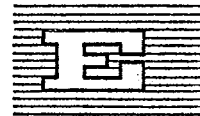


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1155/Add.26
18 December 1974

ENGLISH
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-first session

PERIODIC REPORTS ON HUMAN RIGHTS

Reports on economic, social and cultural rights,
for the period 1 July 1969 - 30 June 1973, received
from Governments under Economic and Social Council
resolution 1074 C (XXXIX)

UNITED STATES OF AMERICA

QUADRENNIAL REPORT ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS IN THE UNITED STATES

1 July 1969 - 30 June 1973

I. INTRODUCTION

Addressing the Sixth World Conference on World Peace Through Law at Abidjan in August 1973, the late Chief Justice Earl Warren spoke of the historic concern of the United States for human rights. He said that the rights of human beings in the American tradition found their finest expression in the Declaration of Independence and in the Bill of Rights of the Constitution. In these documents, he went on, the rights of the individual are held "anterior and superior" to the state and, as such, are inalienable. The role of the state is, essentially, to create conditions that will help each individual exercise his right to "life, liberty and the pursuit of happiness." 1/

II. UNIVERSAL DECLARATION OF HUMAN RIGHTS

In addition to the inspired guidance of its own fundamental constitutional law and practice, the United States Government also remains keenly aware of the goals and standards enunciated for all people in the Universal Declaration of Human Rights. In a Proclamation marking the twenty-fifth anniversary of its adoption the President of the United States noted the progress made by the world community in its recognition of the rights of all members of the human family which the Declaration represents and the continuing commitment of the American people to the ideals reflected in it. 2/

III. SIGNIFICANT DEVELOPMENTS IN THE UNITED STATES

Earlier reports in this series on economic, social and cultural rights in the United States provided basic information about policies and programmes designed to expand and protect these rights. This report, covering the period 1 July 1969 - 30 June 1973, concentrates on the continuing national effort to enhance the quality of these rights and the protection afforded to them.

A. The Right to Work

Employment Status

Continued high access to work opportunities in the United States is reflected in the size of the civilian work force over sixteen years of age as of April 1973, when it stood at 89.8 million. This represented an increase in the work force of 5.6 million since 1969. The percentage of the total population making up the work force remained essentially the same - 61.1 per cent in 1969 and 60.8 per cent in 1973.

1/ 59 ABAJ 1257-30 (November 1973)

2/ 38 Fed. Reg. 34101

Unemployment increased, however, from 3.5 per cent of the work force in 1969 to 4.8 per cent in April 1973. Also, the average hours actually worked each week by the non-agricultural work force decreased slightly from 37.7 per cent in 1969 to 37.1 per cent in 1973. 3/

Equal Opportunities for Work

During the period under consideration important efforts of the Federal Government have been directed to the enforcement of Title VII of the Civil Rights Act of 1964 4/ which prohibits discrimination in employment. These efforts have been based on the judgment that if minority Americans are to break out of the cycle of poverty, welfare and despair in which many find themselves, they must have access to a job market unrestricted by discrimination. The co-operative action of several Federal Government agencies - the Justice Department, the Equal Employment Opportunity Commission, and the Labour Department - in the enforcement of equal employment opportunity laws has resulted in significant achievements on behalf of women and minorities. This co-ordinated approach has resulted in consent decrees entered into with major steel companies, the trucking industry, and the leading telephone company by which business concerns bind themselves to adhere to non-discriminatory practices and to award back-pay in cases where discriminatory patterns and practices have been established. 5/

Unemployment assistance

In an effort to deal with recent rises in unemployment rates various legislative steps have been taken. An important example was the Emergency Employment Act of 1971 6/, set up to provide a programme of public service employment for unemployed persons. The Act recognized that "times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability and others from socio-economic backgrounds generally associated with substantial unemployment and underemployment."

Health and Safety Measures

A major piece of legislation, the Federal Coal Mine Health and Safety Act, was passed in 1969 7/ for the purpose of promoting the health and safety of coal miners throughout the nation and to combat the dangers to life, limb, and lung which miners face. Another more general measure, the Occupational Safety and Health Act of 1970 8/

3/ Statistical Abstract of the United States 1973

4/ 42 USC 2000 e

5/ J. Stanley Pöttinger, "10 Years of Civil Rights - Report by the Chief Enforcer," U.S. News and World Report, September 23, 1974, at 87-88

6/ P.L. 92-54, 85 Stat 146

7/ P.L. 91-173, 30 USC 800

8/ P.L. 91-596, 84 Stat 1590

authorizes the Secretary of Labour to set standards to assure safe and healthful working conditions for working men and women in order to reduce the number of personal injuries and illnesses arising out of work situations which result in lost production, wage losses, and medical expenses.

B. Health, Welfare and Other Services

Strong efforts to achieve the widest and fairest distribution of health and welfare services on a non-discriminatory basis continued throughout the years 1969-1973.

Title VI of the Civil Rights Act of 1964 imposes upon each Federal department or agency the primary responsibility for ensuring that no one is denied benefits of, or is subjected to discrimination under, any programme or activity receiving Federal funds. This stricture applies to Federal assistance to the many programmes for schools, hospitals, state employment services, public housing, and agricultural extension services which operate throughout the country. Special attention is given under the enforcement procedures of the Civil Rights Act of 1964 to see that the principal Federal medical programmes, Medicare and Medicaid, are administered impartially and that any allegations of discrimination are promptly investigated and dealt with.

The Justice Department has participated in numerous law suits aimed at preventing discrimination, for example, by state agricultural and welfare services and by hospitals. ^{9/} The passage of the Fair Housing Act of 1968 and its enforcement by the Department of Justice in subsequent years represent major steps toward establishing and maintaining the right to adequate housing. Many large impact cases, such as those affecting thousands of apartment units in numerous major metropolitan areas, have resulted in substantial progress in eliminating or curtailing such discriminatory practices as blockbusting, "steering", advertising on a racially selective basis, and imposing different qualifications for black and white home buyers and tenants. ^{10/}

Social and economic rights of U.S. citizens have been further protected by several important court decisions of the recent past. In the landmark case of Goldberg v. Kelly ^{11/} in 1970. the Supreme Court ruled that welfare recipients are entitled to a fair hearing before any welfare payments are terminated by public authorities, the theory being that special procedural safeguards are required in a situation where one's very livelihood could be involved. In another decision which touches the economic rights of those with low incomes, the Supreme Court held that the age-old custom of seizing goods bought on credit pending litigation of the rights involved, is unconstitutional. This, the Court said, amounts to a deprivation of property without due process of law, if the purchaser has been given no prior opportunity to be heard. ^{12/}

^{9/} "The Tenth Anniversary of the Civil Rights Act of 1964," A Statement by J. Stanley Pottinger, Assistant Attorney General, July 1, 1974, pp. 16-17

^{10/} Id., 21

^{11/} 397 US 254

^{12/} Fuentes v. Shevin, 407 US 67 (1973)

In one significant case centering on sex discrimination the Supreme Court overturned a Federal Statute which discriminated against women in military service by requiring a more stringent standard for them in obtaining financial benefits for their dependents than it did for men in the same situation. 13/

C. Education

It has been a major concern of the United States Government in recent years to see that public education, to which the Federal Government makes a substantial contribution, is available to all on a non-discriminatory basis as a matter of right. To this end, great strides have been taken to implement the desegregation rulings of the Supreme Court. Several major developments occurred in the period under review.

As a result of a Supreme Court ruling in late 1969 the Departments of Justice and Health, Education and Welfare launched a joint effort to identify remaining school systems in the South which were out of compliance with the law, and to develop workable desegregation plans by the fall of 1970. With this massive compliance push, the dual systems in the rural and small-town South were virtually eliminated. The next step was the urban school system, especially in the North.

Beginning in 1968, the Department of Justice had broadened its enforcement programme to include urban school districts in the North. One major decision, Swann v. Charlotte-Mecklenburg Board of Education, 14/ has quickened the pace of desegregation in both South and North by declaring that there is a presumption against the continued existence of one-race schools in a formerly dual system and placing the burden of justifying their existence on local authorities. In addition, the decision upheld the right of a Federal district court under its equity jurisdiction to devise comprehensive desegregation plans in the absence of such action by local authorities. 15/

While much attention has been focused on the practical achievement of desegregation as a means of assuring equal rights in education, other problems affecting the society as a whole have not been neglected. One area of great concern, both nationally and internationally, is drug abuse. This concern was reflected in the passage of the Drug Abuse Education Act of 1970 16/ which authorizes the Secretary of Health, Education and Welfare to make grants to conduct special educational programmes concerning the use of drugs and to co-ordinate all Federal drug abuse educational activities.

Article 26 of the Universal Declaration of Human Rights asserts the prior right of parents to choose the kind of education that shall be given to their children.

13/ Frontiero v. Richardson, 411 US 677 (1973)

14/ 402 US 1 (1971)

15/ A Statement by J. Stanley Pottinger, pp. 4-11

16/ P.L. 91-527, 84 Stat 1385

This fundamental principle of parental rights in education was underscored in a 1972 Supreme Court case which reversed the conviction of a parent who, on religious grounds, withdrew his children from school before the age of sixteen, in contravention of a state law establishing compulsory education up to that age. Chief Justice Burger defined the parental right in the following terms: "A State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment, and the traditional interest of parents with respect to the religious upbringing of their children so long as they ... prepare (them) for additional obligations." 17/

17/ Wisconsin v. Yoder, 406 US 205, 214