



PUBLIC HEARING

before

New Jersey Legislature

SENATE COMMITTEE ON REVISION AND AMENDMENT
OF LAWS.

on

Senate Concurrent Resolution No. 11 -
proposing to amend Article IV, Section VI of
the Constitution - re continuity of governmental
operations in periods of emergency resulting
from disasters caused by enemy attack.

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Held:
Senate Chamber
State House
Trenton, New Jersey
May 8, 1961

MEMBER OF COMMITTEE PRESENT:

Senator Wesley L. Lance (The Chairman)

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SENATOR WESLEY L. LANCE (THE CHAIRMAN): This is a public hearing on a proposed Constitutional amendment, Senate Concurrent Resolution No. 11, vesting power in the Legislature to insure continuity of state, county and local governmental operations in periods of emergency resulting from disasters caused by enemy attack.

Are there any objections to this Constitutional amendment? [No response] Hearing none, I declare the hearing closed.

The following letters and statement were submitted after the hearing was closed and the Chairman requested that they be incorporated in the record:

STATE OF NEW JERSEY
DEPARTMENT OF DEFENSE
Trenton 10, New Jersey

May 9, 1961

Senator Wesley Lance
Trenton, New Jersey

Dear Senator:

I wish to be on record in complete favor of Senate Concurrent Resolution No. 11 and hope it will pass this session, so that it can be placed on the ballot for this general election in November.

With the present dangerous conditions in the world, it is essential that the proposed amendment be adopted now so that New Jersey will be able to get ready to cope with the situation by adoption of this measure for continuity of government.

I am attaching hereto a statement from Charles P. Howard, Continuity of Government Consultant from the Northeastern Region of the Office of Civil and Defense Mobilization in which he discusses the various aspects of the problem.

In addition, I am enclosing "A Special Report on Continuity of Government" which indicates other state legislative approvals and a partial list of organizations that have endorsed and supported this program.

Very sincerely,
/s/ Thomas S. Dignan
Acting Director of Civil Defense and Disaster Control."

Statement in support of Senate Concurrent Resolution No. 11, proposing to amend the Constitution for the State of New Jersey to make possible legislation authorizing continuity of government in the event of atomic disaster. Statement made by Charles P. Howard, Consultant for Region One, Office of Civil and Defense Mobilization, former Commissioner of Administration and Finance of Massachusetts and former Colonel of Military Government in General Eisenhower's headquarters, Field Marshall Alexander's headquarters and General Clark's headquarters in Austria.

The proposed amendment was adopted at the polls in 1960 in twelve states by overwhelming majorities, including 97% in favor in Maine and 93% in favor in New Hampshire. In 1961 it has been signed by the Governors in seven more states and is presently before eleven additional legislatures.

The purpose of the amendment is to permit later enactment of legislation to authorize the appointment for every state, county and municipal elective office, and for each important administrative office, of a list of qualified temporary officials to fill the vacancies, which will be created in an atomic disaster.

If an atomic disaster occurs, those who have voted to support this amendment will consider that it was the most important vote they ever cast.

Nothing except properly elected and properly constituted civil government can serve the people of New Jersey adequately. Such officials represent the people in the spirit of our democratic government. They have legal power to act. They know local conditions and can handle them with greater effectiveness than any temporary group assembled in an emergency. With such officials ready to take over instantly, there is no time gap before the government can function.

It has been suggested that in a disaster there will be Martial Law which will handle the situation. Martial Law may be necessary, but if it is necessary, it should be terminated at the earliest possible moment. In Martial Law the very lives of the citizens depend on the whim of the military command. It is a dictatorship. Furthermore, the army is not equipped to handle civil government nor can it do this effectively. The military government officers are few. It is a principle of military government that the military government officers should not try to operate the government themselves because they are so few. They must appoint civilians to all posts in the government and then supervise and direct those civilians. The civilian officials have to be picked up by the military government as best they can. Such pickups usually know little about the problems or methods of civil government and do not operate effectively.

It has been argued also that legislation for continuity of government is unnecessary as we will never have an atomic attack. However, at this very moment the Department of Defense has many planes of the Strategic Air Force in the air 24 hours a day armed with atomic warheads, ready to reply to an attack. The Department of Defense assumes that we may have such an attack in any moment and is spending millions of dollars monthly to guard against it. How then can we safely assume that we will never have an atomic attack? The only sound course is to be ready for it. Furthermore, the cost of providing for continuity of Civil Government will be negligible.

It is almost impossible for anyone to realize the complete chaos that can occur after an atomic attack. The conditions in Germany and Austria immediately after the surrender were not as bad as they will be if we have such an attack, but they were similar. There was almost no food. There was no milk for the children. In Austria the head of our division of Public Health reported that unless we got milk immediately, no child under 10 years of age would be alive the next spring. There was no transportation whatsoever except an occasional farmer's cart, no gasoline, no coal, no electricity, no gas, no radio, no material to repair the damaged buildings. The water supplies were contaminated. Worst of all, there was no state or county or municipal government. There was complete paralysis. Military Government had to pick up whomever it could find to fill the posts in state, county and local governments, and put them to work to try to remedy the appalling conditions.

With legislation to provide for continuity of the state, county and municipal governments, New Jersey will be ready, so far as it can be, for the situation after an atomic attack. Without it, there will be an interval of chaos, followed by an ineffective attempt to deal with the situation. The difference between having continuing state, county and municipal governments may well mean the difference between the loss or the saving of the lives of thousands of citizens of New Jersey.

A SPECIAL REPORT ON
CONTINUITY OF GOVERNMENT

The continuity of government legislative program consists of a proposed constitutional amendment and four acts. These measures appear on pages 29-52 of Suggested State Legislation Program for 1959 of The Council of State Governments.

The constitutional amendment authorizes the legislature to provide for lines of succession and such other measures as may be necessary to insure the post-attack continuance of civil government. The four acts cover the following seven objectives:

1. Chief Executive Succession
2. Other Executive Succession
3. Legislative Succession
4. Judicial Succession
5. Relocation of State Governments
6. Relocation of Local Governments
7. Succession of Local Government Officials

The chart on the facing pages of this report reflects the State legislative approvals of the constitutional amendment and the seven objectives listed above as of April 20, 1961.

In seventeen States where constitutional amendments dealing with continuity of government have been voted on by the electorate they have been ratified by outstanding majorities. The legislatures of ten other States have approved constitutional amendments for submission to the voters.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
APRIL 1961

ENTRIES IN COLUMNS (2) THROUGH (9) INDICATE STATE LEGISLATIVE APPROVALS

STATES (1)	CONSTITUTIONAL AMENDMENT (2)	CHIEF EXECUTIVE SUCCESSION (3)	OTHER EXECUTIVE SUCCESSION (4)	LEGISLATIVE SUCCESSION (5)	JUDICIAL SUCCESSION (6)	STATE GOV'T. RELOCATION (7)	LOCAL GOV'T. RELOCATION (8)	LOCAL GOV'T. SUCCESSION (9)
ALABAMA		ALASKA						
ALASKA								
ARIZONA	ARIZONA							
ARKANSAS		ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS
CALIFORNIA	CALIFORNIA	CALIFORNIA	CALIFORNIA	CALIFORNIA		CALIFORNIA	CALIFORNIA	CALIFORNIA
COLORADO								
CONNECTICUT	CONNECTICUT*							
DELAWARE	DELAWARE							
FLORIDA		FLORIDA				FLORIDA		FLORIDA
GEORGIA			GEORGIA			GEORGIA		GEORGIA
HAWAII						HAWAII	HAWAII	
IDAHO	IDAHO							
ILLINOIS						ILLINOIS	ILLINOIS	ILLINOIS
INDIANA						INDIANA	INDIANA	
IOWA		IOWA	IOWA	IOWA	IOWA	IOWA	IOWA	IOWA
KANSAS	KANSAS	KANSAS	KANSAS		KANSAS	KANSAS	KANSAS	KANSAS
KENTUCKY								
LOUISIANA								
MAINE	MAINE	MAINE	MAINE	MAINE	MAINE	MAINE	MAINE	MAINE
MARYLAND	MARYLAND*	MARYLAND						
MASSACHUSETTS								
MICHIGAN	MICHIGAN	MICHIGAN	MICHIGAN				MICHIGAN	MICHIGAN
MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA
MISSISSIPPI							MISSISSIPPI	
MISSOURI	MISSOURI					MISSOURI		
MONTANA		MONTANA				MONTANA		
NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA
NEVADA	NEVADA							
NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE
NEW JERSEY								
NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO
NEW YORK	NEW YORK	NEW YORK						
NORTH CAROLINA			NORTH CAROLINA				NORTH CAROLINA	NORTH CAROLINA
NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA
OHIO								
OKLAHOMA		OKLAHOMA	OKLAHOMA	OKLAHOMA	OKLAHOMA			OKLAHOMA
OREGON	OREGON	OREGON	OREGON	OREGON	OREGON	OREGON	OREGON	OREGON
PENNSYLVANIA		PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA
RHODE ISLAND	RHODE ISLAND							
SOUTH CAROLINA	SOUTH CAROLINA							
SOUTH DAKOTA	SOUTH DAKOTA		SOUTH DAKOTA	SOUTH DAKOTA		SOUTH DAKOTA	SOUTH DAKOTA	SOUTH DAKOTA
TENNESSEE							TENNESSEE	TENNESSEE
TEXAS		TEXAS						
UTAH	UTAH	UTAH	UTAH	UTAH	UTAH	UTAH		UTAH
VERMONT		VERMONT	VERMONT		VERMONT	VERMONT		VERMONT
VIRGINIA	VIRGINIA**	VIRGINIA						
WASHINGTON	WASHINGTON							
WEST VIRGINIA	WEST VIRGINIA	WEST VIRGINIA	WEST VIRGINIA	WEST VIRGINIA	WEST VIRGINIA		WEST VIRGINIA	WEST VIRGINIA
WISCONSIN	WISCONSIN					WISCONSIN	WISCONSIN	WISCONSIN
WYOMING	WYOMING***	WYOMING						

Amendments in underlined States in Column 2 have been ratified by the voters.

* Covers Chief Executive Succession only.

** Covers only legislative quorum requirements and special legislative powers during an emergency.

***Permits Governor to convene legislature at place other than seat of government in event of war or grave emergency.

These groups have endorsed and supported this continuity of government legislative program:

The Governors' Conference
The Conference of Chief Justices
The Council of State Governments
The National Association of County Officials
The American Municipal Association
The United States Conference of Mayors
The National Association of State and Territorial Civil Defense Directors
The United States Civil Defense Council
The AFL-CIO
The American Bar Association
The American Legion
AMVETS
The Veterans of Foreign Wars
The Jewish War Vets
The Marine Corps League
The Loyal Order of Moose
Kiwanis International

OCDM BC 11099



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY

DAVID D. FURMAN
ATTORNEY GENERAL

DIVISION OF LAW
STATE HOUSE ANNEX
TRENTON 25

DAVID M. SATZ, JR.
FIRST ASSISTANT ATTORNEY GENERAL
THEODORE I. BOTTER
ASSISTANT ATTORNEY GENERAL

May 18, 1961

The Honorable Wesley L. Lance, Senator
Chairman, Committee on Revision and Amendment of Laws
c/o Miss Jane Brown
Room 330
State House, Trenton, New Jersey

Dear Senator Lance:

Re: Statement for the Record on SCR-11

Dear Senator Lance:

As Chairman of the Emergency Civil Government Commission, I have been requested to place on the record the views of the Commission in support of SCR-11. This was occasioned by the fact that at the publicly announced and scheduled hearing for May 8, 1961 no one appeared in opposition to the proposed constitutional amendment contained in the resolution. For the record, it should be noted that members of the Commission were present to testify in addition to representatives of the Office of Civilian Defense Mobilization, who came from Washington, D. C. and Massachusetts to express interest in the proposed constitutional amendment. I relate the presence of these individuals only to make it known to any one, should a question arise, that these persons were to present views and pertinent information about the proposal.

I am enclosing herewith for introduction into the record a copy of the report which has been duly distributed among members of the Legislature in accordance with the law. As is stated therein, the report was the result of much work by Committee members with a great deal of assistance of material and data that had been formulated by the Office of Civilian Defense Mobilization. While the report speaks for itself, the views of the Commission and of the Office of Civilian Defense Mobilization may be summarized as follows:

May 18, 1961

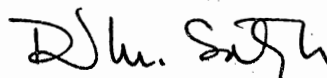
Absence of democratic forms of government under extraordinary conditions is considered to be an evil which has to be prevented and Senate Concurrent Resolution No. 11 is a primary step in establishing a preventive.

The realistic outlook of conditions resulting from nuclear attack could not be minimized. An enemy attack would probably be massive. The resulting destruction would prevent any orderly civilian administration of government by federal personnel. The alternative would be Martial Law by the military. Even that might not be possible if chaotic circumstances were such to prohibit even its operation. Anarchal conditions, naturally, would be intolerable.

In view of these dangers it is imperative that this basic proposed constitutional amendment be adopted to permit the Legislature to provide in advance appropriate statutory machinery to operate automatically upon the occurrence of an enemy nuclear attack. A good, sound beginning is embodied in the above mentioned resolution.

I trust that this letter, together with the Commission report, is satisfactory to you. If there is anything further you desire, please do not hesitate to call upon us.

Sincerely yours,



David M. Satz, Jr.
Chairman, Emergency Civil Government
Commission

s;p
enc.

Note: The report referred to above is not incorporated in the record due to its length, but is on file with the Committee.

