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# HUMAN RIGHTS

A Documentary on the United Nations Declaration of Human Rights

Featuring an Interview with  
**MRS. ELEANOR  
ROOSEVELT**



Written and Produced by  
**Howard Langer**



Cover design by Ronald Clyne

UNATIONS

HUMAN RIGHTS / United Nations Declaration of Human Rights / Mrs. Roosevelt

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A Documentary on the  
United Nations Declaration of Human Rights

Descriptive Notes are inside pocket.



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Featuring an Interview with  
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Human Rights - A Documentary on The Declaration of Human Rights featuring an interview with Mrs. Eleanor Roosevelt.

NARRATOR:

This is the story of the Universal Declaration of Human Rights, what it is, and why it is.

FRANKLIN ROOSEVELT:

"In the future days, which we seek to make secure, we look forward for a world founded upon four essential human freedoms".

"The first is freedom of speech and expression--everywhere in the world. The second is freedom of every person to worship God in his own way--everywhere in the world. The third is freedom from want--which, translated into world terms, means economic understandings which will secure to every nation a healthy, peaceful life for its inhabitants--everywhere in the world".

"The fourth is freedom from fear--which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of aggression against any neighbor--anywhere in the world".

NARRATOR:

That was Franklin D. Roosevelt, addressing Congress as President in January, 1941. The world was still a long way from peace. Bloody battles would be fought before any kind of universal human rights declaration could be made possible.

It would take nearly eight years before the nations of the world would come together to agree on a Universal Declaration of Human Rights....

It is close to midnight, December 10th, 1948. The place: the Palais de Chaillot, Paris. Speaking, Dr. Herbert Evatt, President of the United Nations General Assembly.

EVATT:

"The vote is now on the Declaration as a whole."

ROLL CALL:

"Afghanistan....Argentina...Australia..."  
(starts to fade out, then fades in for)

ROLL CALL:

United States through to Yugoslavia.

EVATT:

"In favor of adoption, 48; against adoption, none; abstentions, 8. So that we've reached the stage, gentlemen, at which by an enormous vote, and without any direct opposition, this Assembly has adopted this very important Declaration."

NARRATOR:

The Universal Declaration of Human Rights... Thirty articles setting standards of freedom for all men: The right to freedom of worship, of Assembly, of speech; to own property, to hold public office, to social security, to work, to leisure, to education.

How did this document come about? And how has it fared since its adoption a decade ago? This is Howard Langer in New York. Directly across from the table to answer these questions is Mrs. Eleanor Roosevelt, widow of the late President, and first chairman of the United Nations Human Rights Commission.

MR. LANGER:

Mrs. Roosevelt, let's start with the Human Rights Commission itself. When and why did the United Nations set up the Commission?

MRS. ROOSEVELT:

Well, the reason, of course, for setting it up was that in the Charter it speaks of human rights and freedoms, and there was a feeling that one needed to define more clearly what human rights and freedoms were to mean. It was generally said, of course, that individual countries had their own declarations, but never before had a group of countries coming together tried to agree on what should be a declaration which was an international declaration on human rights and freedoms.

So the Economic and Social Council set up as its very first commission, after the meeting in London in 1946, in January, a commission to create the Commission on Human Rights. It was a commission chosen by the Economic and Social Council of individuals representing different parts of the world, and they were asked how they would like to set up the Commission on Human Rights, to write the rules and decide on the composition of it, and on the work that it was to do, and this first preparatory commission was to meet in New York at the temporary headquarters of Hunter College in the spring of 1946. I happened, for some unknown reason, to be one of the people the Economic and Social Council chose for that first preparatory commission and then, equally as a surprise, I was elected chairman of that first preparatory commission.

I knew very little about it, but I managed to preside.

MR. LANGER:

Who were some of the other members?

MRS. ROOSEVELT:

Some of the people who have been on it from the very beginning - Rene Cassin of France, who corresponds in France to our head of the Supreme Court -- has been on since that very first meeting. Most of the others, as I remember, have changed. I don't think that any of them have remained the same. In the early days Charles Malik of Lebanon did come on, but in most of the other positions the people have changed.

MR. LANGER:

Why is that? I can't understand why you aren't still a member of the commission.

MRS. ROOSEVELT:

You see, we decided in that first meeting how to set up the commission. We decided it should be set up by people who represented their governments, and that their governments should choose them, and there should be the same number as the Economic and Social Council, and that there should be due regard to distribution throughout the world, so that some one would represent each part of the world; there would be no part of the world whose interests would not be considered. My government, Mr. Truman was kind enough to appoint me, and I remained (Chairman) on the Human Rights Commission until we had written the declaration, and then I felt that a big government had held the chairmanship long enough, so I asked if I might nominate Charles Malik of Lebanon for the next session, and I did so. He was elected.

MR. LANGER:

Why was a charter on human rights thought to be necessary? Wasn't each country's bill of rights thought to be enough?



MRS. ROOSEVELT:

Well, they felt - I think, the people who wrote the charter, that one of the bases of peace in the world was the recognition of human rights and freedoms, and therefore they felt it was going to be difficult, because there are many parts of the world that had not even the elementary understanding of what human rights really meant. But they felt a beginning must be made, and it must be as widely disseminated through all the countries who were member nations, and I think that was the motivation of both the inclusion in the Charter and the quick action on naming a commission to write a charter on human rights.

MR. LANGER:

Do you think that your husband foresaw such a universal declaration? Not in those terms, exactly, but --

MRS. ROOSEVELT:

Oh, I am quite sure he would have agreed. Now I don't know whether he foresaw that that would be the first commission that would be appointed. But I am sure he would have agreed that this was one of the basic elements of peace, and that if we were going to work towards peace this was something that had to become a common interest.

MR. LANGER:

How does the Universal Declaration differ from, say, our own Bill of Rights?

MRS. ROOSEVELT:

If you compare the two, you will see that our own Bill of Rights was very influential in the framing of the international declaration, at least. Of course, we had three documents to look at: the original Magna Carta of Great Britain and the French Les Droits de l'Homme and our own Bill of Rights, and so it's not really strange that you find in this particular draft even some wording that is similar to our own. Sometimes, of course, that had to be changed because there would be special interests involved, but there is great similarity between our own Bill of Rights and the International Declaration.

MR. LANGER:

I understand that in the original Declaration of Human Rights Article I read: "All men are created equal." But in the declaration as finally adopted it reads: "All human beings are born free and equal in dignity and rights." Now, why was this changed?

MRS. ROOSEVELT:

That was done because there was a very long argument. You see "All men are created equal" implies that there is a Divine Creator and the Soviets do not adhere to any religion. And so the wording had to be acceptable to everyone, and finally these words that you have just quoted were agreed upon as acceptable to everyone.

MR. LANGER:

I notice that the "all men" became "all human beings."

MRS. ROOSEVELT:

All human beings, yes.

MR. LANGER:

That's right. That was, I guess, to take care of the women, who thought they should be included.

MRS. ROOSEVELT:

Yes, that was it. There was an inclusion. There

was always a great deal of feeling in areas of world where women had not as yet acquired full rights, that women must not be left out. And I remember very well the discussion where one woman from - I've forgotten if it was a Near Eastern country or an Asiatic country. But she said, "If you say 'men', you tell us that 'men' includes men and women, but our government will say it means just men, so you must say something which can mean both men and women."

MR. LANGER:

Well, what were some of the other arguments or differences of opinion that came up that were similar to this?

MRS. ROOSEVELT:

Oh, there were many arguments. Writing the International Declaration was far easier than writing the Covenants has been for the simple reason that the Declaration was to be like our Declaration of Independence. It was a statement of hopes and aspirations, but it had no legally binding value, whereas the Covenant or Covenants which were to follow would be written as treaties and when ratified by countries under their constitutional provisions, they would be legally binding and you had to change your laws to meet whatever the provisions were. Whereas, with the Declaration nobody had to change a law. The only thing we did was to pass the resolution which said that we would strive to have our countries live up to the declarations made in that Declaration and we would strive to inform all our citizens of what was in the Declaration. But that was the only binding promise any government made. So, of course, there was no need to change a law. That was not understood in this country for some time and I had very funny letters asking me when this would come up for ratification before the Congress and so forth. But, like any Declaration, this was a pure putting down on paper what were the mutual aspirations of peoples in different parts of the world. I think it was quite a feat to get it on paper.

MR. LANGER:

What were the mechanics involved? Did you all sit around a table, or did you set up a committee within your Commission?

MRS. ROOSEVELT:

Oh, in the Human Rights Commission the full Commission always meets. But you appoint, if there are special difficulties, you would appoint a certain group to work out certain phrasings. For instance, if you find it difficult to agree, you take the people who have particular difficulties, as you had for instance, both with the Soviets and with the Moslems sometimes. And they would argue it out together and bring it back to the Commission. But the whole Commission always had to take the final vote.

And then, of course, we also had the advantage of being able to consult with, for instance, on the article on universal education we consulted with UNESCO. And we consulted with a number of the specialized agencies on particular articles that affected their interests. For instance, the World Health Organization helped us on that article. There were a great many agencies that we could call upon for assistance.

MR. LANGER:

Did you have any special instructions from the United States Government on the kind of declaration that we would favor?

MRS. ROOSEVELT:

You mean from the United States Government?



MR. LANGER:

That's right.

MRS. ROOSEVELT:

You see, when you work on something of this kind as a Government representative, you have to receive instructions from your Government on each point as it comes up. I was given a great deal of freedom, I think. I was given very good advisors. I had the benefit of a very valuable advisor, Marjorie Whiteman, who had been for a long time in the Legal Department of our State Department, and who has written the only work there is on American treaties. It's Whiteman on Treaties. And she had had her training chiefly on constitutional law, so it was very valuable to us that she was always there to tell us whether what we were doing on the international front would be, when presented to our Government for ratification, constitutional as far as we could tell, you see. And I learned more constitutional law by listening to the arguments of my legal advisors because not only was she an authority on the Constitution, but I had another young man who was a legal advisor from the State Department, who was a lawyer. And I had - of course a number who changed and came - but I had someone when it came to dealing with labor articles from the Labor Department, I had someone from the Welfare Department. I had someone constantly from the Department of Justice. So I would listen to the arguments behind my back. I was chairman, as you know, for quite a long while. And I would hear them argue, but in the long run I had to decide. So that's how I learned a good deal of law in that time.

MR. LANGER:

When mentioning advisers to me before, you also spoke very highly of James Simsarian. How long did it take to make the final draft before it was presented to the General Assembly?

MRS. ROOSEVELT:

Well, we presented the final draft to the General Assembly in September of 1948, in Paris. And it was passed. We thought we were presenting such a good draft that there would be very little discussion. We found we were mistaken. In the big committee they argued every word just as we had argued it beforehand. It did help us that we'd had a very good Commission and we had all our arguments, but we had to justify every single thing and we found that we had forgotten certain things. For instance, we had completely forgotten that certain things might not be agreeable to the Moslems. Now, Charles Malik of Lebanon does not happen to be a Moslem and therefore, while he represented a Moslem area of the world, he had forgotten to see that everything that was said on freedom of conscience and religion would be acceptable. And so we had some terrible times in Paris. And, actually, in the committee practically every Moslem nation voted against the Declaration. But when it came to the General Assembly, Sir Zafrulla Kahn of Pakistan, which is the biggest Moslem nation, said he felt his delegate in the committee, Committee Three, which is the committee on Humanitarian, Cultural and Educational subjects, had been wrong. And I've always remembered what he said. He said, "The Koran says he who can believe shall believe. He who cannot believe shall disbelieve. The only unforgivable sin is to be a hypocrite".

MR. LANGER:

Now, let's see. When the vote was taken finally on the Declaration, eight nations abstained. No one voted against it. And those that abstained were Russia, the Ukraine, Byelorussia, Poland, Czechoslovakia, Yugoslavia, Saudi Arabia, and South Africa. Now, why did they abstain?

MRS. ROOSEVELT:

Well, the whole Russian bloc abstained because they said that not enough consideration had been given

to the economic and social rights. They did not feel that any of the other rights - political and legal, and so forth - had any value at all. They were, from their point of view, 18th century rights and of no value. But the economic and social rights meant something to people and they had not been given enough stress. And therefore they couldn't vote for such a backward document. But they abstained, they didn't vote against it. Now, Saudi Arabia's delegate was not a Moslem but he felt he directly represented the King of Saudi Arabia and he said he was quite sure that the King of Saudi Arabia would not accept Sir Zafrulla Kahn's interpretation of the Koran and therefore he felt very keenly that, as representing the King, he must abstain in the vote. He did not vote against, but he abstained. And South Africa, sad to say, said that they hoped to give their people fundamental human rights but this went much too far. It was much too advanced a document and therefore they had to abstain because they could not hope to live up to it.

MR. LANGER:

Now, you mentioned the Covenant before. Let's get this distinction. What exactly is the difference between the Declaration and the Covenant?

MRS. ROOSEVELT:

Well, I think I explained before that the Declaration was very much like our Declaration of Independence, a statement down on paper of the aspirations and hopes of peoples that they could agree on throughout the world. But a Covenant was to be written as a treaty and, when ratified, was legally binding on any nation that ratified it. And there was the question, of course, that came up as to whether there should be one Covenant or two. And for a long time we went along with the idea that there should be only one Covenant and then as we got to the drafting, we discovered that to put into and agree in legal form to certain of the economic and social rights was going to be extremely difficult, and to have it acceptable to nations, for instance like India and ourselves, was going to be (even more) difficult. I'll give you the example.

When the discussion came on the article which says everyone is entitled to education, primary, secondary and higher education, free and compulsory, India explained that they had only just begun in their new freedom to give primary education to their children and it was taxing their resources to the utmost, but they believed in this but they couldn't agree (however), unless we qualified it. We would have to say "gradually and with due consideration to the economic situation of the country".

Now, from my common sense point of view that would be agreeable but as I thought of what our senators would say, I knew quite well that I couldn't agree to it because in our Senate we do not ratify a Covenant unless we are going to put it into practice immediately. Therefore, I would be faced with the request, "What do you mean by 'gradually'? Five Years, ten years, twenty-five years, a hundred years? And what do you mean by 'due consideration of the economy of the country'? How are we to tell when a country is ready to do this or not to do it?" And I saw the difficulties ahead and therefore India and ourselves could not agree on the form of this wording. Legally binding wording is very much more difficult and particularly in economic and social rights. And so, finally, I came to the conclusion that it would be much better to divide the Covenants. That one was more accustomed to legally phrasing in more countries certain of the political and civil rights. They were older rights, people understood them better. And in more countries you could probably get an agreement. And the others would probably take longer.



Now, the argument against dividing the Covenants was a potent argument. The Soviet Union, for instance, said that if we divided it it meant that we would ratify the civil and political rights much sooner and that the others that they considered more important, would not be ratified for a much longer time, and I am afraid I had to agree that that was probable. But I have always gone on the theory that it was better to go as far as you could go and not stand still, because the minute you stand still you go backwards. And so, I argued that we should make it possible to move at least in one area, and the division of the Covenants was only passed by four votes in the General Assembly. But we did pass it, and so there are two Covenants, one on civil and political rights and one on economic and social rights. And now, these Covenants have been written and are before the General Assembly. I grieve to say that I think they are very poor documents, badly drawn, and I don't know what will happen in the General Assembly but so far they've never been taken up.

MR. LANGER:

I see. The Covenants then have been written and they're before the Assembly, but --

MRS. ROOSEVELT:

They've been written and the Economic and Social Council had no argument about them. They just transmitted them to the General Assembly. But they've never been taken up there as yet.

MR. LANGER:

How long did it take to write them, to draft them?

MRS. ROOSEVELT:

Well, I presented the Declaration and it was passed in December of '48. And we began immediately to work on the Covenants and on measures of implementation. Now these were to be the enforcement machinery in case anybody did not live up to their undertakings. And we found it very difficult to write and it moved slowly. Of course, I'm no longer on the Human Rights Commission and probably on the more recent work you would get more information in talking to Mrs. Lord, who's been the representative ever since I left when the new Administration came in in '53. But I think they finished the Covenants in '57, if I am correct, and nothing has happened on them as yet in the General Assembly.

MR. LANGER:

You said that you felt these were badly drawn documents. What changes would you make if it were up to you?

MRS. ROOSEVELT:

If you read them through you will find (these flaws). You see, great harm was actually done to the drawing of these (Covenants) by the fact that on account of a domestic situation at home - possible submission of an amendment which would have taken away from the President certain rights and the (power to make) certain Executive arrangements that he could make without consultation with the Senate, and made obligatory consultation with the Senate at every step (of treaty negotiations). The fear on the part of the State Department that this might possibly pass made them, I think, make the announcement which they made that we would not present any Covenant for ratification to our Senate, and that was done immediately the very first session that Mrs. Lord sat in. We proposed a plan that every government be asked to promote human rights by themselves under their own laws and that they report to the United Nations at stated intervals on the progress made. Well, anyone new on the Commission, of course, could make this proposal without background knowledge but I happened to remember that this same idea had come up in the very second meeting of the Commission and we had passed on it as being a very good idea, but nothing had ever happened because

of course the very areas of the world where one needed to know most what was going on were not going to be believed. So it just died a natural death and, of course, it has died a natural death all over again now. It never came to anything. So actually nothing was done very much because it (the Commission) had no leadership from us. We had always been very much the leaders in everything that was done and once we said, "Well, we're never going to present this for ratification," nobody paid any attention to us. Why should they? And so, that meant that - Australia tried to lead, Canada a little, but actually you take out the strongest nation and you don't get very far.

MR. LANGER:

Now, is my understanding correct that the United States Government position today is that the Covenant of the Declaration of Human Rights will never be presented?

MRS. ROOSEVELT:

The Government still has never rescinded its original statement by Mr. Dulles that it would not present any treaty for ratification to the Senate. And even, we were in a funny position a few years ago when the International Labor Organization asked us if we would cooperate in revising a treaty on slavery to which we were already signatories. And we said No, we couldn't do that because we couldn't present the new one for ratification.

MR. LANGER:

I'd like to ask you if you could summarize some of the gains that have been made in the field of human rights since the adoption of the Declaration.

MRS. ROOSEVELT:

I think the greatest gain is, curiously enough, many of the things in the Declaration have been incorporated in the constitutions of countries that have gained their freedom since the Declaration was written. And this suddenly has made sections of the Declaration legally binding in many countries of the world, for instance India, Japan, where we wrote the constitution. We incorporated large parts of the Declaration of Human Rights. And many other countries that have gained their freedom have taken sections right out of the Declaration and that has made them legally binding.

The United Nations has translated the Covenant into over forty languages and it has been taught in schools in many areas of the world through the efforts of UNESCO and of other educational agencies. And for the first time many, many people have gained the knowledge that they had certain rights and freedoms and aspirations that they really could strive to achieve. And I think these two things are perhaps the greatest successes that we have from the Declaration.

MR. LANGER:

What are the future plans of the Human Rights Commission? Any other special projects ...?

MRS. ROOSEVELT:

Well, I think they have a hope that they will pass their actual charters some day and they will become legally binding and then they will have to come to an agreement on measures to enforce these, (the Covenants), and I hope they will use more and more the Court at the Hague, the International Court, because it should be used much more than it is. And this is a good field in which to ask that court to function. There are many plans, of course, that they talk about. I don't think until the Covenants are really passed that they will put (into action) any particular plans. They have, of course, at the Secretariat, a permanent group that are always keeping track of what different countries are doing and they edit a book on human rights



and freedoms. And I think there are a good many plans but they're all in the planning stage, nothing very definite has been worked out.

MR. LANGER:

What are your own hopes about the Covenants? Do you feel that they will eventually be adopted, either in this form or in some similar...?

MRS. ROOSEVELT:

I think it will be a long time before we can formulate acceptable Covenants on economic and social gains. But I would feel personally, if I could do what I wanted to do I would scrap the Covenants and keep the Declaration for its moral impact. It's had tremendous moral impact in the world. And I would start in with the simplest kind of a Covenant covering the things that everybody might agree to, perhaps only two or three things to start with, with a provision, an article saying that as we progressed and found wider areas of agreement we would immediately add them. And then I would keep right on working to find those areas of agreement through education, through - I suppose you'd call it propaganda, but I think it's legitimate propaganda - to tell people what they might aspire to. And I would never stop. I would keep right on going until that document grew and covered an adequate amount of human freedoms.

MR. LANGER:

Finally, Mrs. Roosevelt, is there any way that students can help make the Declaration of Human Rights a living document?

MRS. ROOSEVELT:

Well, I really think that the area in which students should function is, first of all they should know the Declaration, which we agreed that we would strive to implement in our own country. And then, students should try to analyze themselves and their own communities and see whether they are living up to the principles of the Declaration. We are the showcase today for democratic procedures as against the Soviet's communist procedures, and I think one of the things our students can do is to show what can be accomplished under democratic procedures in this area of human rights and freedoms. If every one of us in our communities studied the question and lived up to it, I think we'd do an enormous amount towards the winning of the uncommitted areas of the world to a belief that democracy offers certain things that communism cannot offer.

MR. LANGER:

Thank you very much, Mrs. Eleanor Roosevelt.

# UNIVERSAL DECLARATION *of* HUMAN RIGHTS

ON DECEMBER 10, 1948 *the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."*

## PREAMBLE

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

NOW THEREFORE

THE GENERAL ASSEMBLY

*proclaims*

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.



ARTICLE 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

ARTICLE 3 Everyone has the right to life, liberty and security of person.

ARTICLE 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8 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.

ARTICLE 9 No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14 (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15 (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16 (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17 (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

ARTICLE 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20 (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

ARTICLE 21 (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22 Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23 (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26 (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.



ARTICLE 27 (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

ARTICLE 29 (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

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

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30 Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

## Draft International Covenants on Human Rights

THE Human Rights Commission, in the summer of 1954, completed the articles for two draft covenants defining, in one, civil and political rights and in the other economic, social and cultural rights.

The two draft covenants were in preparation since 1948. They will be considered article by article on a priority basis at the tenth session of the General Assembly in 1955. At its ninth session the Assembly, for the first time, embarked on a first reading of the draft covenants. The reading consisted of a general discussion and the submission of amendments and proposals, none of which was discussed in detail.

The resolution eventually adopted by the Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee, invites governments of Member states and non-Members to communicate to the Secretary-General, within six months after the end of the ninth session (before July 1, 1955), any amendments or additions to the drafts or any observations on them. The specialized agencies are invited to communicate observations to the Secretary-General within the same time limit.

The non-governmental organizations concerned with the promotion of human rights, including those in the non-self-governing and trust territories, are invited to stimulate public interest in the draft covenants by all possible means in their respective countries.

The resolution requests the Secretary-General to prepare and distribute to governments, as early as possible, a concise annotation of the texts of the drafts, taking account of the observations made before and

during the ninth session of the Assembly and those made in the Economic and Social Council and in the Commission on Human Rights; to distribute to governments, as soon as they are received, the communications which may be made by governments and by the specialized agencies; and to prepare as a working paper a compilation of all the amendments and proposed new articles.

The two covenants taken together deal with virtually every aspect of the individual's life in society. Examples include the right to work, under good conditions and at fair wages, and to join trade unions; the right of mothers and children to special care; the right to education; the right to life, to freedom from torture, to freedom from slavery, to liberty and security of the person, to fair and equal treatment and recognition before courts; the right to privacy, to freedom of thought, conscience and religion, to freedom of association. The family is recognized as the natural and fundamental group unit of society.

Many differing legal systems, social philosophies, cultural traditions and economic concepts must be reconciled before these rights can be defined, codified and organized into documents of international responsibility having binding legal effect.

When that responsibility is assumed it will be on the broadest scale of international legal protection for the individual yet achieved.

*Reprinted from the United Nations Review, Vol. 1, No. 7, January, 1955*

### A

#### DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

*The States Parties hereto,*

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under responsibility to strive for the promotion and observance of the rights recognized in this Covenant,

Agree upon the following articles:

#### PART I

##### Article 1

1. All peoples and all nations shall have the right of self-determination, namely, the right freely to determine their

political, economic, social and cultural status.

2. All states, including those having responsibility for the administration of Non-Self-Governing and Trust Territories and those controlling in whatever manner the exercise of that right by another people, shall promote the realization of that right in all their territories, and shall respect the maintenance of that right in other States, in conformity with the provisions of the United Nations Charter.

3. The right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other states.

#### PART II

##### Article 2

1. Each State Party hereto undertakes to take steps, individually and through international cooperation, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in this Covenant by legislative as well as by other means.

2. The States Parties hereto undertake to guarantee that the rights enunciated in this Covenant will be exercised 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.

##### Article 3

The States Parties to the Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in this Covenant.

##### Article 4

The States Parties to this Covenant recognize that in the enjoyment of those rights provided by the state in conformity with this Covenant, the state may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

##### Article 5

1. Nothing in this Covenant may be interpreted as implying for any state, group or person, any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in this Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

### PART III

#### Article 6

1. Work being at the basis of all human endeavor, the States Parties to the Covenant recognize the right to work, that is to say, the fundamental right of everyone to the opportunity, if he so desires, to gain his living by work which he freely accepts.

2. The steps to be taken by a State Party to this Covenant to achieve the full realization of this right shall include programs, policies and techniques to achieve steady economic development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

#### Article 7

The States Parties to the Covenant recognize the right of everyone to just and favorable conditions of work, including:

- (a) Safe and healthy working conditions;
- (b) Remuneration which provides all workers as a minimum with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; and
  - (ii) A decent living for themselves and their families; and
- (c) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay.



#### Article 8

The States Parties to the Covenant undertake to ensure the free exercise of the right of everyone to form and join local, national and international trade unions of his choice for the protection of his economic and social interests.

#### Article 9

The States Parties to the Covenant recognize the right of everyone to social security.

#### Article 10

The States Parties to the Covenant recognize that:

1. Special protection should be accorded to motherhood and particularly to maternity during reasonable periods before and after childbirth; and
2. Special measures of protection, to be applied in all appropriate cases, within and with the help of the family, should be taken on behalf of children and young persons, and in particular they should not be required to do work likely to hamper their normal development. To protect children from exploitation, the unlawful use of child labor and the employment of young persons in work harmful to health or dangerous to life should be made legally actionable; and
3. The family, which is the basis of society, is entitled to the widest possible protection. It is based on marriage, which must be entered into with the free consent of the intending spouses.

#### Article 11

The States Parties to the Covenant recognize the right of everyone to adequate food, clothing and housing.

#### Article 12

The States Parties to the Covenant recognize the right of everyone to an adequate standard of living and the continuous improvement of living conditions.

#### Article 13

1. The States Parties to the Covenant, realizing that health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, recognize the right of everyone to the enjoyment of the highest attainable standard of health.

2. The steps to be taken by the States Parties to the Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The reduction of infant mortality and the provision for healthy development of the child;
- (b) The improvement of nutrition, housing, sanitation, recreation, economic and working conditions and other aspects of environmental hygiene;
- (c) The prevention, treatment and control of epidemic, endemic and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

#### Article 14

1. The States Parties to the Covenant recognize the right of everyone to education, and recognize that education shall encourage the full development of the human personality, the strengthening of respect for human rights and fundamental freedoms and the suppression of all incitement to racial and other hatred. It shall promote understanding, tolerance and friendship among all nations, racial, ethnic or religious groups, and shall further the activities of the United Nations for the maintenance of peace and enable all persons to participate effectively in a free society.

2. It is understood:  
(a) That primary education shall be compulsory and available free to all;  
(b) That secondary education, in its different forms, including technical and professional secondary education, shall be generally available and shall be made progressively free;

(c) That higher education shall be equally accessible to all on the basis of merit and shall be made progressively free;

(d) That fundamental education for those persons who have not received or completed the whole period of their primary education shall be encouraged as far as possible.

3. In the exercise of any functions which they assume in the field of education, the States Parties to the Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to choose for their children schools other than those established by the public authorities which conform to such minimum educational standards as may be laid down or approved by the state and to ensure the religious education of their children in conformity with their own convictions.

#### Article 15

Each State Party to the Covenant which, at the time of becoming a party to this Covenant, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of

charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory primary education free of charge for all.

#### Article 16

1. The States Parties to the Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications.

2. The steps to be taken by the States Parties to this Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

### PART IV

#### Article 17

1. The States Parties to this Covenant undertake to submit in conformity with this part of the Covenant reports concerning the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations for the Economic and Social Council;

(b) Any State Party which is also a member of a specialized agency shall at the same time transmit, in respect of matters falling within the purview of that agency, a copy of its report, or relevant extracts therefrom, as appropriate, to that agency.

#### Article 18

1. The States Parties shall furnish their reports in stages, in accordance with a program to be established by the Economic and Social Council after consultation with the States Parties to this Covenant and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under this Covenant.

3. Where relevant information has already previously been furnished to the United Nations or to any specialized agency by any State Party it will not be necessary to reproduce that information but a precise reference to the information so furnished will suffice.

#### Article 19

Pursuant to its responsibilities under the Charter in the field of human rights, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of this Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

#### Article 20

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or as appropriate for information the reports concerning human rights submitted by states, and those concerning human rights submitted by the specialized agencies.

#### Article 21

The States Parties directly concerned and the specialized agencies may submit comments to the Economic and Social Council on any general recommendation under article 20 or reference to such general recommendation in any report of the Commission or any documentation referred to therein.

#### Article 22

The Economic and Social Council may submit from time to time to the General Assembly, with its own reports, reports summarizing the information made available by the States Parties to the Covenant directly to the Secretary-General and by the specialized agencies under article ... indicating the progress made in achieving general observance of these rights.

#### Article 23

The Economic and Social Council may bring to the attention of the international organs concerned with technical assistance or of any other appropriate international organ any matters arising out of the reports referred to in this part of the Covenant which may assist such organs in deciding each within its competence, on the advisability of international measures likely to contribute to the progressive implementation of this Covenant.

#### Article 24

The States Parties to the Covenant agree that international action for the achievement of these rights includes such

methods as conventions, recommendations, technical assistance, regional meetings and technical meetings and studies with governments.

#### Article 25

Nothing in this Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies, which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in this Covenant.

### PART V

#### Article 26

1. This Covenant shall be open for signature and ratification or accession on behalf of any Member state of the United Nations or of any non-Member state to which an invitation has been extended by the General Assembly.

2. Ratification of or accession to this Covenant shall be effected by the deposit of an instrument of ratification or accession with the Secretary-General of the United Nations, and as soon as twenty states have deposited such instruments, the Covenant shall come into force among them. As regards any state which ratifies or accedes thereafter the Covenant shall come into force on the date of the deposit of its instrument of ratification or accession.

3. The Secretary-General of the United Nations shall inform all Members of the United Nations, and other states which have signed or acceded, of the deposit of each instrument of ratification or accession.

#### Article 27

The provisions of the Covenant shall extend to all parts of federal states without any limitations or exceptions.

### B

### DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS

The States Parties hereto,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.

Considering the obligation of states under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under responsibility to strive for the promotion and observance of the rights recognized in this Covenant,

Agree upon the following articles:

### PART I

#### Article 1

1. All peoples and all nations shall have the right of self-determination, namely, the right freely to determine their political, economic, social and cultural status.

2. All states, including those having responsibility for the administration of Non-Self-Governing and Trust Territories and those controlling in whatsoever manner the exercise of that right by another people, shall promote the realization of that right in all their territories, and shall respect the maintenance of that right in other states, in conformity with the provisions of the United Nations Charter.

3. The right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other states.

### PART II

#### Article 2

1. Each State Party hereto undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in this Covenant, without distinction of any kind, such as race, color, sex, language,

#### Article 28

The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan state and to all the territories, be they Non-Self-Governing, Trust or Colonial Territories, which are being administered or governed by such metropolitan state.

#### Article 29

1. Any State Party to the Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendments to the States Parties to the Covenant with a request that they notify him whether they favor a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one-third of the states favors such a conference the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of states present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Such amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the Covenant in accordance with their respective constitutional processes.

3. When such amendments come into force they shall be binding on those Parties which have accepted them, other Parties being still bound by the provisions of the Covenant and any earlier amendment which they have accepted.

religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each state undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of this Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in this Covenant.

3. Each State Party hereto undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To develop the possibilities of judicial remedy and to ensure that any person claiming such a remedy shall have his right thereto determined by competent authorities, political, administrative or judicial;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

#### Article 3

The States Parties to the Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in this Covenant.

#### Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties hereto may take measures derogating from their obligations under this Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the Covenant availing itself of the right of derogation shall inform immediately the other States Parties to the Covenant, through the intermediary of the Secretary-General, of the provisions from which it has derogated, the reasons by which it was actuated and the date on which it has terminated such derogation.

#### Article 5

1. Nothing in this Covenant may be interpreted as implying for any state, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and



freedoms recognized herein or at their limitation to a greater extent than is provided for in this Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any Contracting State pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## PART III

### Article 6

1. No one shall be arbitrarily deprived of his life. Everyone's right to life shall be protected by law.

2. In countries where capital punishment exists, sentence of death may be imposed only as a penalty for the most serious crimes pursuant to the sentence of a competent court and in accordance with law not contrary to the principles of the Universal Declaration of Human Rights or the Convention on the Prevention and Punishment of the Crime of Genocide.

3. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

4. Sentence of death shall not be carried out on a pregnant woman.

### Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation involving risk, where such is not required by his state of physical or mental health.

### Article 8

1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labor;

(b) The preceding sub-paragraph shall not be held to preclude, in countries where imprisonment with hard labor may be imposed as a punishment for a crime, the performance of hard labor in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labor" shall not include:

(i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

iv) Any work or service which forms part of normal civic obligations.

### Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that such court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or deprivation of liberty shall have an enforceable right to compensation.

### Article 10

1. All persons deprived of their liberty shall be treated with humanity.

2. Accused persons shall be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.

3. The penitentiary system shall comprise treatment directed to the fullest possible extent towards the reformation and social rehabilitation of prisoners.

### Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

### Article 12

1. Subject to any general law of the state concerned which provides for such reasonable restrictions as may be necessary to protect national security, public safety, health or morals or the rights and freedoms of others, consistent with the other rights recognized in this Covenant:

(a) Everyone legally within the territory of a state shall, within that territory, have the right to (i) liberty of movement and (ii) freedom to choose his residence;

(b) Everyone shall be free to leave any country, including his own.

2. (a) No one shall be subjected to arbitrary exile;

(b) Subject to the preceding sub-paragraph, anyone shall be free to enter his own country.

### Article 13

An alien lawfully in the territory of a State Party to the Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by and be represented for the purpose before the competent authority or a person or persons especially designated by the competent authority.

### Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and public may be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the Court in special circumstances where publicity would prejudice the interest of justice; but any judgment rendered in a criminal case or in a suit at law shall be pronounced publicly except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offense shall have the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly in a language which he understands and in detail of the nature and cause of the accusation against him;

(b) To have adequate time and facilities for the preparation of his defense;

(c) To defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case where he does not have sufficient means to pay for it;

(d) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(f) Not to be compelled to testify against himself, or to confess guilt.

3. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

4. In any case where by a final decision a person has been convicted of a criminal offense and where subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly-discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

### Article 15

1. No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offense was committed. If, subsequently to the commission of the offense, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

### Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

### Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, home or correspondence, nor to unlawful attacks on his honor and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

### Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to maintain or to change his religion, or belief, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to maintain or to change his religion or belief.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

### Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in the foregoing paragraph carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall be such only as are provided by law and are necessary, (1) for respect of the rights or reputations of others, (2) for the protection of national security or of public order, or of public health or morals.

### Article 20

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

### Article 21

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of this right by members of the armed forces or of the police.

3. Nothing in this article shall authorize States Parties to the International Labor Convention of 1948 on Freedom of Association and Protection of the Right to Organize, to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

### Article 22

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. The legislation of the States Parties to this Covenant shall be directed towards equality of rights and responsibilities for the spouses as to marriage, during marriage and at its dissolution. In the last-mentioned case the law shall lay down special measures for the protection of any children of the marriage.

### Article 23

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 of this Covenant and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) Of access, on general terms of equality, to public service in this country.

### Article 24

All persons are equal before the law. The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

### Article 25

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

### Article 26

Any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence shall be prohibited by the law of the state.

## PART IV

### Article 27

1. There shall be established a Human Rights Committee (hereinafter referred to as "the Committee"). It shall consist of nine members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the Covenant who shall be persons of high moral standing and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having a judicial or legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

### Article 28

1. The members of the Committee shall be elected from a list of persons possessing the qualifications prescribed in article 27 and nominated for the purpose by the States Parties to the Covenant.

2. Each State Party to the Covenant shall nominate at least two and not more than four persons. These persons may be nationals of the nominating State or of any other State Party to the Covenant.

3. A person shall be eligible to be re-nominated.

### Article 29

1. At least three months before the date of each election of the Committee, other than an election to fill a vacancy declared in accordance with article 33, the Secretary-General of the United Nations shall address a written request to the States Parties to the Covenant inviting them to submit their nominations within two months.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, and shall submit it to the International Court of Justice and to the States Parties to the Covenant.

3. The Secretary-General of the United Nations shall request the International Court of Justice to fix the time of elections for members of the Committee and to elect such members from the list referred to in the preceding paragraph and in accordance with the conditions set out in this part of the Covenant.

### Article 30

1. The Committee may not include more than one national of the same state.

2. In the election of the Committee consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization.

3. The quorum laid down in article 25, paragraph 3, of the Statute of the International Court of Justice shall apply for the holding of the election.

4. The persons elected shall be those who obtain the largest number of votes and an absolute majority of the votes of all the members of the International Court of Justice.

### Article 31

1. The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if renominated. However, the terms of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the President of the International Court of Justice.



2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of this Covenant.

#### Article 32

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall then declare the seat of such member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

#### Article 33

1. When a vacancy is declared in accordance with article 32 the Secretary-General of the United Nations shall notify each State Party to the Covenant, which may, if it is necessary, within one month, with a view to election to the vacant seat on the Committee, complete its list of available nominees to four persons.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the International Court of Justice and the States Parties to the Covenant. The election for the vacancy shall then proceed in accordance with articles 29 and 30.

3. A member of the Committee elected to replace a member whose term of office has not expired, shall hold office for the remainder of that term. Provided that if such term of office will expire within six months after declaration of the vacancy in accordance with article 32, no nomination shall be requested and no election shall be held to fill that vacancy.

#### Article 34

1. Subject to the provisions of article 32 a member of the Committee shall remain in office until a successor has been elected. But if the Committee has, prior to the election of his successor, begun to consider a case, he shall continue to act in that case, and his successor shall not act in it.

2. A member of the Committee elected to fill a vacancy declared in accordance with article 32 shall not act in any case in which his predecessor had acted, unless the quorum provided in article 39 cannot be obtained.

#### Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide having regard to the importance of the Committee's responsibilities.

#### Article 36

1. The Secretary of the Committee shall be a high official of the United Nations, elected by the Committee from a list of three names submitted by the Secretary-General of the United Nations.

2. The candidate obtaining the largest number of votes and an absolute majority of the votes of all the members of the Committee shall be declared elected.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the Committee and its members; the staff shall be part of the United Nations Secretariat.

#### Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet:

(a) At such times as it deems necessary;

(b) When any matter is referred to it under article 40;

(c) When convened by its Chairman or at the request of not less than five of its members.

3. The Committee shall meet at the Headquarters of the United Nations or at Geneva.

#### Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will exercise his powers impartially and conscientiously.

#### Article 39

1. The Committee shall elect its Chairman and Vice-Chairman for the period of one year. They may be re-elected. The first Chairman and the first Vice-Chairman shall be elected at the initial meeting of the Committee.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Seven members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present; if the votes are equally divided the Chairman shall have a casting vote;

(c) If a state refers a matter to the Committee under article 40,

(i) Such state, the state complained against, and any State Party to this Covenant whose national is concerned in such matter may make submissions in writing to the Committee;

(ii) Such state and the state complained against shall have the right to be represented at the hearing of the matter and to make submissions orally;

(d) The Committee shall hold hearings and other meetings in closed session.

#### Article 40

1. If a State Party to the Covenant considers that another State Party is not giving effect to a provision of the Covenant, it may, by written communication, bring the matter to the attention of that state. Within three months after the receipt of the communication, the receiving state shall afford the complaining state an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to domestic procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both Parties within six months after the receipt by the receiving state of the initial communication, either state shall have the right to refer the matter to the Committee, by notice given to the Secretary of the Committee, and to the other state.

3. Subject to the provisions of article 41 below, in serious and urgent cases the Committee may, at the request of the complaining state, deal expeditiously with the matter on receipt of that request in accordance with the powers conferred on it by this part of the Covenant, and after notifying the states concerned.

#### Article 41

Normally, the Committee shall deal with a matter referred to it only if available domestic remedies have been invoked and exhausted in the case. This shall not be the rule where the application of the remedies is unreasonably prolonged.

#### Article 42

In any matter referred to it the Committee may call upon the states concerned to supply any relevant information.

#### Article 43

1. Subject to the provisions of article 41, the Committee shall ascertain the facts and make available its good offices to the states concerned with a view to a friendly solution of the matter on the basis of respect for human rights as recognized in this Covenant.

2. The Committee shall in every case, and in no event later than eighteen months after the date of receipt of the notice under article 40, draw up a report which will be sent to the states concerned and then communicated to the Secretary-General of the United Nations for publication.

3. If a solution within the terms of paragraph 1 of this article is reached the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached the Committee shall draw up a report on the facts and state its opinion as to whether the facts found disclose a breach by the state concerned of its obligations under the Covenant. If the report does not represent in whole or in part the unanimous opinion of the members of the Committee, any member of the Committee shall be entitled to attach to it a separate opinion. The written and oral submissions made by the parties to the case in accordance with article 39, paragraph 2 (c), shall be attached to the report.

#### Article 44

The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter of which the Committee is seized.

#### Article 45

The Committee shall submit to the General Assembly, through the Secretary-General of the United Nations, an annual report on its activities.

#### Article 46

The States Parties to this Covenant agree that any State Party complained of or lodging a complaint may, if no solution has been reached within the terms of article 43, paragraph 1, bring the case before the International Court of Justice after the report provided for in article 43, paragraph 3, has been drawn up.

#### Article 47

The provisions of this Covenant shall not prevent the States Parties to the Covenant from submitting to the International Court of Justice any dispute arising out of the interpretation or application of the Covenant in a matter within the competence of the Committee.

#### Article 48

1. The States Parties to this Covenant, including those who are responsible for the administration of any Non-Self-Governing Territory undertake to submit reports annually to the Committee on the measures taken by them to meet the obligations set forth in article 1 of this Covenant.

2. The States Parties to this Covenant who are responsible for the administration of any Non-Self-Governing Territory, undertake through elections, plebiscites or other recognized democratic means, preferably under the auspices of the United Nations, to determine the political status of such territory, should the Committee make a proposal to that effect and such proposal be adopted by the General Assembly. Such decision shall be based on evidence of the desire of the inhabitants of such territory as expressed through their political institutions or parties.

3. The States Parties to this Covenant shall report to the Committee any violation of the right laid down in paragraph 3 of article 1.

### PART V

#### Article 49

1. The States Parties to this Covenant undertake to submit a report on the legislative or other measures, including judicial remedies, which they have adopted and which give effect to the rights recognized herein (a) within one year of the entry into force of the Covenant for the state concerned and (b) thereafter whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

2. Reports shall indicate factors and difficulties, if any, affecting the progressive implementation of article 22, paragraph 4, of this Covenant.

3. All reports shall be submitted to the Secretary-General of the United Nations for the Economic and Social Council which may transmit them to the Commission on Human Rights for information, study and, if necessary, general recommendations.

4. The specialized agencies shall receive such parts of the reports concerning the rights as fall within their respective fields of activity.

5. The States Parties directly concerned, and the above agencies may submit to the Economic and Social Council observations on any general recommendation that may be made in accordance with paragraph 3 of this article.

#### Article 50

Nothing in this Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies, which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in this Covenant.

### PART VI

#### Article 51

1. The Covenant shall be open for signature and ratification or accession on behalf of any Member state of the United Nations or of any non-Member state to which an invitation has been extended by the General Assembly.

2. Ratification of or accession to this Covenant shall be effected by the deposit of an instrument of ratification or accession with the Secretary-General of the United Nations, and as soon as twenty states have deposited such instruments, the Covenant shall come into force among them. As regards any state which ratifies or accedes thereafter the Covenant shall come into force on the date of the deposit of its instrument of ratification or accession.

3. The Secretary-General of the United Nations shall inform all Members of the United Nations, and other states which have signed or acceded, of the deposit of each instrument of ratification or accession.

#### Article 52

The provisions of the Covenant shall extend to all parts of federal states without any limitations or exceptions.

#### Article 53

The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan state and to all the territories, be they Non-Self-Governing, Trust, or Colonial Territories, which are being administered or governed by such metropolitan state.

#### Article 54

1. Any State Party to the Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendments to the States Parties to the Covenant with a request that they notify him whether they favor a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one-third of the States favors such a conference the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of states present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Such amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the Covenant in accordance with their respective constitutional processes.

3. When such amendments come into force they shall be binding on those Parties which have accepted them, other Parties being still bound by the provisions of the Covenant and any earlier amendment which they have accepted.



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