

Ronald Reagan Presidential Library
Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Meese, Edwin, III: Files
Folder Title: Martin Luther King Holiday
Box: OA 9417

To see more digitized collections visit:

<https://www.reaganlibrary.gov/archives/digitized-textual-material>

To see all Ronald Reagan Presidential Library Inventories, visit:

<https://www.reaganlibrary.gov/archives/white-house-inventories>

Contact a reference archivist at: **reagan.library@nara.gov**

Citation Guidelines: <https://reaganlibrary.gov/archives/research-support/citation-guide>

National Archives Catalogue: <https://catalog.archives.gov/>

Last Updated: 10/29/2024



01 SEP 1983

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

August 31, 1983

MEMORANDUM FOR: Ed Meese

FROM: Joe Wright

SUBJECT: Administration options regarding H.R. 3345 (Legislation establishing Dr. Martin Luther King's birthday as a national holiday)

Attached are some comments regarding H.R. 3345 and a memo describing the "costs" of such a paid Federal Holiday.

When the bill was before the House, we did little beyond formally indicating our position (supporting a day of commemoration and opposing a paid holiday). The result was an overwhelming vote in favor of creating a paid holiday, and with the support of over half of the House Republicans. Following the same course in the Senate would surely produce a similar result, raising the question of whether the satisfaction of simply announcing a principled position is worth it.

A vigorous effort to sustain our House position should be carefully thought out (i.e., rumors of possible White House support for the bill as passed by the House have been highly publicized, while the Statement of Administration Policy provided to the House was scarcely noticed, if at all). A serious assessment of the prospects for achieving modification of the House bill is therefore required. There are no apparent favorable indicators:

- Howard Baker's office indicates that he is already publicly on record as supporting passage of the House bill, including the provision for a paid holiday, without modification.
- The bill has been placed on the Senate calendar, meaning that it can be called up for a vote when conditions are most favorable for passage (Baker will likely do just this -- probably at the urging of Republican Senators up for reelection).
- An additional ten Republican Senators are cosponsors of S. 400, the Senate analogue to the House-passed bill.
- Support of Senate Democrats for a paid holiday, it can be safely predicted, will be nearly unanimous.

- ° During the same period, the Senate will be considering not only our nominees to the Civil Rights Commission, but House passed legislation extending the life of the Commission -- the latter including language that would "grandfather in" the current anti-Administration Commissioners. Strong Administration opposition to a paid holiday will be linked to this issue, and even the Administration's strongest supporters may find it politically difficult to vote with the Administration on both the paid holiday and the Commission.
- ° Finally, many Conservatives have adopted the King holiday as a "safe" means of showing symbolic support for civil rights (see, e.g., the attached Broder column and Washington Times editorial).

We basically have three options regarding this legislation:

1. Inform the Senate of the Administration's support for commemoration by means other than a paid holiday and launch a vigorous effort to obtain the appropriate amendments to the House bill.
2. Support the House bill.
3. Do nothing.

The principal advantages of options 2 and 3 is that, in different ways, they avoid a difficult political battle. The central question to be decided is whether battle is justified on the basis of the principles involved and/or the likelihood of success.

Given the evident political consequences, any decision to oppose the House bill -- even a low-key option 2 position -- should in my opinion be fully explored with the President himself. Should he determine to do so (i.e., to support a "day of commemoration" only) the attached minority views of Representative Dannemeyer serve as a useful model for a possible Administration position statement. We might also consider adopting Carroll Campbell's proposal that a statue of Dr. King be placed in the U.S. Capitol as an added honor beyond the day of commemoration. As few Americans are so honored, our support for this additional step might help to defuse charges that our opposition to a paid holiday reflects animosity toward Dr. King.

Attachments

MINORITY VIEWS ON H.R. 3345

With respect to H.R. 3345, the main question before us is—not whether we should honor Dr. King, but how we should honor the man and his vision.

It is my view that a paid holiday for Federal workers is the wrong statement at the wrong time and contrary to legislative policy. It is also costly. That is why I offered an amendment to H.R. 3345 to declare the third Sunday in January as a day of remembrance of Dr. King. Listen to the words of a supermarket clerk in Washington, D.C., as quoted by the Washington Post on the matter of establishing a Federal holiday for Dr. King:

The man died trying to help black garbagemen keep their jobs. . . . Let's have a King Day, but make people stay in school an extra hour and let people work overtime.

The most recent intent of the House of Representatives is that the third Sunday in January commemorate Dr. King's birthday. The House approved this amendment by a vote of 207 to 191 on December 5, 1979.

The extra day off is costly. I think the American people can justifiably wonder what Congress is doing in talking about holidays when the unemployment rate is still high. Another Federal holiday, added to the present nine, amounts to almost 2 weeks' worth of unemployment checks (some \$225 million in lost productivity in the Federal work force). The extra day off is a day when checks for social security recipients and veterans cannot be processed.

I think Members will be interested in a report I requested from the Congressional Research Service. I was looking for whatever policy criteria the Congress may have used in establishing the present nine holidays. In six of the nine Federal holidays, the Congress responded to majority State action. Seventeen States now observe Dr. King's birthday, two of them on Sunday. It is also interesting to note that if we add a 10th holiday, 4 of the 10 holidays will fall within a 2-month period.

Establishing the third Sunday in January is also consistent with legislation I recently introduced. H.R. 3584 would require that any new Federal holiday fall on a Saturday or Sunday.

Our choice is between a national day of observance for all Americans, or a paid holiday for Federal employees. Martin Luther King, Jr. stood for jobs and work, not for days off as the supermarket clerk clearly stated. It seems to me that is entirely inappropriate to think that the only honor we can give an American citizen is to give a certain class of American citizens a day off with pay. I hope we can lift our sights higher than the choice of a holiday for Federal workers.

There is an interesting parallel between Martin Luther King, Jr. and his namesake. Martin Luther, the prime mover of Reformation. Dr. King was dedicated to nonviolent social reform. Martin Luther sought to reform in the perceived relationship of man to God. Martin Luther King, Jr. sought a better relationship among men of all races. It is useful to note that Martin Luther is not honored by the Federal Republic of Germany with a holiday. I think it is entirely fitting that we consider that comparison in making our decision on H.R. 3345.

Martin Luther King, Jr. has a special, honored place in the history and heart of this Nation. We can do better than a paid holiday for Federal workers in honoring his memory and achievements.

WILLIAM E. DANNEMEYER.

○

Can we afford a King day?

Last January, in remarking the birthday of the late Martin Luther King Jr., we called for a new national holiday in his name. We were not unmindful that holidays bear costs. They represent a day's worth of lost production and reduced productivity. Our beleaguered economy, facing unprecedented competition globally, can ill afford that. But not to so honor the civil rights achievements King symbolizes is equally ill-affordable for this nation, whose citizens now more than ever must pull together if they are to prosper together. A lost work day means we all shall simply have to work harder the rest of the year. So we will.

Twenty years ago King led the March on Washington for Jobs and Freedom. The march has come to mark a great divide in our history: the time when the nation's moral and political consensus moved from racial discord to commitment to racial equality. The civil rights struggles filling the years before the march didn't end when King addressed the crowd at the Lincoln Memorial, but the two decades since have seen continuing progress toward the ideal of a colorblind society.

King has been idealized beyond what he,

like other mere mortals, was in life. So it is with heroes. But his leadership in the effort to eliminate segregation and discrimination from American life was real. So, too, his tenacity and his commitment to non-violence, which gave moral force to the struggle for equality of treatment and of opportunity.

George Washington's birthday gives occasion for recognizing the man who led us through the Revolution and presided over the new government's first eight years. We have national holidays celebrating the Christian world's beginning, the discovery of the New World, the birth of the United States. We pause to remember our fallen soldiers on Memorial Day, to give thanks for our plenitude on Thanksgiving, to mark the new year's start, to recognize the nation's workers on Labor Day. America needs a national holiday dedicated to the ideal of equality, to the brotherhood of all, whatever their race, whatever their beliefs.

The House of Representatives has endorsed making that holiday the third Monday in January. The Senate and the president should do the same.

Washington Times



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 2, 1983

MEMORANDUM FOR: Hilda Schreiber
FROM: Mark A. Wasserman *MAW*
SUBJECT: Estimated Cost of a National Holiday

As you requested, here is a revised estimate of the cost to the nation of another holiday. The methodology is similar to that used in the previous estimate exercise. The estimated loss is also similar to the earlier calculation.

A rough estimate of the cost in 1983 of another national holiday in the private sector is just under \$1 billion (\$997 million, to be exact), assuming that 10 percent of the workers in this sector take the holiday. The loss is miniscule compared with the 1983 estimated GNP of \$3,262 billion. Assuming a larger or smaller proportion of the workforce takes the holiday results in proportional changes in the estimated cost.

The estimate is derived from figures for a) private nonfarm output; b) the total number of hours worked by persons in that sector; and c) assumptions that 10 percent of the private nonfarm workforce takes the holiday and that eight hours of work are lost per worker. For 1981, the last year data are available:

Private nonfarm employees (millions)	76.8
Total hours paid (millions)	147,391.0
Private nonfarm output (\$72 billions)	1,105.5
(\$ billions)	2,188.9

Calculations for 1981:

Workers taking off (millions)	7.68
Hours lost (millions)	61.5
Hours lost as a share of total hours paid	.0004
Output lost:	
in real terms (\$72 millions)	461
in nominal terms (\$ millions)	913

Applying the hours lost share (.0004) to the Administration's 1983 estimate of private nonfarm output results in a nominal loss of \$997 million.

Honoring Dr. King Would Recognize the Power in the Hearts of All of Us

By DAVID S. BRODER

Twenty years ago this month, as a young reporter on the Washington Star, I was one of many from its staff assigned to cover the civil-rights march on Washington. I took the assignment with no more sense of history-in-the-making than if I were going to cover an ordinary Senate committee hearing.

But as the huge crowd gathered and moved in solemn procession down the Mall, filling the space before the memorial to Abraham Lincoln, the impact of the event began to dawn on every witness. And when the afternoon of oratory climaxed with the impassioned address of Martin Luther King Jr., my heart, I expect, was beating as fast as any in the multitude.

But the story that I wrote that night for the Star was less adulatory than analytical, trying to assess from the reactions of many on the scene and in the nearby Capitol what the effect of this extraordinary event would be in achieving its immediate goal: breaking the deadlock on civil-rights and social-welfare legislation in Congress.

The clouds of retrospective sentiment surrounding that summer afternoon should not obscure what anyone who was there realized: It was a political demonstration. It was a political rally that King, by the power of his spirit and his words, translated into something of

enduring significance, both moral and historical.

That is worth remembering in the current debate about legislation creating an official holiday commemorating the birthday of the slain civil-rights leader. Such a bill passed the House early this month and is now awaiting action in the Senate.

There is a good deal of cynicism about the political considerations that persuaded 406 of the 435 representatives to support the measure and that now are reportedly causing President Reagan's aides to think that it may be prudent for him to abandon his previously expressed opposition to such a holiday.

Blacks are a growing force in politics, an increasingly mobilized and motivated voting bloc. Their distaste for Reagan and for the Republican Party is documented in every poll. So the cynics see the King birthday bill as a reward that the Democrats are offering an important constituency and as a measure that the Republicans are afraid to oppose.

But that observation, even if accurate, does not begin to exhaust the argument. Almost everything that King did in his life, from the Montgomery bus boycott to the final, fatal march in Memphis, was political—designed to challenge and change existing laws, customs and power.

But the significance of his life was that the means that he chose, passive resistance and passionate oratory, transformed and elevated the political struggle. It became a process of personal reconciliation, permanently changing the lives and attitudes of both blacks and whites in this country.

As much as any man since Lincoln, he helped end the tragic heritage of slavery that had flawed this experiment in democracy from its start.

I was struck, in the House debate, not so much by the words of the black members who spoke on behalf of the bill as by the words of some young conservative whites who endorsed it.

Rep. Dan Lungren (R-Calif.), who was only 22 when King was killed, said that in his distant community the civil-rights leader "stirred inside me a feeling that we had to walk together if we were going to work out the problems of this country." In 1981, conservative Lungren played a key role in extending the Voting Rights Act.

Rep. Mickey Edwards (R-Okla.), the head of the American Conservative Union, recalled, "Before Martin Luther King, before the marches, before the sit-ins, blacks in my district rode in separate seats in the back of

the bus. They could not use the restaurants or the restrooms that the rest of us used. They could not go to the same schools."

Particularly striking were the words of a fourth young conservative, Rep. Ed Bethune (R-Ark.): "As a Republican and as a former FBI agent, I rise in strong support of the Martin Luther King holiday bill."

Recalling the civil-rights struggles of the 1960s in his state, Bethune asked, "Do you know what we learned out of all that? The great changes are not made here in the legislative chambers or in the judicial halls. The great changes in this world are made in the hearts and minds of men and women."

"I think that this holiday for Martin Luther King will give us an annual opportunity to recommit ourselves to the proposition that all men are created equal," he said. "It will nourish the spirit of reconciliation we need so desperately in this country right now."

Some may read those words as cynical political opportunism. I do not. Just as King himself surpassed politics, so may the act of honoring him.

David S. Broder is a syndicated columnist in Washington.

REAGAN MAY BACK DR. KING HOLIDAY

Aides Say He Is Likely to Shift on Honoring Rights Leader

By STEVEN R. WEISMAN

Special to The New York Times

WASHINGTON, Aug. 6 — President Reagan is "inclined" to reverse his opposition to making the birthday of the Rev. Dr. Martin Luther King Jr. a Federal legal holiday, White House and Congressional officials said today.

Mr. Reagan, who has recently stepped up his conciliatory political gestures to blacks, Hispanic Americans and other minority groups, was said to have signaled his feelings to top aides at a meeting Friday at the White House.

White House officials said that no final decision had been made but that it appeared Mr. Reagan was leaning toward endorsing a measure approved by the House of Representatives to declare a Federal holiday to honor the slain civil rights leader.

Expense Has Been Concern

This week the Senate Republican leader, Howard H. Baker Jr. of Tennessee, urged Mr. Reagan to endorse the holiday. Mr. Baker has placed the bill on the Senate calendar for debate after Congress returns to Washington from its August recess.

The House approved the measure Tuesday by a vote of 338 to 90. Although opposition was led by several Republicans, who noted that Mr. Reagan had in the past worried about the expense to business and Government of creating another official holiday, most Republicans in the House joined with the overwhelming majority of Democrats in voting yes.

With Mr. Reagan's backing, the bill

creating a holiday honoring Dr. King would almost certainly pass in the Senate, according to experts on Capitol Hill. The bill would designate the third Monday in January as the 10th Federal legal holiday recognized by the Congress. If the measure passes this year, it will take effect in 1985.

Dr. King was born Jan. 15, 1929. Since his murder April 4, 1968, bills to make his birthday a Federal holiday have been introduced annually in Congress. This week marked the first time any such bill was approved by either the House or the Senate. In 1979, sponsors of a holiday to honor Dr. King withdrew the bill when it was amended to have it fall on a Sunday.

Mr. Reagan has been asked several times about his feeling on the holiday, and each time he has said he would prefer making it "a day to remember" but not a paid weekday holiday for workers.

In January, for example, Mr. Reagan told a group of students at the White House that he opposed designation of "a national holiday in the sense of business closing down and Government closing down, everyone not working." He said not even Lincoln had a Federal holiday reserved for him, only a holiday in most states. Dr. King's birthday is an official holiday in several states, including New York, New Jersey and Connecticut.

'Where Do We Stop?'

Mr. Reagan said he would support a general day of remembrance for Dr. King. "But I would question creating another holiday type of thing because, as I say, then we open a door," he said.

"Where do we stop?" he added, asserting that "there must be a way" of observing Dr. King's contribution "without actually legally making it a national holiday."

After the House approved the measure this week, Larry Speakes, the White House spokesman, said Mr. Reagan would study the matter, the first sign that the President might change his mind.

The White House has been trying to ease what they acknowledge to be a negative perception of Mr. Reagan among blacks arising from his Administration's cutbacks in food stamps, welfare and other programs, and from allegations that his Administration has eased enforcement of civil rights laws.

At a meeting between Mr. Reagan and Congressional Republican leaders this week, Senator Baker was said to have urged the President to reconsider his position on the King holiday, particularly since the bill would be coming up soon in the Senate. The President, Mr. Baker was reported to have argued, could not afford to oppose a measure

07 AUG 1983
NYT

with such important symbolism, particularly if it passed the Senate, as some feel it is likely to do.

Presidential aides are known to agree that Mr. Reagan could be badly hurt politically by appearing to oppose a majority in Congress on the issue, and certainly by vetoing a bill if it passed.

Another factor increasing the likelihood of the bill's passage could be the action of Senator Strom Thurmond, the South Carolina Republican who is chairman of the Judiciary Committee, which now has the bill.

\$18 Million for Federal Workers

Mark Goodin, press secretary to Mr. Thurmond, said today there was "a possibility" that Senator Thurmond could support the bill, provided Congress examines the entire problem of the expense of Federal legal holidays.

In the House, members reported that the Congressional Budget Office estimated the annual cost of giving another paid legal holiday to Federal workers as \$18 million.

The holiday was approved in the House after a series of emotional speeches, many of them noting that this month marks the 20th anniversary of the civil rights march in Washington where Dr. King gave his celebrated "I Have a Dream" speech.

President to Support King Holiday

By Juan Williams and Lou Cannon
Washington Post Staff Writers

President Reagan, in an about-face, is expected to support legislation passed by the House this week to create a national holiday marking the birthday of the late Rev. Martin Luther King Jr. and will personally lobby for the holiday he opposed only months ago, White House and congressional sources said yesterday.

With Reagan's backing, the bill is likely to get quick approval in the Republican-controlled Senate when it reconvenes in September. The measure, which the House passed

388 to 90, on Tuesday, would designate the third Monday in January as a national holiday to mark King's birthday, Jan. 15.

White House officials said Reagan was "strongly leaning" toward supporting the proposal at the recommendation of prominent Republican senators, including Majority Leader Howard H. Baker Jr. (R-Tenn.) and Strom Thurmond (R-S.C.).

The new holiday reportedly also has received strong support from inside the administration, especially from chief of staff James A. Baker III, deputy chief of staff Michael K.

Deaver and the White House political office. They have been concerned with the president's low standing among black voters.

In the past, Reagan has resisted the idea of an additional holiday whenever it was suggested.

On May 10, 1982, when asked, Reagan told a group of midwestern editors that he "hadn't taken a stand one way or the other," but added that "we're quite a mix in this country" and that other groups also would want special holidays.

"We could have an awful lot of holidays if we start down that road," Reagan said.

On Jan. 21, 1983, Reagan was asked about the idea at a question-and-answer session with high school students.

He said he "could see making this a day to remember," but would oppose making "it a national holiday in the sense of business closing down and government closing down, everyone not working."

"I'd like to call to your attention that we only really have a couple of those," Reagan added. "George Washington—not even Abraham Lincoln is that kind of a national holiday. There are some states that have made it that way."

The president took several actions yesterday designed to demonstrate his sensitivity to the problems of minorities, women and the handicapped.

He began a month-long effort to win Hispanic support by speaking to a White House

luncheon of 85 politically active Hispanics. Reagan asked them to support the administration's Latin American policies and told them that, despite the 12.3 percent unemployment rate among Hispanics, he is "restoring opportunity to hard-working people like you."

The president also continued his efforts to negate the perception that he is insensitive to the concerns of women by signing a resolution designating August as National Child Support Enforcement Month.

According to a senior White House official, Reagan also ordered the Health and Human Services Department to restore at least \$500,000 in grants to three regional centers that provide artificial limbs and braces to handicapped children.

The official said Reagan acted after James Baker showed him a story in yesterday's Los Angeles Times reporting that HHS had cut off the grants to a center at UCLA that had received federal funding for 30 years, and to centers in Grand Rapids, Mich., and New York City.

wP

06 AUG 1983

In his luncheon remarks to the Hispanics, Reagan thanked the group for its past efforts in his campaigns.

"It's a pleasure for me to have old friends here, and I know there are some new ones also . . ." the president said before closing a question-and-answer session to the media. "I look out and see so many of you, however, who've been with me in campaigns over the past years, and to each and all of you for all you've done, *muchas gracias*."

Reagan also cited the drop in the nationwide unemployment rate, telling the group it was "dramatic evidence of the ongoing economic recovery—great news for all Americans You know better than anyone the unemployment rate for Americans of Hispanic descent has been much higher than the national average"

In signing the child-support resolution, which has symbolic value but no legal force, Reagan said he hoped to "focus the nation's attention on these children who are at the mercy of thoughtless parents."

RONALD REAGAN LIBRARY
TRANSFER/PARALLEL/OVERSIZE FILE SHEET

Please circle "preservation" (put in AV, etc.), "classified" (parallel filed in vault/annex), "collection" (misfile, provenance), "RD/FRD" (parallel file), "NATO" (parallel file), "SAP" (parallel file).

PRESERVATION	COLLECTION	RD/FRD	NATO	SAP
--------------	-------------------	--------	------	-----

FROM:
Collection Meese, Edwin, III's Files
Series _____
File Folder Title/Casefile #/NSC # The Martin Luther King National Holiday and the celebration thereof
Box Number QA 7976

Description of Material:

Memo, - From: Tom Gibson
To: Craig Fuller
Subject: The Martin Luther King National Holiday and the celebration thereof
4 pages

TO:
Collection: Meese, Edwin, III's Files
Series: _____
File Folder Title/Casefile #/NSC # Martin Luther King Holiday
Box Number: QA 9417

Transferred by: <u>Aimee Miller</u>	Date: <u>10/29/2024</u>
-------------------------------------	-------------------------

NEED ONE COPY IN ORIGINAL LOCATION
SECOND COPY WITH ITEM PARALLEL FILED OR TRANSFERRED
THIRD/FOURTH* COPY FOR COLLECTION FOLDERS - * IF TRANSFERRING TO/FROM TWO COLLECTIONS

THE WHITE HOUSE
WASHINGTON

MEMORANDUM TO CRAIG FULLER

From: Tom Gibson

Subject: The Martin Luther King National Holiday, and
the celebration there of.

These ideas are not offered so much in counterpoint to the August 3 memorandum from Mel Bradley to Mr. Meese on the subject of a Martin Luther King Jr. public holiday, as they are an approach to the issue from a different direction.

I agree with Mr. Bradley that there is significant momentum for a King Holiday. However, I find no logical and no economic justification for the solution agreed to in the House. What has been offered in the committee report language, in the press, and to a lesser extent in Mr. Bradley's memo is choreography that seeks to tap dance around the crux of the issue, which is essentially political.

Beyond the economic and logical demerits, for this administration and the Republican Senate to accede to the political pressure for the House-passed King bill is to at least risk the following:

1) Confound future options. There are a number of appropriations bills on the horizon that may require Presidential veto. The President will be open to criticism from both the left and the right because of the apparent paradox created by approval of a King bill (\$1 billion over five years) and any veto decision on a budget-busting money bill.

2) Be stuck with an ill-conceived piece of legislation. This entire episode is reminiscent of the debate that characterized the D.C. Voting Rights Constitutional amendment. In election year 1978, conservatives were jumping through hoops and onto the Amendment to avoid being called racist. The merits of the Amendment, which received 2/3 of both houses, have since been confirmed by the nation at large. Witness the flurry of states that have rushed its passage.

3) Be tagged with a cave in. What will be gained in Black support? Will there be a softening of the perception of RR concerning the "fairness" issue? On the

other hand, the President's image as a strong unequivocating leader may suffer a la Jimmy Carter.

(Thought: Some of the proponents argue that taxes via increased retail sales will offset the cost to the government. Not only is that an anemic argument to be made for an event close on the heels of the Christmas buying season, but it hardly seems a fitting tribute to a man whose first notoriety was gained through leading a boycott. Also, a January date to commemorate a man whose greatest triumphs were mass meetings held out of doors? All of the above points, which I have not seen raised elsewhere, might provide some useful rhetorical flourishes.)

I have strayed from my original purpose, which was to present an alternative.

A National Referendum

o Instead of playing the game on the home turf of the MLK holiday proponents by offering a variation of their theme (e.g.. the American Heroes Day, or the Personal Option approach), offer instead a mechanism for deciding how national holidays will henceforth be declared and who will be honored.

This will allow the President, and members of Congress to avoid getting caught in a political squeeze play each time a certain segment of the population comes forward with a plan to honor their particular champion.

National holidays should not be divisive and not serve to divide the American people. Therefore let the American people decide the matter as a nation.

o Christopher Columbus, via Columbus Day - the second monday in October, would be the sacrificial lamb. I can't believe that Americans of either Italian or Spanish decent would get terribly upset about the potential loss of Columbus day. And apart from citizens living in the capital of Ohio, I doubt that Americans as a whole would mourn its passing, if indeed it would be displaced.

o Columbus would not automatically be expelled from the National holiday agenda. He would be challenged. First by petition to be placed on a national ballot and then by referendum.

o A national referendum could occur in the national election cycle. The advocate group would petition to have its holiday placed on the national ballot, not

unlike the referendum system in California. The FEC would be the agency having jurisdiction.

o A national petition to get a holiday on the ballot would at least ensure that the holiday had broad-based national support and discussion before it was ever voted upon. A variation of this theme would be to allow Congress, by a majority or 2/3 vote, to place a referendum on the ballot. Clearly, advocates of the King holiday would prefer that the Congress be allowed to place a referendum on the ballot.

o Any holiday filling the second Monday in October slot would be vulnerable to any subsequent referendum. To some degree this would ensure that holidays would be reasonably contemporaneous. Realistically, if MLK Jr. got in it is unlikely that he would ever be dislodged.

Advantages:

1) Although any referendum would certainly become a campaign issue, the President could endorse the concept of a King Holiday or any other holiday, while giving final authority to the American people to choose their own heroes. I think this notion would be quite appealing to the American people.

2) In this land of opportunity, the holiday referendum avails any group, having sufficient backing, the chance of having a national holiday and its attendant recognition for their contributions to the American way of life. It would therefore mute partisan discontent from other groups (Women, Hispanics, Greeks, Boy Scouts) who might feel slighted by the notion that the King holiday is a special interest item.

3) By forgoing the creation of a 10th paid Federal holiday, most of the economic demerits of the King holiday are addressed.

4) A holiday referendum proposition, if properly packaged, could move the Senate agenda from the single focus (special interest) MLK holiday plan to a better and more comprehensive way of dealing with the holiday issue.

5) The President can claim credit for authoring a fair and equitable mechanism that will lead

(in all likelihood) to a MLK holiday. No other President in the last 15 years can say he delivered such recognition to the civil rights community.

6) Civil Rights Groups may in fact embrace the plan. If accompanied by a conceptual Presidential endorsement of the King holiday, civil rights groups, currently flushed with a certain amount of confidence, might take for granted the eventual success of a national referendum mechanism in giving them their holiday. This would be even more likely if Presidential opposition to the current plan is offered as the only alternative.

Civil rights groups might be persuaded that this plan will give them their holiday without alienating other segments of the America in general, or parts of Jesse's rainbow coalition in particular.

7) The President has always done well when he has extended himself to the American people. This package could be framed with that concept in mind.

Disadvantages:

1) Constitutional challenge?

2) It will set a legislative precedent. It portends law-making via national plebiscite.

3) A national MLK Jr. holiday referendum would be tantamount to having a black Presidential candidate on the ballot. Black voter turnout would be enormous. Also expect white voter (backlash) turnout to increase in certain areas. Nevertheless, this is not something that we'd want to rush through Congress to have ready for November 1984.

4) The idea will involve a careful and energy intensive selling job on the hill, to the American people at large, and to civil rights groups, who will be suspicious of the plan and critical at first blush.

5) This plan - any alternative plan - will be viewed by Senate proponents of the House passed bill as a sign of weakness. It may act as a catalyzing agent for proponents to push even harder.

6) Undoubtedly, there would be some administrative costs.

7) The whole effort might involve too much time and energy where resources are already limited.



4 AUG 1983

WF Martin Luther King
Holiday

THE WHITE HOUSE

WASHINGTON

August 3, 1983

MEMORANDUM FOR EDWIN MEESE

FROM:

MEL BRADLEY *mb*

SUBJECT:

Option Paper Re: Proposal for a Federal Legal
Public Holiday Commemorating the Birth of
Dr. Martin Luther King, Jr.

Per your request I have prepared, summarized, and where appropriate, abbreviated and updated an earlier option paper on this subject. I have also attached the more detailed piece in case more information is needed.

BACKGROUND

1. By a substantial margin the House has passed a measure which would designate the third Monday in each January as a federal legal public holiday in commemoration of Dr. King.
2. It is unclear at this point whether the measure will meet with success in the Senate without Presidential backing. A Senate bill sponsored by Senator Mathias currently has 30 cosponsors.
3. Technically, the President and the Congress can legally designate holidays for the District of Columbia and the Federal Government but not for employees of state or local governments or for private sector employees. Currently there are nine such holidays -- New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. Memorial Day and Columbus Day are not recognized by all of the states and one state (Nevada) celebrates Independence Day on July 3 rather than July 4.
4. Currently 21 states have designated or authorized a holiday in honor of Dr. King. Except for California they are located in the northeast, the mid-west and the South. In addition several hundred cities and a great many school systems observe his birthday as a holiday. The number of such jurisdictions at both the state and local levels appears to grow each year. At the federal level it is currently within the discretion of the agency heads to excuse employees from duty without charge to leave for a brief period to attend ceremonies in memory of Dr. King. Most, if not all agencies, appear routinely to grant such excuses and to hold a ceremony within their organizations as well.

RECOMMENDATION

The paper recommends a federal legal public holiday. It arrives at that recommendation by weighing and considering the serious major arguments against the proposal and the response to those arguments. They are outlined as follows:

Too Costly: The creation of another federal legal holiday would cost approximately \$210 million which includes \$185 million as the amount of the average daily payroll (for 1983) plus \$25 million as the average premium pay for those who must work during the holiday. In addition, the fall-off in the production of goods and services in the private sector during that week and the loss in gross national product could be substantial.

Response: The normal daily payroll amount of \$185 million would be spent whether or not the proposed holiday is in effect and, as is the case of other federal holidays, the work not performed on that day would be made up to some extent during the remainder of the year. The economic impact on businesses in the private sector would be influenced heavily by the extent to which private employers grant holiday leave to their employees. Apparently there is no single source of reasonably precise information on this point. However, there is some conjecture that any immediate impact in productivity might well be offset by increases in sales activity.

Existing Holidays Transcend Special Groups: Christopher Columbus and George Washington who are linked to the discovery and founding of America are the only two persons in the history of the country who are honored with the designation of a federal legal public holiday. Except for Christmas Day, the other days are observed in recognition of events in American history which transcend regionalism and special groups or cultures.

Response: Dr. King's contributions which are responsible for a significant, salutary turning point in American history also transcend special groups or cultures: "What he accomplished--not just for Black Americans, but for all Americans -- he lifted a heavy burden from this country. As surely as Black Americans were scarred by the yoke of slavery, America was scarred by injustice. Many Americans didn't fully realize how heavy America's burden was until it was lifted." -- President Reagan.

Place in History Not Preserved Beyond Reproach: Dr. King took positions and engaged in activities beyond the civil rights area which makes his career controversial to many Americans. Among those stances and activities were his involvement in antiwar activities relating to the Vietnam War, endorsement of Lyndon B. Johnson and opposition to candidate Barry Goldwater, advocacy of Communist China's entry into the United Nations and sponsorship of the National Committee for a Sane Nuclear Policy. His positions and activities also had an influence on increased social spending and heavy-handed government regulation.

Response: Whatever may have been Dr. King's political activities, it would appear that for most Americans they are obscured by an overpowering symbol of hope, freedom, justice, peace, brotherhood, self-sacrifice and the pursuit of legitimate ends through nonviolent means.

Other Historical Figures: There are other historical figures -- e.g., Thomas Jefferson, Abraham Lincoln, Booker T. Washington, etc. -- who have made important contributions but who have not been honored with a national holiday. Why should Dr. King be placed ahead of them?

Response: There is no significant movement to commemorate the birthday of Jefferson, Lincoln, Booker T. Washington or other historical figures as a federal legal public holiday and no evidence to suggest the likelihood of such a movement in the future.

DISCUSSION OF OTHER OPTIONS

In addition to that of a federal legal public holiday, the paper considers four other options. Not included among them is the option of non-recognition. This alternative was not considered largely because the trend of the state and local jurisdictions seems to suggest that in time a holiday commemorating Dr. King is inevitable. Below is a brief discussion of each option considered.

State Option Approach

Under this approach the Federal Government would enact no legislation. It would leave the matter entirely up to the states. The rationale of this approach is that, since public holidays are their primary responsibility, local option by the states on this matter should be upheld. The major difficulty with the approach is that with few exceptions, the non-federal state holidays tend to honor persons or events of state or regional rather than national significance. (See attached listing of non-federal legal or public holidays observed by the states.)

Personal Option Approach

Under this approach Congress would enact legislation which would permit federal employees to select a day in which to honor historical figures, leaving the option to the individual employee as to whom he or she might choose to honor. This approach would be similar to that in South Carolina which provides the option of observing either Dr. King, Robert E. Lee or Jefferson Davis. It is also similar to a bill recently introduced in the Georgia legislature which would set aside three personal "non-public work days" for employees to use for such observances as they see fit.

The advantage of the personal option approach is that it addresses the issue which some have raised regarding Dr. King as a possible controversial figure. Its key disadvantages are that it (1) carries a slight symbol of separatism (the antithesis of the goal for which Dr. King struggled), (2) suggests that Dr. King's contributions were of benefit only to some rather than to all Americans and (3) overlooks an apparent trend toward a substantial diminution in the numbers who view Dr. King as a controversial figure.

American Heroes Day Approach

This approach is distinguished from the personal option alternative in that Congress would designate a day of recognition and then a list of people to be honored as American heroes on that day. The list would be a short and select one with persons being added by 2/3 majority of both Houses of Congress and only five years posthumously. This approach has the same advantage as the personal option approach but ameliorates the disadvantages. An added disadvantage is that it does not commemorate Dr. King's birthday on or near the anniversary of his birth.

Day of National Observance

Under this concept either Congress could enact or the President could proclaim a day of national observance. Such an act or proclamation would honor Dr. King in much the same manner as Abraham Lincoln and Thomas Jefferson. This option would address most of the questions raised in opposition to a federal legal public holiday.

However, it should be noted that the idea of a day of national observance was rejected by the Senate Judiciary Committee in 1979 and a substantially similar proposal was defeated by the House during that year for the apparent reason that they did not provide for a suspension of business for observance purposes as do legal public holidays.

Attachment

cc: Faith Whittlesey

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 2/3/83 ACTION/CONCURRENCE/COMMENT DUE BY: 2/7/83

SUBJECT: Appropriate Response to the Proposal that a Federal Legal Public Holiday be Established in Honor of Dr. Martin Luther King, Jr.--Your Memo of Jan. 18

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BLEDSON	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
DENEND	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GALEBACH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GARFINKEL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GUNN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MONTOYA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ROCK	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ROPER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

See attached questions.

Edwin L. Harper
Assistant to the President
for Policy Development

Please return this tracking

MEMORANDUM

OFFICE OF
POLICY DEVELOPMENT

1983 JAN 33 A 11

THE WHITE HOUSE
WASHINGTON

January 28, 1983

MEMORANDUM FOR ED HARPER

FROM:

MEL BRADLEY *mb*

SUBJECT:

Appropriate Response to the Proposal that a Federal Legal Public Holiday be Established in Honor of Dr. Martin Luther King, Jr. -- Your Memo of January 18

Per your memorandum I have attached an option paper which investigates the ways in which we can most appropriately respond to the proposal that a national holiday be declared in honor of Dr. Martin Luther King, Jr. The paper examines five options which include: (1) a Federal legal public holiday for Dr. King; (2) deferring to the states on the subject of future public holidays; (3) Federal legislation creating a public holiday but with provisions for personal options as to whom to honor; (4) Federal legislation establishing an "American Heroes Day," including a designated list of persons to be honored; and (5) Federal legislation or an executive proclamation declaring a national day of observance in honor of Dr. King including a brief suspension of Federal business or a brief excuse from duty for Federal employees for commemoration purposes.

There are indications that opposition to the idea of a Federal legal public holiday for Dr. King is diminishing to the extent that, in my opinion, the honor will ultimately be bestowed upon him by Federal legislation and action by a preponderance of the states. There is bipartisan sponsorship and support in the House and the Senate. However, at this point, it does not appear likely that the measure will pass during the 98th Congress.

Option #1
I recommend that we respond with support for such a holiday if we can be reasonably certain of avoiding two non-positive outcomes: an adverse impact on the economy and any opposition of such magnitude as to reflect negatively on the ideal of brotherhood for which Dr. King should be remembered. We should be able to arrive at a reasonably good estimate of any such possibilities by reviewing the experience of all or a representative sample of the nineteen states which have designated Dr. King's birthday as a legal public holiday in one form or another.

Alternatively, I recommend the proclamation of a day of national observance with provision for a brief suspension of Federal business or brief excuse of Federal employees. *Option #5.*

Attachment

When will we get a reading on this?

OPTION PAPER
MARTIN LUTHER KING JR. HOLIDAY

BACKGROUND

In each Congress since the death of Dr. King in 1968, legislation has been introduced which would commemorate the anniversary of his birth. The most serious action on the legislation thus far took place in 1979 when a measure introduced by Congressman Conyers failed in the House by five votes and a companion Senate bill with bipartisan sponsorship was reported out of the Judiciary Committee but not voted on by the full Senate. In the 97th Congress, Senator Mathias introduced a bill in the Senate and Congressman Conyers again introduced a bill in the House but neither was voted on by the full body, presumably due to the rush of other more urgent legislative business. Senator Mathias and Congressman Conyers have indicated that they will reintroduce the legislation on or about February 2, 1983. Those associated with the effort in the House have indicated that they have sufficient strength to pass the measure. Those in the Senate expect approximately 30 co-sponsors but are not confident of the eventual outcome.

Currently 21 states in addition to the District of Columbia and the Virgin Islands have designated or authorized a holiday to honor Dr. King. They are California, Connecticut, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Maine, Michigan,

Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina and West Virginia. The number of such states appears to grow each year. There have been seven since 1979 and several more states have legislation pending. The date and form of observance varies. Four of the states (Michigan, New York, Ohio and West Virginia) have designated dates other than January 15; at least one state (California) requires its employees to make up the holiday during the year; in another (Missouri) it is not a paid holiday; and one state (South Carolina) provides an option to honor other historical figures. In addition to the states several hundred cities and a great many school systems also observe Dr. King's birthday as a holiday. This list also appears to be growing.

Existing Federal law (5 U.S.C. 6103(a)) makes provision for nine federal legal public holidays. Technically they become national holidays only if and when the 50 states make similar provisions. The President and Congress can legally designate holidays for the District of Columbia and for federal employees, but not for employees of states or local governments or for private sector employees. The states observe the nine existing Federal legal public holidays as follows:

New Years Day, January 1	-- All states
Washington's Birthday, 3rd Monday in February	-- all except N.C.
	-- In some states it is called President's Day or Washington-Lincoln Day

<p>Memorial Day, last Monday in May</p>	<p>-- All states except Ala., Miss., S.C. (Confederate Memorial Day in Va.). Observed May 30 in Del., Ill., Md., N.H., N.M., N.Y., Vt., and W. Va.</p>
<p>Independence Day, July 4</p>	<p>-- All states. (July 3 in Nevada)</p>
<p>Labor Day, 1st Monday in September</p>	<p>-- All states</p>
<p>Columbus Day, 2nd Monday in October</p>	<p>-- Ala., Ariz., Calif., Colo., Conn., Del., Fla., Ga., Idaho, Ill., Ind., Kan., Ky., Me., Mass., Mich., Minn., Mo., Mont., Neb., N.H., N.J., N.M., N.Y., Ohio, Okla., Pa., R.I., Tenn., Tex., Utah, Vt., Va., W. Va., Wis., Wy. Observed October 12 in Md. (Discoverer's Day in Hawaii, Pioneer's Day in S.D.)</p>
<p>Veterans Day, November 11</p>	<p>-- All states</p>
<p>Thanksgiving Day, 4th Thursday in November</p>	<p>-- All states</p>
<p>Christmas Day, December 25</p>	<p>-- All states</p>
<p>Inauguration Day, January 20 (every 4th year)</p>	<p>-- Washington, D.C. only</p>

The extent to which a federal holiday in honor of Dr. King would increase the number of states which observe such a holiday is unknown. The extent to which private employers would extend the benefits of such a holiday to their employees is also unknown.

With respect to federal employees, the Office of Personnel Management advises us of these alternative forms of benefits or adjustments which are authorized for appropriate observances:

- (1) Federal agencies can approve use of annual leave by employees who request it to observe occasions important to the employees, if the employees can be spared without undue disruption of agency operations.
- (2) It is within the discretion of agency heads to excuse employees from duty without charge to leave for brief periods -- in order to attend ceremonies in memory of important persons (e.g., Martin Luther King) or occasions (e.g., 100th anniversary of the civil service).
- (3) The President by Executive Order may grant Federal employees a holiday (e.g., Christmas Eve).
- (4) By statute (5 U.S.C. 5550a) an employee whose personal religious beliefs require the abstention from work during certain periods of time, may elect to engage in overtime work for time lost for meeting those religious requirements. Any employee who so elects such overtime work is granted equal compensatory time off from his scheduled tour of duty (in lieu of overtime pay) for such religious reasons.

OPTION I
FEDERAL LEGAL PUBLIC HOLIDAY

There are two variations to this option. One would honor Dr. King on January 15, the actual date of his birth. The other would designate the third Monday in January as the holiday. The advantage of the latter is that it would reduce the cost to private industry if some employers in the private sector chose to honor the observance. The expenses associated with starting up and shutting down, particularly by industrial concerns are greater when a holiday is observed on a weekday other than Monday or Friday.

The most cogent arguments brought out at the congressional hearings in opposition to the designation of

Dr. King's birthday as a Federal legal public holiday and the responses of the proposal's supporters are outlined below.

Too Costly: The creation of another Federal legal holiday would cost approximately \$210 million which includes \$185 million as the amount of the average daily payroll (for 1983) plus \$25 million as the average premium pay for those who must work during the holiday. In addition, the fall-off in the production of goods and services in the private sector during that week and the loss in gross national product could be substantial.

Response of Supporters: The normal daily payroll amount of \$185 million would be spent whether or not the proposed holiday is in effect and, as is the case of other Federal holidays, the work not performed on that day would be made up to some extent during the remainder of the year. The economic impact on businesses in the private sector would be influenced heavily by the extent to which private employers extend the holiday to their employees. Any potential decrease in immediate productivity might well be matched by increases in sales activity.

Existing Holidays Transcend Special Groups: Christopher Columbus and George Washington who are linked to the discovery and founding of America are the only two persons in the history of the country who are honored with the designation of a Federal legal public holiday. Except for Christmas Day, the other days are observed in recognition of events in American history which transcend regionalism and special groups or cultures.

Response of Supporters: Dr. King's contributions which are responsible for a significant, salutary turning point in American history also transcend special groups or cultures: "What he accomplished--not just for Black Americans, but for all Americans -- he lifted a heavy burden from this country. As surely as Black Americans were scarred by the yoke of slavery, America was scarred by injustice. Many Americans didn't fully realize how heavy America's burden was until it was lifted." -- President Reagan.

Place In History Not Preserved Beyond Reproach: Dr. King took positions and engaged in activities beyond the civil rights area which makes his career controversial to many Americans. Among those stances and activities were his involvement in antiwar activities relating to the Vietnam War, endorsement of Lyndon B. Johnson and opposition to candidate Barry Goldwater, advocacy of Communist China's entry into the United Nations and sponsorship of the National Committee for a Sane Nuclear Policy. His positions and activities also had an influence on increased social spending and heavy-handed government regulation.

Response of Supporters: Whatever may have been Dr. King's political activities, it would appear that for most Americans they are obscured by an overpowering symbol of hope, freedom, justice, peace, brotherhood, self-sacrifice and the pursuit of legitimate ends through nonviolent means.

Other Historical Figures: There are other historical figures -- e.g. Thomas Jefferson, Abraham Lincoln, Booker T. Washington, etc -- who have made important contributions but who have not been honored with a national holiday. Why should Dr. King be placed ahead of them?

Response of Supporters: There is no significant movement to commemorate the birthday of Jefferson, Lincoln, Booker T. Washington or other historical figures as a Federal legal public holiday and no evidence to suggest the likelihood of such a movement in the future.

OPTION II

STATE OPTION APPROACH

Under this approach the Federal Government would enact no legislation. It would leave the matter entirely up to the states. The rationale of this approach is that, since public holidays are their primary responsibility, local option by the states on this matter should be upheld. The major difficulty with the approach is that with few exceptions, the non-federal state holidays tend to honor persons or events of state or regional rather than national significance. (See attached listing of non-Federal legal or public holidays observed by the states.)

OPTION III

PERSONAL OPTION APPROACH

Under this approach Congress would enact legislation which would permit Federal employees to select a day in which to honor historical figures, leaving the option to the individual employee as to whom he or she might choose to honor. This approach would be similar to that in South Carolina which provides the option of observing either Dr. King, Robert E. Lee or Jefferson Davis. It is also similar to a bill recently introduced in the Georgia legislature which would set aside three personal "non-public work days" for employees to use for such observances as they see fit.

The advantage of the personal option approach is that it addresses the issue which some have raised regarding Dr. King as a possible controversial figure. Its key disadvantages are that it (1) carries a slight symbol of separatism (the antithesis of the goal for which Dr. King struggled), (2) suggests that Dr. King's contributions were of benefit only to some rather than to all Americans and (3) overlooks an apparent trend toward a substantial diminution in the numbers who view Dr. King as a controversial figure.

OPTION IV

AMERICAN HEROES DAY APPROACH

This approach is distinguished from the personal option alternative in that Congress would designate a day of recognition and then a list of people to be honored as American heroes on that day. The list would be a short and select one with persons being added by 2/3 majority of both Houses of Congress and only five years posthumously. This approach has the same advantage as the personal option approach but ameliorates the disadvantages. An added disadvantage is that it does not commemorate Dr. King's birthday on or near the anniversary of his birth.

OPTION V
DAY OF NATIONAL OBSERVANCE

Under this concept either Congress could enact or the President could proclaim a day of national observance. Such an act or proclamation would honor Dr. King in much the same manner as Abraham Lincoln and Thomas Jefferson. It would also address most of the questions raised in opposition to a Federal legal public holiday except that concerning the apparently diminishing issue of whether Dr. King is viewed by many as a controversial figure.

It should be noted that the idea of a day of national observance was rejected by the Senate Judiciary Committee in 1979 and a substantially similar proposal was defeated by the House during that year for the apparent reason that they did not provide for a suspension of business for observance purposes as do legal public holidays. This objection might be accommodated in large measure by a codification of the current tradition of excusing Federal employees from duty for a brief period -- e.g. 11:00 a.m. to 2:45 p.m. -- to attend ceremonies in honor of Dr. King either in their own agencies* or elsewhere. The new policy could make it mandatory for agency heads to excuse all nonessential employees who so request (theoretically it is now discretionary), with other appropriate adjustments for those who are essential.

*It appears to be the practice of each major agency to engage in some form of commemorative activity.

Alternatively this option could include a brief national period of pause during which nonessential federal business is suspended for the purpose commemorating Dr. King's birth.

Attachment

NONFEDERAL LEGAL OR PUBLIC HOLIDAYS

OBSERVED BY THE STATES

Dates are for 1979 observance, when known.

Jan. 8 -- Battle of New Orleans. In La.
 Jan. 15 -- Martin Luther King Birthday. Conn., Fla., Ill.,
 Ky., La. (some years), Md., Mass., Mich., N.J.,
 N.Y., Ohio. Many schools and black groups in other
 states also observe the day.
 Jan. 15 -- (3rd Monday in Jan.) -- Robert E. Lee's Birthday.
 Ala., Miss., Lee-Jackson Day in Va.
 Jan. 19 -- Robert E. Lee's Birthday, Ark., Fla., Ga., Ky.,
 La., N.C., S.C., Tenn. (special observance;
 Confederate Heroes' Day in Texas.
 Jan. 20 -- Inauguration Day. In the District of Columbia;
 observed every fourth year.
 Jan. 30 -- Franklin D. Roosevelt's Birthday. In Ky.
 Feb. 2 -- Arbor Day. In Ariz. (Most counties).
 Feb. 12 -- Lincoln's Birthday. Ariz., Cal., Col., Conn., Ill.,
 Ind., La., Kan., Md., Mich., Mo., Mont., Neb.,
 N.H., N.J., N.Y., Pa., Tenn., Utah, Vt., Wash.,
 W. Va., In., Del., and Ore., celebrated Feb. 5 in
 1979.
 Feb. 14 -- Admission Day. In Ariz.
 Feb. 27 -- Mardi Gras (Shrove Tuesday). Ala., La.
 Mar. 2 -- Texas Independence Day. In that state.
 Mar. 6 -- Town Meeting Day (1st Tuesday in Mar.). In Vt.
 Mar. 15 -- Andrew Jackson Day. In Tenn. (special observance).
 Mar. 17 -- Evacuation Day. In Boston and Suffolk County, Mass.
 Mar. 25 -- Maryland Day. In that state.
 Mar. 26 -- Kuhio Day. In Hawaii.
 Mar. 28 -- Seward's Day. In Alaska.
 Apr. 2 -- Pascua Florida Day. In Fla.
 Apr. 6 -- Arbor Day. In Ariz. (5 counties).
 Apr. 12 -- Halifax Independence Day. In N.C.
 Apr. 13 -- (Friday before Easter)--Good Friday. Observed in
 all the states. A legal or public holiday in
 Conn., Del., Fla., Ga., Ind., Ky., La., Md., Mich.,
 N.J., N.D., Tenn., W. Va. Partial holiday in N.M.
 and Wis.
 Apr. 13 -- Thomas Jefferson's Birthday. In Ala.
 Apr. 16 -- Easter Monday. In N.C.
 Apr. 17 -- Patriot's Day (3rd Monday in Apr.). Me., Mass.
 Apr. 21 -- San Jacinto Day. In Tex.
 Apr. 22 -- Arbor Day in Neb.
 Apr. 23 -- Fast Day (4th Monday in Apr.). In Ala.

Apr. 26 -- Confederate Memorial Day. Fla., Ga.
 Apr. 27 -- Arbor Day (last Friday in Apr.) in Utah.
 Apr. 30 -- (last Monday in Apr.) -- Confederate Memorial Day.
 In Miss.
 May 8 -- Harry Truman's Birthday. In Mo.
 May 10 -- Confederate Memorial Day. In N.C., S.C.
 May 20 -- Mecklenburg Day. In N.C.
 May 28 -- (last Monday in May) -- Confederate Memorial Day in
 Va.
 June 3 -- Confederate Memorial Day. In Ky., La. (some years).
 Tenn. (special observance).
 June 4 -- (first Monday in June)--Birthday of Jefferson
 Davis. Ala., Fla., Ga., Ky., Miss.
 June 11 -- Kamehameha Day. In Hawaii.
 June 14 -- Flag Day. Observed in all states; a legal holiday
 in Pa. Observed June 10 in n.Y.
 June 18 -- Bunker Hill Day. In Boston and Suffolk County,
 Mass.
 June 20 -- West Virginia Day. In W. Va.
 July 24 -- Pioneer Day. In Utah.
 Aug. 6 -- Colorado Day (1st Monday in Aug.). In that state.
 Aug. 13 -- Victory Day (2nd Monday in Aug.). In that state.
 Aug. 16 -- Bennington Battle Day. In Vt.
 Aug. 17 -- Admission Day (3rd Friday in Aug.). In Hawaii.
 Aug. 27 -- Lyndon Johnson's Birthday. In Texas.
 Aug. 30 -- Huey Long's Birthday. In La. (some years).
 Sept. 9 -- Admission Day. In California.
 Sept. 12 -- Defender's Day. In Maryland.
 Oct. 8 -- Alaska Day. In that state.
 Oct. 31 -- Nevada Day. In that state.
 Nov. 6 -- (1st Tuesday after 1st Monday in Nov.)--General
 Election Day. Ind., N.J., N.Y., Va., W. Va.
 (Observed only when presidential or general
 elections are held. Primary election days are
 observed as holidays or part holidays in some
 states.)
 Dec. 10 -- Wyoming Day. Commemorates woman's suffrage in that
 state.
 Dec. 24 -- Christmas Eve. In Ark.
 Dec. 26 -- Day after Christmas. In S.C.

SOURCE: Report No. 96-284, 96th Congress.