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It does the cause of human rights no good to inveigh against civil and political rights deviations while helping to perpetuate illiteracy, malnutrition, disease, infant mortality, and a low life expectancy among millions of human beings. All the dictators and all the aggressors throughout history, however, ruthless, have not succeeded in creating as much misery and suffering as the disparities between the world's rich and poor sustain today.

- Shridath Ramphal, Commonwealth Secretary-General to the United Nations

CHAPTER FIVE



COMPARISON OF STATE CONSTITUTIONS WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

This chapter considers rights provisions in the Universal Declaration, which the United States Constitution does not contain, in comparison with state constitutions.

I will compare, therefore, only those clauses in the Universal Declaration which do not already correspond with provisions in the Federal Constitution. The previous analysis demonstrated, for example, that the clause "Everyone has the right to freedom of peaceful assembly and association" in Article 20 of the Universal Declaration concurred with Amendment I in the Federal Constitution: "Congress shall make no law... abridging...the right of the people peaceably to assemble." Consequently, I will not consider that clause and others which correspond to provisions in the Universal Declaration. I will, however, compare clauses, such as "Everyone has the right to work" and "Everyone has the right to rest and leisure," in Articles 23 and 24 of the Universal Declaration respectively, which do not correspond with phrases in the Federal Constitution.

My reason for considering only those clauses in the Universal Declaration which do not correspond with the Federal Constitution is because state constitutions are already bound by the principles of the Federal Constitution. They can, however, extend the guarantees of the United States Constitution. The purpose of this section, therefore, is to determine the extent that state

constitutions have gone beyond the Federal Constitution in relation to the Universal Declaration of Human Rights.

I obtained these state constitutions by writing the governors of each state in August 1989. All states responded except for Delaware, Indiana, Kansas, Connecticut, West Virginia, and Oklahoma. For these remaining states I consulted *Constitutions of the United States: National and State* (Grad Stearns, Hustace, & Frishman, 1990). In this revised edition, I read again only the select constitutions chosen below. Bold type will connote additional rights found, which were only in Rhode Island. A discussion of major considerations, including summative statements concerning the comparison, will follow.

ANALYSIS OF STATE CONSTITUTIONS IN COMPARISON WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The New England States

Maine

The Universal Declaration of Human Rights of The Constitution of Maine

Article 8

Relevant Phrase

a) Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law

(ArI,S19) Every person, for an injury done him in his person, reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Article 21

(3) (a) The will of the people shall be the basis of the authority of government;

(ArI,S2) All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or

totally change the same, when their safety and happiness require it.

Article 26

(1) (a) Everyone has the right to education.

(ArVIII,PtI,S1) The legislature are authorized...and it shall be their duty to require, that several towns make suitable provision, at their own expense, for the support and maintenance of public schools.

b) Education shall be free, at least in the elementary and fundamental stages.

"

d) Technical and professional education shall be made generally available.

(ArVIII,PtI,S1) It shall further be their [the legislature's] duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the state

New Hampshire

The Universal Declaration of Human Rights

The Constitution of New Hampshire

Article 8

Relevant Phrase

a) Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

(PtI,Ar14) Every subject...is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property or character; to obtain right and justice freely, without being obliged to purchase it; completely and without any denial; promptly, and without delay; conformably to the laws.

Article 21

(3) (a) The will of the people shall be the basis of the authority of government;

(PtI,Ar1) All government of right originates from the people, is founded in consent. (PtI,Ar7) The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state. (PtI,Ar8) All power residing originally in, and being derived from, the people, all...officers of government are accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted. (PtI,Ar10) Whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power and oppression, is absurd, slavish and destructive of the good and happiness of mankind.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(PtI,Ar12) Every member of the community has a right to be protected by it...he is therefore bound to contribute his share in the expense of this protection and to yield his personal service when necessary.

(2) (a) In the exercise of his rights and freedoms, everyone shall be subject

(PtI,Ar3) When men enter into a state of society, they surrender up some of

only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

their natural rights to that society, in order to ensure the protection of others.

Massachusetts

The Universal Declaration of Human Rights of The Constitution of Massachusetts

Relevant Phrase

Article 1

(All human beings are born free and equal in dignity):

c) and rights

(Am,ArCVI) All people are born free and equal and have certain natural, essential and unalienable rights.

Article 2

a) Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

(Am,ArCVI) Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin. (Am,ArCXIV) No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subject to discrimination under any program or activity within the commonwealth.

Article 8

a) Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

(PtI,ArXI) Every subject...ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Article 21

(3) (a) The will of the people shall be the basis of the authority of government;

(P) The end of the institution...of government is to secure the existence of the body-politic... to furnish the individuals who compose it, with the power of enjoying...their natural rights...whenever these great objects are not obtained, the people have a right to alter government. The Body-Politic is...a social compact, by which the whole people covenants with each citizen, ...that all shall be governed by certain laws for the common good. (PtI,ArV) All power residing originally in the people, and being derived from them...the officers of government...are at all times accountable to them. (PtI,ArVII) The people alone have an...unalienable... right to institute government; and to reform...the same when their protection, safety prosperity and happiness require it. (PtI,ArXIX) The people have a right...to consult upon the common good [and to] give instructions to their representatives. (PtI,ArIV) The people of this Commonwealth have the sole and

exclusive right of governing themselves, as a free, sovereign, and independent state. (Am,-ArLXXXIX,S1) It is the intention of this article to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to grant and confirm to the people the right of self-government.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(P) It is the duty of the people to provide for an equitable mode of making laws. (P[L,ArX) Ea(P) It is the duty of the people to provide for and each individual has a right to be protected by [society]...he is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service or the equivalent, when necessary.

Rhode Island

The Universal Declaration of Human Rights

The Constitution of Rhode Island

Relevant Phrase

Article 2

a) Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

(ArI,S2) No otherwise qualified person shall, solely by reason of race, gender, or handicap be subject to discrimination by the state....such discrimination is untenable in a democratic society.

Article 8

a) Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

(ArI,S5) Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay, conformably to the laws.

Article 21

(3) (a) The will of the people shall be the basis of the authority of government;

(ArI,S1) In the words of the Father of this Country, we declare that "the basis of our political system is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all." (ArXIIIS1) It is the intention of this article to grant and confirm to the people of every city and town in this state the right of self government in all local matters.

Article 26

(1) (a) Everyone has the right to education.

(ArXII,S1) The diffusion of knowledge, as well as of virtue among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools and public libraries and to adopt all means which it may deem necessary and proper to secure to the

people the advantages and opportunities of education.

b) Education shall be free, at least in the elementary and fundamental stages.

"

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(ArI,S2) All free governments are instituted for the protection, safety and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens

Connecticut

The Universal Declaration of Human Rights

The Constitution of Connecticut

Article 1

Relevant Phrase

(All human beings are born free and equal in dignity):

c) and rights

(ArI,S1) All men when they form a social compact, are equal in rights.

Article 2

a) Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, nation or social origin, property, birth or other status

(ArI,S20) No person shall be...subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex. (ArXXI) No person shall be

denied equal protection of the law because of...physical handicap.

Article 8

a) Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

(ArI,S10) All courts shall be open and every person, for an injury done to him in his person, property or reputation shall have remedy by due course of law and right and justice administered without sale, denial or delay.

Article 21

(3) (a) The will of the people shall be the basis of the authority of government;

(ArI,S2) All political power is inherent in the people and all free governments are founded on their authority and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

Article 26

(1) (a) Everyone has the right to education.

(ArVIII,S1) There shall always be free public elementary and secondary schools in the state. (ArVIII,S4) The fund, called the School Fund...shall be inviolably appropriated to the support and encouragement of the public schools and for the equal benefit of the people thereof.

b) Education shall be free, at least in the elementary and fundamental stages.

"

d) Technical and professional education shall be made generally available and

(ArVIII,S2) The state shall maintain a system of higher education, including the University of Connecticut which shall be dedicated to excellence in higher education.

e) higher education shall be equally accessible to all on the basis of merit.

"

Vermont

The Universal Declaration of Human Rights

The Constitution of Vermont

Article 8

Relevant Phrase

a) Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

(ChI,Ar4) Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Article 21

3(a) The will of the people shall be the basis of the authority of government;

(ChI,Ar6) All power being originally inherent in and consequently derived from the people...all officers of government...[are] at all times accountable to them. (ChI,Ar7) The community hath an indubitable,

unalienable, and inalienable right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

Article 26

1(a) Everyone has the right to education. (ChII,S68) A competent number of schools ought to be maintained in each town.

(b) Education shall be free, at least in the elementary and fundamental stages.

“

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (ChI,Ar9) That every member of society hath a right to be protected...therefore is bound to contribute his proportion towards the expense of that protection and yield his personal service.

The reader may wish to refer to the 1992 edition of this book, which does a comparison of all the fifty states and the proposed state constitution of the State of New Columbia, presently the District of Columbia. As a research-action strategy, to be discussed more in depth later in this book, she/he may wish to compare other world constitutions to determine discrepancies between them and the Universal Declaration. Then telling the world about these violations ought to assist in changing public sentiment to be in accord with the rights of the Declaration. The table at the end of this chapter, which includes findings from my most recent reading, however, lists correspondences between all state constitutions and the Declaration.

Discussion

In comparing these documents I chose words such as "provide" and "promote" as characteristic of human rights which necessitated positive interventions on the part of governments to take care of human needs. I

excluded, therefore, words of lesser impact such as "encourage" or "cherish" which do not appear to demonstrate the obligations of governments. Article IX, Part 2, Section 3, for example, of Iowa's Constitution states: "The General Assembly shall *encourage* [italics added], by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement." Similarly, the Constitution of Massachusetts states in Chapter V, Section II that the Legislature shall:

Cherish the interests of literature and the sciences and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; [and] to encourage private societies and public institutions rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country.

I did not, therefore, regard these statements as comparable with the Universal Declaration's provisions on the right to share in scientific advancement and its benefits (in Article 27) and the right to education (Article 26) respectively. They do not appear, furthermore, to correspond with my main criteria of substance and sense to basic provisions in the Universal Declaration.

Concerning elaboration of the equal protection clause, moreover, I chose only to consider statements which spoke of nondiscrimination generally of rights as contained in the state constitution, not merely rights related to specific instances, such as the right not to be discriminated against in employment or public accommodations. While these rights are undoubtedly important, I was more concerned with exclusive statements, such as in Wyoming's constitution which states in Article I, Section 3: "Since equality in the enjoyment of natural and civil rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, [or] sex." I, therefore, also excluded more specific statements of nondiscrimination such as in Illinois's constitution in Article I, Section 17 which states: "Persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property."

Another point to consider is related to the right to work. Some constitutions such as Florida, express this right as follows: "The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization" (ArI,S6). Although this statement does mention a right to work, however, I did not see it as comparable with this right as defined during the debates concerning the

Universal Declaration which emphasized the right to do useful work and to further the development of production and purchasing power.

I also excluded statements such as "may provide" or "shall have the power to provide for." Some examples are: New York, "The legislature may provide...for low rent housing and nursing home accommodations for persons of low income" (ArXVII,S1); California, "The Legislature shall have the power to grant aid to needy blind persons" (ArXIV,S2[3])....[and] "to grant aid to needy physically handicapped persons" (ArXVI,S2[4]); and Hawaii, "The state shall have the power to provide financial assistance, medical assistance and social services for persons who are found to be in need of and are eligible for such assistance and services as provided by law"(ArIX,S3)...."The state shall have the power to provide for, or assist in housing, slum clearance and the development or rehabilitation of substandard areas" (ArIX,S5)...."The state shall have the power to provide for the treatment and rehabilitation of handicapped persons" (ArIX,S2)...."The state shall have the power to provide for the security of the elderly by establishing and promoting programs to assure their economic and social well-being" (ArIX,S4).

While these provisions acknowledge certain human rights of the Universal Declaration, they do *not* explicitly guarantee them. Article 25 of the Universal Declaration, for example, expresses the *right* (not the power to provide for a right) to a standard of living adequate for one's health and well-being including food, clothing, housing, medical care, necessary social services, and security in the event of disability and old age.

Partial Rights.

Because the purpose of this book is to highlight correspondences between the Universal Declaration and United States' constitutions, I chose not to compare rights which partially correspond with guarantees in the Universal Declaration. Briefly, however, an example of a partial right is: "[Concerning] placing out, adoption or guardianship, the child shall be committed or remanded or placed, when practicable, in an institution or agency governed by persons, or in the custody of a person, of the same religious persuasion as the child" (New York, ArVI,S32). Some state constitutions, furthermore, like Michigan (ArIV,S50), Alaska (ArVII,S5), and Hawaii (ArIX,S6) have provisions for public health. Michigan, for example, states: "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health."

Although these rights could be subsumed under provisions in Articles 25 and 28 which provide for special protections for motherhood and children and

the right to medical care, they were not as all-inclusive as their prospective counterparts in the Universal Declaration.

There are also some partial rights expressed in state constitutions related to the need for a social and international order in which human rights can be realized as stated in Article 28 of the Universal Declaration. New Hampshire, for example, speaks of the right of the people to "be protected against all monopolies and conspiracies" (Pt2,Ar83). Montana states: "The legislature shall provide protection and education for the people against harmful and unfair practices by either foreign or domestic corporations, individuals, or associations" (ArXIII,S1). Idaho and Colorado state in similar language that "The police powers of the state shall never be...construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individual or the general well-being of the state" (ArXI,S8 and ArXV,S8 respectively).

Massachusetts (ArXCVII), Pennsylvania (ArI,S27), Illinois (ArXI,S2), Louisiana (ArIX,S1), and Montana (ArII,S3), furthermore, express the right to a clean environment. Massachusetts, states, for example: "The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural scenic, historic, and esthetic qualities of their environment" (ArXCVII). In these and other instances, however, there was no conclusive statement that everyone is entitled to a just social and international order.

Summative Statements.

This reading, therefore, of the state constitutions in comparison with the Universal Declaration revealed the following major summative statements. On the notions of human dignity only two states, Louisiana and Montana, noted its importance. Massachusetts, Connecticut, Rhode Island, Missouri, Kansas, Louisiana, Texas, Wyoming, Oregon, and Alaska expressed notions of equality of rights.

On the elaboration of the equal protection clause of the Federal Constitution, Massachusetts recognized sex, race, color, creed, national origin, and disability; Connecticut - religion, race, color, ancestry, national origin, sex and physical handicap; Rhode Island - race, gender, handicap; New York - race, color, creed and religion; Illinois - sex; Michigan - religion, race, color, national origin, aliens; Virginia - religious conviction, race, color, sex, and national origin; North Carolina - race, color, religion, and national origin; Florida - race, religion, and physical handicap; Louisiana - race, religion, national ancestry, age, sex, birth, political opinion, and physical condition; Texas - sex, race, color, creed, and national origin; Montana - race, color, sex, culture, social origin or condition, and political or religious ideas; Wyoming -

race, color, sex, and any "circumstance or condition whatsoever other than individual incompetency or unworthiness duly ascertained by a court"; Alaska - race, color, creed, sex, and national origin; and Hawaii - race, religion, sex and ancestry.

The two basic civil and political provisions of the Universal Declaration (i.e. the right to remedies [Article 8] and the will of the people as the basis of government [in Article 21]) which did not appear to be expressed in the Federal Constitution were generally expressed in the state constitutions. The exceptions to Article 8 were: New York, Michigan, Iowa, Virginia, Georgia, Texas, Arizona, Nevada, California, Washington, Alaska, and Hawaii. There were no exceptions to the above provision in Article 21 although New York and California's constitutions, while acknowledging that "We, the people" like other state constitutions ordained their constitutions, nevertheless, had relatively "weak" statements in accordance with the will of the people as the basis of government. New York stated, for example, only that "Effective local self-government...are purposes of the people of the state; California noted that "The people have the right to instruct their representatives, petition government for redress of grievances and assemble freely to consult for the common good." Georgia and Idaho were the only states that recognized the importance of the family. The aim of government, for example, was to "promote the interest and happiness of the citizen and...the family" similar to Article 16 of the Universal Declaration.

On the notions of economic, social, and cultural rights no state, apart from Illinois and Louisiana, had provisions which corresponded to Article 22 of the Universal Declaration which served as an introduction to the economic and social guarantees which followed. In Illinois and Louisiana's preambles, for example, there appeared to be general statements about the need for economic and social justice. The preamble of the Illinois constitution states, for example:

We the people...in order to provide for the health, safety and welfare of the people....eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual...do ordain and establish this constitution.

Because these preambles speak, therefore, of the need to provide for the health, safety and welfare of the people they appear to be the only constitutions which correspond to provisions in Article 25 of the Universal Declaration which also speaks of these rights. Hawaii's constitution which states that government has "the power to provide for" health care, was not included as a definitive statement of health care.

Certain provisions related to the right to work in Article 23 can be found in Missouri, North Carolina, Florida, Oklahoma, Alaska, and Oregon which assert generally that people have the rights to the enjoyment of the gains of their own industry, to the enjoyment of the fruits of their own labor, and to just compensation for services rendered. Wyoming asserts that the right of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the state. Utah also asserts the right of labor but only to the extent that it promotes the industrial welfare of the state. New York, New Jersey, Missouri, Florida, and Hawaii contain rights to collective bargaining in their constitutions. New York, Montana, Colorado, and Arizona provide for limitations of employment to eight hours per day.

All constitutions expressed the right to education except for New Hampshire, Massachusetts, Indiana, Tennessee, Alabama, and California. Virginia, North Carolina, Oklahoma, Idaho, New Mexico, Utah, and Nevada had provisions for compulsory attendance.

Virginia, Louisiana, Montana, and Hawaii's constitutions expressed the need for individuals to participate in the cultural life of the community as expressed in Article 27 of the Universal Declaration.

On the notions of duties and solidarity rights as expressed in the last few articles of the Universal Declaration, New Hampshire, Vermont, Massachusetts, Rhode Island, Illinois, Maryland, Virginia, Montana, Alaska, and Hawaii express the need for corresponding obligations to the people and the state.

In neither the United States Constitution nor the state constitutions were the following guarantees expressed. First, no constitution endorsed the notion of the "spirit of brotherhood" as stated in Article 1.

No state had a provision recognizing property as a reason not to discriminate in order to enjoy fundamental rights.

Apart from certain provisions noted above, no constitution contained definitive statements relating to the right to work, to free choice of employment, and to protection against unemployment. Neither was there a right to equal pay for equal work nor an acknowledgment of the need to supplement one's income if necessary to ensure an existence worthy of human dignity. No constitution acknowledged the right to rest and leisure.

Apart from the two exceptions noted above in Illinois and Louisiana, none of the states guaranteed any of the rights contained in Article 25 which speak of the rights to food, housing, medical care, necessary social services, and security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood beyond one's control. No provision in the state constitutions declared that motherhood and childhood are entitled to special care and assistance.

No constitution spoke of the need for a just social and international in order to realize human rights. Finally, and understandably, there was no mention of the Universal Declaration or the United Nations as stated in the last two articles of the Universal Declaration.¹

There did not appear to be any significant major differences among groups of states. A summary of these major findings can be found in Table 3 at the conclusion of this chapter.

Of interest, however, is that concern for indigenous people's rights becomes more pronounced in the western states, particularly Hawaii. There are regional differences, furthermore, related to the protection of workers in specific industries, which are common to a geographic region, such as mining, metallurgy, and agriculture.

One final observation is that there were many economic and social guarantees, too numerous to mention, in the form of retirement and other benefits, such as health care and compensation for disabilities, for veterans, judges, state representatives, and state officials in general. It appeared, therefore, that if a person were to engage in combat, if he or she should survive, then the veteran would have certain economic and social guarantees. It is as if the old feudal order in which the serf engages in combat for the Lord, in exchange for certain benefits was still generally apparent in state constitutions.

My impressions also are that the aphorism that laws are made by and for the lawmakers is true. Yet, for the "least of these," such as children there was *no* mention of economic and social guarantees. Can this account in large part why the first nationwide study of the level of childhood hunger in the United States says: "One child in eight under the age of 12-5.5 million goes hungry each day and another 6 million live in families that do not have enough money to spend for food and are at risk for being hungry" (Kurkjian, 1991)?; why, in 1989, according to the Census Bureau 22.5% of all children and 50% of all black children under 6 in the US live in poverty ("U.S. Reports", 1990)?; or why, according to the Children's Defense Fund, "The United States lags behind most other industrialized countries, and behind some Third World nations, in indicators of children's health, educational achievement and economic well-being" (Ribadeneira, 1991)? Why is it, finally, that "children are the hardest hit by hunger" in the United States, having "double the rate of hunger" in this age group than "any other industrialized nation." Ironically, worldwide hunger is going down worldwide and in Africa, but in the United States it is going up (Karger and Stoesz, 1998, p. 421).

The last chapter will examine the implications of these analyses of United States constitutions for social policy, in comparison with the Universal Declaration and within the context of the historical-philosophical underpinnings of the idea of human rights.

Table 3

Summary of State Constitutions' Major Correspondences with Articles in the Universal Declaration of Human Rights, not Guaranteed by the United States Constitutions

| (Article) Right | # of States with Relevant Guarantees | Identified States |
|---|--------------------------------------|--|
| 1(b) Human Dignity | 2 | LA, MT |
| (c) Equality of Rights | 9 | MA, CT, MO, AK, LA, TX, WY, OR, AK |
| 2. Elaboration of the Equal Protection Clause Categories: | 14 | MA, CT, NY, IL, MI, VA, NC, FL, LA, TX, MT, WY, AK, HI |
| Race | 14 | MA, CT, RI, NY, MI, VA, NC, FL, LA, TX, MT, WY, AK, HI |
| Religion | 12 | MA, CT, NY, MI, VA, NC, FL, LA, TX, MT, AK, HI |
| Color | 10 | MA, CT, NY, MI, VA, NC, TX, MT, WY, AK |
| Sex | 11 | MA, CT, RI, IL, VA, LA, TX, MT, WY, AK, HI |
| National Origin | 9 | MA, CT, MI, VA, LA, NC, TX, AK, HI |
| Physical Handicap | 4 | CT, RI, FL, LA |
| Political Opinion | 2 | MT, LA |

| (Article) Right | # of States with Relevant Guarantees | Identified States |
|--|--------------------------------------|--|
| Social Origin or Condition | 1 | MT |
| Birth | 1 | LA |
| Disability | 1 | MA |
| Aliens | 1 | MI |
| Court Determined Circumstance | 1 | WY |
| 8. Right to an Effective Remedy | 38 | All <i>except</i> NY, MI, IA, VA, GA, TX, AZ, NV, CA, WA, AK, HI |
| 16(3) The Importance of the Family | 2 | GA, ID |
| 21(3)(a) The Will of the People as the Basis of Government | 50 | All states |
| 22. General Statements About Economic and Social Justice | 2 | IL, LA |
| 23(1)(c) Right to Favorable Conditions of Work | 2 | WY, UT |
| 23(3)(c) Right to Favorable Remuneration for Work | 6 | MO, NC, FL, OK, AK, OR |
| 23(4) Right to Join Trade Unions | 5 | NY, NJ, MO, FL, HI |
| 24(b) Reasonable Limitations of Working Hours | 4 | NY, MT, CO, AZ |

Table 3. (continued)

| (Article) Right | # of States with Relevant Guarantees | Identified States |
|--|--------------------------------------|--|
| 25(1)(e) Right to Medical Care | 2 | IL, LA |
| 26(1)(a) Right to Education | 44 | All <i>except</i> NH, MA, IN, TN, AL, CA |
| 26(1)(c) Compulsory School Attendance | 7 | VA, NC, OK, ID, NM, UT, NV |
| 27(1)(a) Right to Participate in Cultural Life | 4 | VA, LA, MT, HI |
| 29(1)(a) Need for Duties | 10 | NH, VT, MA, RI, IL, MD, VA, MT, AK, HI |

Table 3. (continued)

Note. Provisions of articles as stated are brief paraphrases of original articles. Abbreviations for states are official two-letter Postal Service abbreviations.

Note - Chapter Five

¹ The proposed constitution for the State of New Columbia, presently Washington, D.C. can be found in the 1992 edition. Briefly, and in comparison with the Universal Declaration, it extends rights found in state constitutions by including property as a basis for nondiscrimination and by providing for an income to meet basic human needs if unable to work, equal pay for equal work, and security for the disabled and the elderly. That constitution in its preamble also "reaches out to the people of the world in a spirit of friendship and cooperation."

