full-time service in the battle against crime. To do so will also avoid the occasional ethics problems caused by concurrent private law practice. At the same time, in order to attract and retain competent full-time prosecutors, it will be necessary for these counties to assure them adequate compensation for their important law enforcement duties.

(3) A Modern Pre-Arrestment Criminal Procedure

Law enforcement officials and the public have become increasingly alarmed that there are no clear workable rules regulating criminal procedure between the time a person falls under suspicion and the time a formal charge is made in court.

This area of the law—governing arrest, search, detention, interrogation, access to counsel, discharge without lodging of charges, arraignment and bail—involves the most delicate balancing of the rights of the individual with the right of society to be protected against crime.

Many jurists recently have expressed their concern that the courts are being called upon more frequently than ever before to make important law enforcement decisions with little guidance other than that of the "due process" clause of the Constitution. I share their view that the entire scope of pre-arrestment procedures is a desirable subject for legislative exploration and action. I recommend that the State Commission on Revision of the Penal Law and Criminal Code undertake this effort to devise a law—the first in the Nation—which will best protect individual liberties while assuring law enforcement officials effective means for investigating and prosecuting crime.

At the same time, I request your favorable action upon two spe-

cific proposals of the Combined Council of Law Enforcement Officials, representing the major law enforcement officials in the State:

(a) to permit the courts to authorize police officers to execute search warrants without notice to the occupant of the premises involved, whenever the property sought may be easily destroyed or the notice will endanger the officer's safety; and

(b) to authorize police officers when encountering in public places those persons whom they reasonably suspect of committing a felony or serious misdemeanor, to stop them, search them for concealed weapons and question them briefly before arrest.

These measures, which accord with constitutional safeguards, are urgently needed because the present law in these two areas is uncertain and because the police must be provided *now* with sound tools to carry out their sworn duty to protect the public.

(4) New Post-Conviction Procedure To Protect Constitutional Rights

New York has no clear and complete procedure under which a prisoner, in challenging the validity of his conviction, may assert a constitutional right which he could have raised in court during an appeal from his conviction.

This has presented serious problems of federalism which are of deep concern to the judiciary and public alike. State prisoners have been compelled to vindicate their constitutional rights in the lower Federal courts. There are indications that this practice will grow unless New York State, and other states, provide a relatively simple procedure in which all post-conviction constitutional issues can be determined in state courts.

The Empire State is proud of its heritage of affording its people the fullest possible constitutional protection. It is thus essential that our state courts be able to perform their proper role in the federal structure. To that end, I am convening a meeting of representatives of the Judicial Conference, the State Commission on Revision of the Penal Law and Criminal Code, the Attorney General, district attorneys and other officials concerned with the administration of criminal justice, to recommend prompt steps to correct the present procedural obstacles.

(5) Restoration of the Grand Jury Power To Make Presentments

In 1961, the Court of Appeals ruled that the grand jury did not have statutory power to make public reports calling attention to unenvy conditions and recommending reforms, although the practice had been followed for more than a century and a half. In the past these presentments have served to arouse the public to fight organized crime, overhaul the parole system, rectify corrupt conditions and halt fraudulent practices.

It is essential to confirm the grand jury's power to make proper presentments directed to fraud, corruption and misconduct by

public officials. I recommend legislation designed to restore this power, with appropriate safeguards against abuse, so that the public can continue to be informed of facts bearing importantly on its welfare.

(6) Regulating the Indiscriminate Availability of Guns

New York State's laws regulating the sale and possession of weapons are the most stringent in the Nation. Your Joint Legislative Committee on Firearms and Ammunition has been exploring ways in which the public interest can better be protected without real impingement upon the legitimate use of guns by sportsmen. I await with interest the recommendations of this Committee for appropriate action at this session of the Legislature.

(7) The School of Criminal Justice

There is a need in this State for systematic improvement in the administration of criminal justice if we are better to deal with the widespread and deep-seated disease of crime.

Each of the professional disciplines—police, prosecutors, courts, probation, correction and parole—beset with its own immediate concerns, now tends to function without adequate relationship to the others. The work of any single agency can be most effective only if it relates, in theory and in practice, to the common task.

With this in mind, in a Special Message to your Honorable Bodies in 1962, I noted that I had called upon the Trustees of the State University to study the feasibility of establishing a School of Criminal Justice within the State University. Envisioned was a small, full-time faculty of experts from relevant disciplines to address itself:

(a) to the problems of training administrators and those requiring specialized knowledge, and

(b) to the need for searching inquiries into crime causation, juvenile delinquency, law enforcement procedures, criminal rehabilitation and judicial doctrine relating to criminal cases.

This feasibility study is being concluded, and my Executive Budget will include a recommended appropriation for planning and organizing the School. I earnestly ask that you support this constructive effort to probe deeply and help meet the problems of crime, crime causation and criminal justice.

B. CIVIL RIGHTS

No state can rival New York for concerted progress in the field of civil rights. In a period of more than eighty years, and especially with your help since I became Governor in 1959, the laws of the State of New York have been expanded to give comprehensive legal reality to the Judeo-Christian principle of the dignity and worth of every human being.

The moral imperative for comparable federal action has been apparent for too long. Much of the suffering and unrest of recent

times might well have been avoided had federal authorities moved more rapidly. Bipartisan legislation has been initiated in the House of Representatives' Committee on the Judiciary. Though falling short of reasonable demands for justice on the part of 20 million Americans, this legislation nevertheless represents an opportunity for the national government to redress, at least in part, the failure to afford to so many an opportunity for fuller realization of the American dream.

Although government may not be able by law to banish prejudice from the recesses of men's minds, it can stop discrimination in their actions—by fair but firm and swift action wherever discrimination is found. It is to that fair, firm and swift action that we in this State are dedicated. To that end, we are working through the State Commission for Human Rights, the Attorney General, the Industrial Commissioner and the Special Cabinet Committee on Civil Rights to continue to strengthen and improve enforcement procedures.

C. EDUCATION

From the day this Legislature first met in 1777, the advancement of learning has been an overriding concern of every New Yorker. Our responsibilities have become the greater as man's search for knowledge probes ever further into the unknown. How faithfully we discharge this sacred trust affects the future of every child in this State. Meeting these responsibilities requires the most creative and imaginative solutions of which we as a people are capable.

We can be justifiably proud of our foresight during the past five years in anticipating the explosive character of the education needs of the State, in preparing for the challenges before us, and in making a financial commitment worthy of the cause.

Each year since I became Governor, a substantially larger percentage of the State's budget has been allocated to the support of education at all levels. The purpose has been to provide a better quality of education for the growing number of young people in the State.

In 1958-1959, education expenditures totaled \$666 million, or 37 per cent of the State's total expenditures for all purposes. Since that time, the State's education expenditures have about doubled and are expected in the coming year to total \$1.3 billion, or in the neighborhood of 45 per cent of the State's total expenditures for all purposes.

This year's increase of about \$650 million over 1958-1959 expenditures is largely attributable to the following:

(1) *Successive enrichment of the formula for distributing state aid for public schools* in four of the past five years. The major revision enacted in 1962 made state aid for buildings and transportation available for the first time to all local school districts. State aid to local school districts has risen from \$561 million in 1958-1959 to \$1.05 billion in the year ahead—an increase of over 87 per cent in six years.

(2) *Enactment and support of a financial assistance program for college and university students unparalleled in any other state.*

Under this program, we have undertaken to preserve and enhance the historic relationship in higher education between colleges and universities in the private sector and those in the public sector, thus preserving the widest range of choice for the young men and women of our State.

Next year, 70,000 students will hold Regents scholarships and fellowships, as compared with 25,000 in 1959.

Next year, 137,500 students will receive grants under the Scholar Incentive Program enacted in 1961 and 10,000 students will receive State University scholarships which you authorized last year.

Next year, 120,000 students—as compared with 2,780 in 1959—will have loans guaranteed by the Higher Education Assistance Corporation.

The amount of all financial assistance to college students next year is estimated at \$62 million—and that is almost seven times the \$9 million spent in 1958-1959.

(3) *The annual expansion of the number of students enrolled in the State University and community colleges*, which will require increased appropriations amounting next year to \$138 million as compared with \$46.8 million in 1958-1959—an increase of over 195 per cent in six years.

(4) *Increased state support each year for the City University of New York*, amounting next year to \$31 million, as compared with \$8.4 million in 1958-1959—representing an increase in state aid of 269 per cent in six years.

(5) *Increased state support each year for the use of public libraries* in the State, with a complete revision of the formula for distributing this assistance in 1960. This annual support of public libraries has now reached \$10.2 million—more than three times the \$3.3 million spent in 1958-1959.

Under state leadership, local school districts have also been encouraged to experiment in achieving the best education for each school dollar—for example, with special educational programs for children under handicaps, with new efforts to reduce the number of school dropouts, and with the use of standard plans to promote economy in local school construction. From these and other innovations, we hope to determine guidelines and goals for New York's educational system in the world of tomorrow.

At the same time, we have begun an eight-year, one billion dollar, self-liquidating construction program for the state-operated units of the rapidly-expanding State University. New buildings, supplementing those completed since 1959, will accommodate an increase in full-time students at the State University and the community colleges from 38,000 enrolled in 1958 to an enrollment of over 160,000 by 1970—an increase of more than 300 per cent in twelve years.

Since the middle of 1962, State University buildings worth \$62 million have been completed. Contracts for \$156 million worth of buildings are now outstanding and \$290 million more are in design

stage, making a total of \$508 million—a construction pace perhaps never before attained in the history of public university construction in this country.

Our goal is to assure that no young man or woman with the desire and capacity for a college education will be denied it for lack of personal financial means or lack of college facilities.

These historic accomplishments are preparing New York State for a period of unprecedented growth in student enrollments and unprecedented demand for education of the highest quality. The number of children in public schools in New York State today is almost half a million greater than the number of school children in 1958, while the full-time enrollments at the two public universities in the State and at the community colleges are almost 50,000 greater than the full-time enrollments of 1958.

The Special Committee on Medical Education, which I appointed jointly with the Chancellor of the Board of Regents, has filed its report with regard to the need for expansion of public and private education for the health professions. In my Executive Budget, I will include funds necessary for the first step toward meeting this need.

D. HOUSING

It is a necessary role of government to encourage and facilitate the development of adequate housing for families of low and middle income, and to help its cities renew their central areas. Great progress has been made in recent years.

(1) Middle-Income Housing

In 1960, at my recommendation, your Honorable Bodies created the State Housing Finance Agency, which is currently authorized to issue \$1 billion of self-liquidating bonds for private middle-income housing purposes. Through this unique and imaginative financing vehicle, we have attracted a broad segment of private enterprise, non-profit institutions, labor unions and church groups into the sponsorship of such private housing. This agency has provided and will continue to provide tens of thousands of our middle-income families in urban communities with good homes at reasonable cost, and at no expense to the State's taxpayers.

In 1959, 13 projects with 2,360 dwelling units had been approved for mortgage loans totaling less than \$32 million. Today, 65 projects with 31,132 dwelling units have been approved for mortgage loans of more than one-half billion dollars—a 1200 per cent increase in the amount of housing being provided for middle-income families.

This program will continue at an accelerated rate.

(2) Urban Renewal

Urban renewal is the most effective method of wiping out slum areas, revitalizing urban centers and affording people an opportunity to live in our cities under decent conditions.

Together we have broadened the approach to urban renewal to produce human, economic and civic benefits—not merely physical improvements. We have also strengthened the State's financing program by adopting capital grant payments on a pay-as-you-go basis to replace the costly deficit financing of loans and subsidies. Seventy-six projects are now under way in 55 communities—all since 1959. More than \$52 million has been made available by the State to cover one-half of the local urban renewal costs.

The success of most urban renewal programs depends on the provision of adequate housing for people who are displaced from the renewal area. To minimize any hardship that urban renewal may cause to such families, and to assure that they will get decent housing, I recommend a program of state assistance to municipalities for the earliest possible sound planning of relocation housing.

(3) Housing for the Aging

During the past five years this Administration has expressed its concern for the aging in a variety of ways, including the development of housing units for them in the State's low-rent and middle-income programs. Although many senior citizens in need of housing are economically and physically able to live in customary homes and apartments, it is often necessary to build dwelling units for other senior citizens in conjunction with medical and social service facilities.

Many experienced and responsible non-profit institutions are interested in making their medical and social service facilities available to help senior citizens by adding housekeeping units under the limited-profit housing program. Yet they cannot do so because they lack cash resources to meet the present five percent equity capital requirement. To meet this problem, I propose legislation authorizing 100 percent instead of 95 percent development loans from the State Housing Finance Agency to non-profit membership corporations sponsoring such housing for the aging.

(4) Low-Rent Housing

Since 1939, New York State has incurred almost \$1 billion in State debt for the construction of low-rent housing projects. These funds have produced more than 65,000 dwelling units for the lowest income group in the State.

It is unrealistic to expect that a program such as this, developed to cope with problems and to carry out objectives of 25 years ago, could be entirely adequate in meeting today's problems and needs. I have been increasingly concerned that many of today's serious social and racial problems are being accentuated by the way in which this program has been carried out under existing law. I thus requested the creation of the Temporary State Commission on Low Income Housing last year to review the present approach to low-rent housing, to recommend improvements, and to develop a new and feasible approach to providing low-rent housing with private capital.

The Commission will shortly submit its report after extensive public hearings throughout the State. Following my review of this report, I shall make recommendations for your consideration designed to meet the pressing need for additional low-rent housing.

E. HEALTH AND MENTAL HEALTH

Sixteen percent of the State's budget this year is devoted to programs to improve the physical and mental well-being of the State's 17 million people.

(1) Health Department Programs

The State Health Department continues its impressive research and education efforts to combat heart disease and cancer—the two greatest killers in New York, as in the Nation. Other departmental programs deserve your support as well. These include:

- intensified vaccination programs, particularly for pre-school children, against smallpox, whooping cough, diphtheria and tetanus,
- the demonstration of new techniques of rescue breathing and closed heart massage to thousands of professional personnel, and
- intensified efforts to control cerebral stroke and such chronic respiratory diseases as bronchitis, asthma and emphysema.

(2) Regulation of Clinical Laboratories

The State Health Department reports shocking instances of incompetence on the part of some of the clinical laboratories operating within the State. While laboratories provide essential services for the public and for the medical practitioner—furnishing information invaluable to the diagnosis and treatment of disease—their improper performance of blood and other tests may result in prolonged and unnecessary hospitalization, injury, and even death.

Despite their important public health function, clinical laboratories and their personnel are today not subject to adequate supervision. To overcome this grave deficiency, I recommend legislation extending the present laboratory reference system of the State Health Department so that:

- minimum qualifications for laboratory directors would be fixed by the Public Health Council,
- clinical laboratories would be required properly to process and identify test samples submitted by the Department, and
- the Department would be authorized to inspect laboratories and to insure compliance by facilities which do not meet appropriate performance standards.

(3) Rehabilitation of the Handicapped

Three years ago, state funds were first made available to develop, around the State, a network of comprehensive centers for

restoring disabled persons to useful living. Eleven centers are now in operation, serving people in every region of the State.

In the first six months of 1963 these centers admitted 3,097 persons—a four-fold increase over the same period in 1962. At the same time, the period spent by rehabilitation patients in a hospital has been cut in half, since the presence of these centers means prompt and expert treatment during the first stages of disability.

As a further step in the rehabilitation field, all state buildings, built since 1961, contain special design and architectural features to permit fuller use by disabled persons. My 1964-1965 Budget will propose funds to begin the installation of similar features in pre-1961 state buildings and the installation of special aids in the State's recreation areas.

Last year your Honorable Bodies took a major step towards improved health care for the physically handicapped children of this State by expanding the categories of chronic diseases and disabilities for which 50 percent state-aided treatment is available. Implementation of the expanded program is on schedule, and the first children have now begun to receive treatment.

This year I recommend that responsibility for the administration of this program be transferred from the Family Court to local health officers. Such a transfer will eliminate much of the red tape which now precedes the authorization of treatment and the receipt of medical services. It will insure quicker and better care for thousands of afflicted children.

(4) Mental Health

Two years ago a comprehensive, long-range plan for the care of the mentally disabled was put into effect in New York State. With your firm support, this plan attracted national recognition and was mirrored last year in the late President's proposals for a nationwide attack on mental illness and mental retardation.

Today, 145,000 persons are treated annually in the State's hospitals for the mentally ill and the State's schools for the mentally retarded. Chronic patients, the mentally-ill deaf and emotionally disturbed blind children now receive treatment in special units. New units have also been established to help the alcoholic and the narcotics addict.

Admissions increase each year, but the average hospital stay has become shorter and the hospital census continues to go down. This is one of the most tangible and satisfying results of the State's intensified research efforts and its use of new treatment techniques which seek to integrate the work of public, private, voluntary and community mental health agencies.

Construction and reconstruction projects proceed, with new schools for the mentally retarded being completed. A rapid acceleration in the future is assured by the activation of the self-liquidating Mental Hygiene Facilities Improvement Fund which you authorized upon my recommendation last year.

Your continued support will be necessary to maintain New York's leading position in the fight against all forms of mental disability.

(5) The Use of Pesticides

Your Honorable Bodies have long been alert to the potential hazards of the indiscriminate use of pesticides. Under laws you enacted:

- all pesticides sold or transported in the State must be registered, accurately labeled and properly identified;
- many insect control programs are regulated and supervised;
- the use of pesticides is restricted in areas where there are important crops;
- milk, food and food products undergo continual testing for pesticide residues and other harmful materials; and
- the harmful effects of pesticides on humans, fish and wild life, their transmission in watersheds and alternative methods of pest control are being investigated.

In May 1961, an Interdepartmental Committee on Pesticides, representing all departments concerned with the use and effects of pesticides, was administratively established to advise in the direction and coordination of these programs. The Committee, however, has no power to formulate over-all policy in the State's regulatory programs. To enhance its effectiveness, I recommend legislation centering this important responsibility in a single interdepartmental agency.

F. MINIMUM WAGE

The subject of an increased state minimum wage is one to which I have given much thought.

New Yorkers are proud that we enacted the State's first statewide minimum wage law in 1960 and increased the statutory minimum in 1962. The state minimum wage now virtually equals the federal law in dollar amount and effective date.

There remains, however, the very real human problem of families dependent upon the minimum wage earner for all family income. It is a disturbing fact that many hard-working heads of such families have had to turn to second jobs at night, and also to public assistance, to make ends meet.

The problem is a most difficult one. These workers are largely in the unskilled or lesser skilled categories. Many have no organized voice speaking effectively for them and they are the group most generally subject to exploitation. The rate of national economic growth has not been sufficient to provide the kind of full employment economy which would, of itself, through increased employment demand, raise their wage levels.

Many persons, recognizing the limitations of the present minimum wage levels, seriously question whether an increase in the state minimum wage above the federal level will result in the loss of job opportunities and greater unemployment. Whether

this would be the case, or not, is by no means clear. It is, however, abundantly clear that we have a human problem of deep and immediate concern that must be met.

I shall therefore appoint a special committee to review the problem of these low-income wage earners, the reasons for their low wages, the effect of an increase of the state minimum wage to \$1.50 per hour, the relationship of low wage levels to employment generally, and the impact of the original establishment of a state minimum wage and the subsequent increases.

Obviously, it is essential that we preserve the favorable climate for economic growth that provides the necessary increasing job opportunities for our growing population.

G. FULL CREW LAW

In 1961, following a detailed study and recommendations by the State Public Service Commission, I urged the repeal of the so-called "full crew laws."

At that time, a Special Presidential Commission was attempting to work out a national settlement of crew complements, and your Honorable Bodies took no action.

Now, three years later, an Arbitration Board established by special act of Congress to avert a national rail strike over the work rules dispute has filed its award. This award, which carefully protects railroad firemen with more than two years seniority, cannot be implemented in New York without the repeal of the State's full crew laws.

I fully recognize the human factors involved, but I am persuaded that the national arbitration award, and its substantial reliance on retirement and offers of comparable job opportunities, will minimize the dislocation of presently employed workers. The interests of the people as a whole must prevail.

I recommend the outright and immediate repeal of the State's full crew laws.

Safety regulations of the Interstate Commerce Commission would still apply. Furthermore, the State Public Service Commission would be able to require additional crew members on particular operations if required in the interests of safety.

H. REVISION OF THE LIQUOR LAWS

The distinguished Moreland Commission, which I appointed last February to make a careful reappraisal of the State's Alcoholic Beverage Control Law, is completing a series of reports and recommendations.

In a Special Message I will make specific legislative proposals for action at this Legislative Session.

In the meantime, the new Chairman of the State Liquor Authority, working with the management unit of the Division of the Budget, has developed a plan to overhaul thoroughly the administrative structure, practices and procedures of the Authority.

I. GOOD GOVERNMENT

(1) Ethics in Government

Without public confidence, no government in a free society can long endure.

The very essence of this public confidence lies in the firm recognition that public office is held for the good of the people, not for the benefit of an individual. Just as the law holds the trustee to the highest standards of faithfulness, so also must the government official be held to his position of trust.

Ten years ago, this Legislature was the first in the Nation to enact a code of ethical conduct for the executive and legislative branches of state government. Although neither the Congress of the United States nor the Legislature of any other state had put into effect such comprehensive standards, you recognized then that this was only a beginning. These standards should be reexamined in the light of a decade of experience.

The actual or potential clash of opposing loyalties is a matter of deep concern to the public servant as well as to the public. The actions and decisions of a public servant must withstand constant public scrutiny. Even the appearance of impropriety must be scrupulously avoided, although he must sometimes exercise an ethical judgment in situations of extraordinary subtlety and sensitivity. The public servant, it seems to me, is entitled to firm, clear and high standards for his guidance.

I commend the action of your Leaders in appointing the Special Committee on Ethics:

- (a) To review the existing legislative code of ethics and statutes dealing with conflicts of interest.
- (b) To study, identify and analyze existing practices with a view to making recommendations for revisions in the code.
- (c) To review the question of attendance at meetings, conferences and conventions.
- (d) To review the question of private practice before state agencies.
- (e) To review other issues which arise in the area of conflict of interest.

I look forward to an early report of the Committee to the end that action can be taken at the current session of the Legislature.

(2) Management Improvement

The continuous improvement of government efficiency has been a major objective of this Administration. We have been making unceasing efforts to reorganize state agencies, eliminate waste and streamline operations by employing the most modern techniques.

Above all, our aim is to reduce government paperwork and simplify procedures that affect the people of this State. Since 1960, for example, as a result of legislation conforming our income tax laws to those of the Federal government, each state taxpayer has been able to file vastly simplified returns, using figures already reported on his federal forms.

To continue this program in management improvement and to eliminate still further unnecessary duplication and red tape, I have appointed an Interdepartmental Management Improvement Council, with the Director of the Budget as Chairman, to intensify our review of the procedures of each state agency. The initial major targets of this review will be:

- development of possible multi-purpose standard forms and the exchange of common data, so that information once supplied need not be resubmitted to the same or any other state agency;
- elimination of overlapping regulations, inspection and auditing by various state agencies; and
- initiation of a statewide forms control program to eliminate unnecessary technical requirements, such as notarization of documents.

Each of the state departments and agencies will cooperate fully with the Management Improvement Council and suggestions from the general public will be welcomed.

I hope that the Committee will have some initial legislative recommendations ready for consideration by your Honorable Bodies during the current session.

(3) Civil Service

Without competent public servants, no program of service to the people can effectively respond to the people's needs. During the past five years, in order to attract and retain able persons in state government service, we have made great progress toward adjusting state salaries to levels more nearly competitive with those of other governments and private industry.

This year, as a further step toward this goal, I will recommend in my Budget Message salary adjustments for state employees to provide the maximum increase in take-home pay at minimum cost, in keeping with the State's tight fiscal situation.

(4) A Single, Combined June Primary

Under the existing provisions of the Election Law, provision is made for two primaries in 1964, one on April 7 for the election of delegates to the national conventions and of party officers, and the other on September 15 for the nomination of candidates for state and local elective offices.

This traditional system of separate spring and fall primaries in presidential election years was changed in 1956 and 1960 by special enactments providing for single, combined primaries in those years. It is my recommendation that the pattern of 1956 and 1960 be continued, and that legislation be enacted providing for a single, combined primary this June.

(5) Absentee and Presidential Voting

At the last general election, the people approved an amendment to the State Constitution allowing the Legislature to prescribe re-

duced residence requirements and special voting procedures for persons desiring to vote for President and Vice-President even though they are not eligible to vote for local or statewide officers. The amendment also contained an important liberalization of the constitutional requirements for absentee voting.

The Joint Legislative Committee to Revise the Election Law is now at work on legislation to implement this amendment, with particular reference to state residents who move from one county to another within four months of a presidential election and to persons newly resident in the State. I urge your careful consideration of the Committee's proposals.

(6) Local Government

We hold the conviction that the best government is the government closest to the people. This conviction is manifest in the New York State tradition of fostering strong local governments.

(a) Home Rule

To insure that local governments have the ability to discharge their responsibilities effectively, the voters last November approved a new Home Rule amendment to the State Constitution broadening the self-governing powers of municipalities. The Municipal Home Rule Law, implementing much of this new amendment, became effective on January first.

The new amendment embodies a requirement for further legislative implementation. I urge your consideration of the adoption of a Statute of Local Governments under which the Legislature may grant local government powers which it cannot thereafter diminish except by action during two successive sessions.

(b) Per Capita Aid

I expect that the Temporary State Commission on Per Capita Aid, which is making an intensive study of the over-all financial and other relationships between the State and its local subdivisions, will report to your Honorable Bodies at the current session. I urge you to give consideration to this report and trust that the Commission's work will provide a basis for working toward the improvement of such relationships.

CONCLUSION

I have outlined some of the specific business to come before this 187th session of the New York State Legislature.

We are called upon to give testimony and proof—by all our acts and all our laws—that free men have the courage and the wisdom to govern themselves and to foster justice for all.

We are called upon to show that the supreme end of government is not its own growth or aggrandizement—but the service of the individual, *his* hopes and needs, *his* dignity, *his* growth.

Five years ago I took my first oath as Governor. I would like to reiterate what I said on that occasion because of my deep belief that . . .

"We can serve—and save—freedom elsewhere only as we practice it in our own lives.

"We cannot speak of the equality of men and nations unless we hold high the banner of social equality in our own communities.

"We cannot speak of a rule of law among the nations of the world unless our own laws faithfully serve the needs, and guard the rights, of our own citizens.

"We cannot be impressively concerned with the needs of impoverished peoples in distant lands, if our own citizens are left in want. . . .

"We cannot hope to serve the cause of peace among nations—if classes or factions in our own society war among themselves.

"Thus does our role in the world—and our duty to ourselves—coincide as if they were one."

I believe this is the spirit in which we should enter the new era opening before us.

I believe this is the spirit in which we should demonstrate again our capacity for self-government, our concern for the individual, our belief in the ethical conduct of public affairs, our implacable determination to stamp out crime, our dedication to better education, our devotion to better housing, better health, and a better life for all our people.

In short, ours is the opportunity to demonstrate that the American dream is something far more substantial than a hope or a fantasy—that it is, under God, a goal which free men and dedicated leadership can and will attain in our lifetime for all Americans.

(Signed) NELSON A. ROCKEFELLER

Message Transmitting the Executive Budget and Recommended Appropriations for 1964-1965

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, January 22, 1964

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

When I took office five years ago, I resolved to meet the current needs of the people of this State with sound policies and programs and on a basis that would build for the future strength of the State. Each of my past five budgets has been framed with these objectives in mind.

Preparing for the Future

The Budget which I submit today once again meets present needs and builds for the future. Like its predecessors, this Budget