RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation recognizing and promoting the human right to a basic income; and

FURTHER RESOLVED, That the American Bar Association urges all levels of government to recognize in both policy and resource allocation the human right to a basic income.
One of the ABA’s stated goals is to advocate “for just laws, including human rights . . . .”\(^1\) The ABA has demonstrated its commitment to this goal through its consistent creation of, and advocacy for, key human rights policies. For example, the ABA House of Delegates has approved resolutions supporting:

- The right to adequate food and nutrition;\(^2\)
- The right to adequate housing;\(^3\) and
- The funding of income assistance programs at a level required to meet the need for the basic essentials of life.\(^4\)

This resolution and report asks the ABA to build upon these existing policies by urging all levels of government to recognize and promote the human right to a basic income. We define “basic income” as the income needed for a person to afford housing, food, healthcare where not publicly provided, and other fundamental life necessities. Similarly, the Universal Declaration of Human Rights includes the human right to an “adequate standard of living for the health and wellness of himself and his family . . . .”\(^5\) Yet over 70 years later, these human rights have not been realized for many Americans.

The United States has long struggled to establish a decent standard of living for all. In Franklin D. Roosevelt’s 1944 State of the Union address, he recognized the need for a “Second Bill of Rights” to address economic security.\(^6\) In the President’s words, “We cannot be content . . . if some fraction of our people — whether it be one-third or one-fifth or one-tenth — is ill-fed, ill-clothed, ill-housed, and insecure.”\(^7\) The Second Bill of Rights included “[t]he right to earn enough to provide adequate food and clothing and recreation . . . .”\(^8\)

Simply put, working households in the United States are not immune from poverty.\(^9\) Workers in the bottom fifty percent have not experienced a real raise since 1980.\(^10\) Crafting legislation and creating programs to advance a basic income is a necessary step so that individuals can afford necessities like food, clothing, and shelter for themselves

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\(^2\) ABA House Report 14M107; ABA House Report 86A116A.

\(^3\) ABA House Report 13A117.

\(^4\) ABA House Report 92A122.


\(^6\) Franklin D. Roosevelt, State of the Union Message to Congress (Jan. 11, 1944).

\(^7\) Id.

\(^8\) Id.


and their families. The ABA can advocate on a national scale for implementation of legislation and programs that promote the human right to a basic income.

This report will summarize several ways for government to promote a basic income as defined above. The intent is to outline several methods to realize the human right of basic income for all. The ABA is not being asked to endorse these options. They are merely illustrative of the kinds of devices that may be employed to achieve the goal of basic income. This report does not find any one option determinative and acknowledges that it will likely be a combination of two or more of these strategies, or others yet to be devised, that will achieve this goal. First, the report will discuss federal, state, and local minimum wage laws. Next, it will discuss the related concept of a living wage. Finally, the report will delve into the trending topics of a “universal basic income” and federal job guarantees.

I. Minimum wages and living wages

The minimum wage is one tool governments may utilize to promote a basic income. This section of the report will briefly summarize the development of minimum wage laws in the United States, discuss current legislation, and address challenges faced.

A. The development of minimum wage laws

When President Franklin D. Roosevelt entered office, he promised Americans a new way of life in the form of the New Deal. One area of domestic policy he addressed was fair labor and wage practices through the Fair Labor Standards Act of 1938 (the “FLSA”). The FLSA banned oppressive child labor laws and set the minimum hourly wage at 25 cents and the maximum work week at 44 hours. In addition to establishing the first federal minimum wage, the FLSA also mandated overtime pay and recordkeeping requirements.

Forty-five states, the District of Columbia, Guam, the Virgin Islands, and Puerto Rico have implemented their own minimum wages. In jurisdictions where there is a state and a federal minimum wage, the higher of the two applies. The District of Columbia currently has the highest minimum wage at $13.25 per hour. As of the time of this report’s submission, there were more than 700 bills pending in state legislatures to increase state minimum wages. In the past several years, counties and municipalities have also become

\[\text{References}\]

12 Id.
15 Id.
laboratories for minimum wage policy. According to the U.C. Berkeley Labor Center, before 2012, only five localities had minimum wage laws, but now more than 40 do.\textsuperscript{16}

\textbf{B. Challenges faced}

The growing interest in minimum wage legislation on the local level is likely due to the modest minimum wage increases on the federal level. It is widely recognized that the U.S. federal minimum wage has failed to keep pace with inflation.\textsuperscript{17} The last federal minimum wage hike occurred in 2009 when Congress increased the minimum wage from $6.55 to $7.25. Although the real value of today’s minimum wage is less than what it was from 1961 to 1981, any increase helps stimulate the economy.\textsuperscript{18} The latest federal minimum wage increase boosted consumer spending by $8.6 billion during the 2009 recession, when the economy needed it most.\textsuperscript{19}

A full-time minimum-wage worker earns about $15,000, which is close to the already artificially low poverty threshold for a family of two.\textsuperscript{20} A 2016 Congressional Budget Office report revealed that a bump in the federal minimum wage from $7.25 to $10.10 could have a significant impact on low-income families.\textsuperscript{21} This increase would raise average family incomes below the formal poverty line by 2.8 percent and would cut the number of people living in “official” poverty by 900,000.\textsuperscript{22} Given that this increase would still not constitute a living wage and, in most places, would fail to pull a family out of poverty, an even stronger approach would be to index the minimum wage to wages, so as workers in the overall economy gain, so do the lowest-wage workers.\textsuperscript{23}

Opponents of minimum wage increases argue that an increase nationally could result in a decrease in jobs because employers might demand less labor.\textsuperscript{24} Moreover, less labor could result in an increase in the cost of goods.\textsuperscript{25} While there is significant evidence refuting these positions, the more important point is that sub-poverty jobs violate basic human rights guarantees and should never be tolerated in any democracy.\textsuperscript{26}


\textsuperscript{17} ROBERT POLLIN & STEPHANIE LUCE, THE LIVING WAGE: BUILDING A FAIR ECONOMY 32 (1998).

\textsuperscript{18} KAI FILION, THE MINIMUM WAGE HELPS LOW-INCOME WORKERS, IN THE MINIMUM WAGE: OPPOSING VIEWPOINTS 20, 23 (Noah Berlatisky ed., 2012).

\textsuperscript{19} Id. at 23.

\textsuperscript{20} Id. at 24.


\textsuperscript{22} Id.

\textsuperscript{23} Filion, supra note 18, at 24.

\textsuperscript{24} Stone, supra note 21; POLLIN & LUCE, supra note 17, at 11.

\textsuperscript{25} Stone, supra note 21; POLLIN & LUCE, supra note 17, at 11–12.

It is worth noting as well that once a wage floor is set and properly enforced, it is no longer a market disadvantage to meet that standard, given that all business competitors are doing so. This eliminated market disadvantage also applies to the increased cost of goods. And if a business is not able to run despite the lack of a market disadvantage, then our policy must be that it cannot continue to exist at the cost of systemic human rights violations and impoverishment of people in the United States.

The greater challenge is when states engage in a race to the bottom to create market disadvantages for sister states, which argues in favor of a federal floor. Even in those instances, however, the evidence suggests state residents fail to benefit in the longer term from exploitive business practices and the overall local economy suffers. Other arguments for a global race to the bottom have no merit, given that other countries’ markets pay comparative wages that are so low that any real effort to undercut or meet them is unquestionably absurd. Yet, despite, for example, Mexico’s degraded labor conditions in the tomato industry and very low wages (far under the U.S. minimum wage), Florida tomatoes – a sector that pays one of the highest wages in farm work and has the best conditions due to the Fair Food Program – is competitive. In practice, the “race to the bottom” arguments have not been borne out.

As of the submission date of this report, there were nine bills pending in Congress to increase the federal minimum wage.

C. What is a “living wage?”

The concept of a “living wage” is often intertwined with discussions of federal, state, and city minimum wage legislation. The fundamental premise of a living wage is that anyone who works for a living should not have to raise a family in poverty and should be able to meet their basic needs. Arguments against a living wage often echo the debate over legislated minimum wages—namely, employment effects. Critics raise the same concerns about the new wage floor pricing unskilled workers out of the market in which they are competing for jobs. Despite these concerns, firms also receive benefits when they pay their employees a living wage. For instance, the firm will likely experience reduced turnover, improved work quality, better cooperation with management, more flexibility in the operations of the business, and higher morale overall.
Of course, the direct benefits to the worker are numerous. A true living wage provides a low-income family increased spending power, access to better health care, and reduced reliance on government subsidies.\textsuperscript{32} A living wage also provides greater access to bank loans and other forms of credit.\textsuperscript{33} In addition, there is the incalculable benefit of the dignity that a person experiences when earning a dollar of income rather than being granted a dollar of government subsidies.”\textsuperscript{34} Higher incomes for low-wage workers and their families can also prompt community spillover effects, such as more spending at local businesses, increased homeownership rates, and opportunities for business investments by residents.\textsuperscript{35} In terms of future benefits, studies consistently show that the conditions into which a child is born are highly determinative of his or her future economic well-being,\textsuperscript{36} and in fact in the immediate term higher income reduces child neglect significantly.\textsuperscript{37}

Finally, a living wage has significant public health impacts and therefore also protects the right to health.\textsuperscript{38} Not only does it reduce unmet medical needs, studies show that increases in wages up to a living wage also reduce smoking, decrease low birth weight babies, lower teen alcohol abuse and teen pregnancy rates, and decrease premature death. (Possibly up to 1 in 12 such deaths could be avoided with decent wages, according to a New York City based study).\textsuperscript{39} Alleviating grinding poverty has a multitude of positive human rights impacts. For all of these reasons, a living wage for American families will unquestionably have benefits for generations to come and has the promise of rescuing our country from the current crisis of confidence in the fairness and basic legitimacy of our economic and social systems.

\textbf{II. Universal basic income}

A universal basic income is yet another tool that, if properly implemented, could help eradicate poverty. A “universal basic income” differs from a minimum wage or a living wage. A universal basic income has the following features: (1) is not based upon employment, income, or means; (2) directly transfers money on an individual basis; (3) is issued consistently over a long period of time; (4) is sufficient to cover basic needs and expenses; and (5) is issued to everyone within the jurisdiction of the issuer.\textsuperscript{40} The following sections of the report will discuss the history behind universal basic income and offer some examples of contemporary programs.

\textsuperscript{32} Id. at 141.
\textsuperscript{33} Id.
\textsuperscript{34} Id.
\textsuperscript{35} Id. at 161.
\textsuperscript{37} https://www.nytimes.com/interactive/2019/02/21/magazine/minimum-wage-saving-lives.html
\textsuperscript{38} Id.
\textsuperscript{39} Id.
A. The history of universal basic income programs

While never implemented as a permanent program in the United States, advocacy for a system of universal unconditional cash transfer and universal basic income has roots in the founding era of the nation and has evolved and continued throughout the history of the country, finding support from people across the political spectrum. Thomas Paine, author of *Common Sense* and a powerful proponent of the American Revolution and democracy, first advocated for a “national fund,” from which every person would receive 15 pounds upon his or her twenty-first birthday, and ten pounds per year to every person 50 years and older, “as a compensation in part, for the loss of his or her natural inheritance, by the introduction of the system of landed property.” Thomas Paine, *Agrarian Justice* (1797), available at https://www.ssa.gov/history/paine4.html. Paine suggested this fund be created from a form of inheritance tax, as it puts the least imposition on the late and current property owner. Paine’s idea was an early inspiration for the Social Security system.

Martin Luther King, Jr. also advocated for a “guaranteed annual income” as a tool to fight poverty and disparities in wealth between the white community, which held disproportionately high amounts of wealth, and communities of color, which held—and still hold—disproportionately lower amounts of wealth. Martin Luther King, Jr., Where Do We Go From Here?, Address at the Eleventh Annual SCLC Convention (Aug. 16, 1967) (transcript available at http://kingencyclopedia.stanford.edu/encyclopedia/documentsentry/where_do_we_go_from_here_delivered_at_the_11th_annual_sclc_convention.1.html). King believed a guaranteed income would allow the economy to grow, and that poverty would cease to exist if guaranteed income could be implemented in the United States. King spoke on the psychological benefits of such a program, noting, “The dignity of the individual will flourish when the decisions concerning his life are in his own hands, when he has the assurance that his income is stable and certain, and when he knows that he has the means to seek self-improvement.”

President Richard Nixon, in his first year as president, pursued passage of a bill that would provide families of four with $1,600 (or about $11,000 in 2019 dollars) per year. Prior to attempted bill passage, various jurisdictions across America ran studies and trials to test the effects and feasibility of such programs (Notable among them were Seattle and Denver, the effects of which will be explored later in this report.). These trials reported that decrease in work was small among families receiving guaranteed income, and that similar programs were sufficiently affordable as to be effective and solvent. Unlike modern conceptions of universal basic income, however, Nixon’s proposal was need-

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42 Id.
43 Martin Luther King, Jr., Where Do We Go From Here?, Address at the Eleventh Annual SCLC Convention (Aug. 16, 1967) (transcript available at http://kingencyclopedia.stanford.edu/encyclopedia/documentsentry/where_do_we_go_from_here_delivered_at_the_11th_annual_sclc_convention.1.html).
44 Id.
45 Id.
47 Id.
48 Id.
49 Id.
based, and required any beneficiaries currently unemployed to register with the U.S. Department of Labor.\textsuperscript{50} The plan received support from adviser (and future U.S. Senator) Daniel Patrick Moynihan, and from over 1,000 economists, including the renowned John Kenneth Galbraith \textsuperscript{51} in the form of a signed letter published in the \textit{New York Times}\textsuperscript{52} written by Galbraith, James Tobin, Robert Lampman, Paul Samuelson, and Harold Watts.\textsuperscript{53} Though the bill passed in the House, it failed in the Senate and was never enacted.

\textbf{B. Universal basic income programs today}

In recent years, universal basic income has seen a resurgence of popularity in political discussion and popular opinion, finding support across the ideological spectrum. Progressives and Libertarians alike have voiced support of universal basic income, as have activists, intellectuals, and even the technological entrepreneurs of California’s Silicon Valley.\textsuperscript{54} The State of Hawaii has enacted legislation to create a study on the effects of universal basic income,\textsuperscript{55} and Stockton, California Mayor Michael Tubbs has launched a universal basic income there to study the effectiveness of guaranteed income in combatting job loss and economic stagnation.\textsuperscript{56} On the national level, universal basic income has gained traction among elected officials and candidates for office. Given its resurgence in popularity and serious consideration by officeholders and candidates, it appears likely that universal basic income will remain a focal point in public policy and legislation for years to come.

Though no nation, locality, or jurisdiction has implemented a program that has met all universal basic income program criteria, several partial or temporary programs have been implemented. Most notable among these are the Alaska Permanent Fund,\textsuperscript{57} the Eastern-Band Cherokee casino funded dividend program, and the Seattle and Denver tests conducted in the mid-twentieth century to examine viability of a nationwide universal basic income.\textsuperscript{58} Alaska’s fund, which draws funds from state investment in oil extraction revenues, provides a yearly stipend to all those residing in Alaska, but falls far short of

\begin{itemize}
  \item 50 Id.
  \item 51 Id.
  \item 53 Bregman, \textit{supra} note 46.
  \item 54 Id.
\end{itemize}
covering an individual’s basic needs, providing only $2,072 per person per year at its peak.\(^{59}\) The Seattle and Denver test programs were structured to provide enough to cover basic living expenses (a baseline of $3,800 annually in 1971 U.S. dollars\(^{60}\)), but the programs targeted only low-income families who were selected randomly and continued over only five years.\(^{61}\) With larger payments, but on a smaller scale, the Eastern Band Cherokee dividend program utilized revenue from a newly opened casino to provide monetary payments to all tribal members beginning in the early 1990’s.\(^{62}\) These payments have increased over time as the casino operation expanded, starting from $6,000 at the program’s inception to around $12,000 per year in 2016.\(^{63}\) Studies have shown that the casino payments had significantly benefited tribal youth, both in mental health and education metrics.\(^{64}\) Recent universal basic income experiments have been instituted in many locations, including Kenya and Finland.\(^{65}\) A recent experiment in Kenya has been met with interest and hope from universal basic income enthusiasts, who hope the privately funded effort to provide Kenyans with approximately $22 per month will prove the economic success and political viability of universal basic income in the twenty-first century.\(^{66}\) Finland’s experiment,\(^{67}\) focusing expressly on jobless individuals and originally hoped by many to be a precursor to a universal basic income program, has faced criticism for poor implementation and a scale-back as less sympathetic political parties came into the majority.\(^{68}\) Other nations, including the Netherlands and Canada, are in the early phases of experimentation.\(^{69}\)

**C. Universal basic income’s potential effects on employment**

Some critics of universal basic income say that a guaranteed minimum income will create a disincentive to work. However, studies of universal basic income implementation show no, or a slight decline, in total work among recipients. A Roosevelt Institute study examining the effects of the Alaska Permanent Fund, Seattle/Denver Income Experiment (SIME/DIME), and the Eastern Band of Cherokee’s casino-funded dividend program

\(^{59}\) Id.; Matthews, supra note 57.

\(^{60}\) U.S. DEP’T OF HEALTH & HUMAN SERV., supra note 58.

\(^{61}\) Id.


\(^{63}\) Id.


\(^{65}\) Bregman, supra note 46.


\(^{69}\) Id.; see also Goodman, supra note 67.
found that there was no statistically significant effect on employment in either the Alaska or Cherokee program.\textsuperscript{70}

The SIME/DIME experiment, which only targeted randomly selected low-income individuals, and therefore was not truly “universal” in nature, was the only program to sufficiently cover basic needs. Under the SIME/DIME experiment, there was a 4-4.6% reduction in employment, and a 7.4% drop in earnings for recipients, which could be significant if the program were implemented nationwide.\textsuperscript{71} With automation poised to cut workers from the job market, a universal basic income could provide needed protection. It is worth noting as well that a universal basic income can also be a tool to recognize unpaid work. Unpaid work, often caretaking work, disproportionately falls to women.\textsuperscript{72} Caretakers unable to participate in formal employment because they are providing childcare, eldercare, or attending the sick and disabled in their families and communities, are in fact working. A universal basic income has the potential to alleviate the unjust nature of work roles that are assigned largely by gender and remain uncompensated in the formal economy.

\textbf{D. Preservation of workers’ rights and human employment}

Many economists, business leaders, and labor advocates forecast an impending change in the dynamics of labor and employment in America. The increase in independent contracting and emergence of the “gig economy” lead many labor advocates to fear the undermining of workers’ rights.\textsuperscript{73} The increasing use of artificial intelligence and machine learning has caused some economists and business leaders to predict a break from past cycles of automation and instead lead to automation of large percentages of work in middle-income and mid-quality jobs.\textsuperscript{74} Some fear that 47% of all American jobs face “high risk” of automation.\textsuperscript{75} While automation may create some new, better jobs, some fear this will lead to rising unemployment, as well as negative economic and social fallout.\textsuperscript{76}

In response to these threats, some advocates have suggested unconventional methods of protecting workers’ rights and incentivizing human employment. One such method is reducing the cost of human employment through shifting the responsibility to provide certain worker benefits from employers to a larger source, namely, governments.\textsuperscript{77} Universal basic income could serve in this capacity to shift the costs of minimum wage increases from employers by ensuring that every worker’s basic living expenses are

\textsuperscript{70} MARINESCU, supra note 40, at 6.
\textsuperscript{71} Id.
\textsuperscript{75} Id. at 38.
\textsuperscript{76} ESTLUND, supra note 73, at 18.
\textsuperscript{77} Id. at 14.
covered through a universal basic income program. This, or alternatives including a guaranteed minimum income, would both serve to ensure businesses could not skirt minimum wage regulations through contracting, and lower the cost of employing humans rather than machines.78


The civil rights movement recognized the centrality of a federal jobs guarantee to racial and other equality, calling for a guarantee in 1966 in the Freedom Budget.79 Today, major think tanks have explored and embraced some form of this option including the Center for American Progress,80 Brookings Institution,81 and the Levy Economics Institute.82 A federal jobs guarantee that assures every U.S. resident a job at a fair wage with decent benefits is a simple, elegant solution to many problems. It would effectively set a wage floor for private-sector jobs as well as raise the floor on decent working conditions.83 It would simultaneously address the enforcement crisis in low-wage work places described below.84 And a federal jobs guarantee could help address ongoing discrimination in access to jobs, including by eliminating barriers for those with criminal records.85

Jobs are the primary way people generate basic income for themselves and their families. They also enable many of us to participate in work that contributes to our communities and society. While all labor has dignity, not all jobs offer dignified conditions or a decent wage. Most alarmingly, the spread of precarious low-wage work in our country continues to accelerate.86

Although official unemployment is currently low, over 40% of jobs offer less than $15 an hour, a rate too low to afford adequate housing in most cities, and workplace conditions in low-wage labor are often dangerous, abusive, and unstable, with work hours erratic at best.87 Indeed, low-wage workplaces are sometimes lawless in practice. For example, up

78 Id. at 47.
84 Id.
85 Id. at 2.
to two-thirds of workers see their wages stolen every week without repercussions in that their employers refuse to pay wages legally due and workers have no practical recourse when wages are “stolen” in this way.\(^8\) Also, millions of people who want to work are underemployed, incarcerated, or have dropped out of the labor force (and are thus not counted in statistics), and black unemployment is almost twice the rate of white unemployment.\(^9\)

Furthermore, persistent discrimination in employment by race, combined with the millions of blacks and Latinos who have been unjustly and disproportionately incarcerated and face the barrier of criminal convictions while seeking a job, makes a federal jobs guarantee a tool that promotes racial equity as well. There is evidence that the perpetual joblessness crisis in many black and brown communities is a key driver of crime and instability.\(^10\) Moreover, regardless of racial or gender demographic, for those without a college degree, the picture is bleak. For example, in 2016, one in six men in the prime work years (between 25 and 54) was unemployed.\(^11\)

We also cannot ignore that chronic unemployment in our current system is structural. The Federal Reserve is bound by a Congressional mandate to manipulate monetary policy to create unemployment for the sake of containing inflation.\(^12\) Full employment is defined at being in practice at about 4.5%.\(^13\) The current low unemployment rate of 3.9%, ironically, presents a problem for the Federal Reserve: reaching the “sweet spot of full capacity” means accelerating wage inflation and denting profits for industry.\(^14\) In short, rather than a job guarantee, our policy framework guarantees a significant level of joblessness.

\(^13\) Id.  
\(^14\) Id.; See also J.W. Mason, Jacobin, The Fed Doesn’t Work for You, ¶ 19-21 (Jan. 6, 2016) https://www.jacobinmag.com/2016/01/federal-reserve-interest-rate-increase-janet-yellen-inflation-
In addition to addressing deep and structural problems currently posed by our labor system, federal jobs potentially bring a range of other social benefits. As economists Robert Pollin, Heidi Garret Peltier, and Jeannette Wicks Lim noted in a study of a New York State proposal on government-created green jobs, for example:

“Direct effects—the jobs created, for example, by retrofitting buildings to make them more energy efficient or building wind turbines;

Indirect effects—the jobs associated with industries that supply intermediate goods for the building retrofits or wind turbines, such as lumber, steel, and transportation;

Induced effects—the expansion of employment that results when people who are paid in the construction or steel industries spend the money they have earned on other products in the economy.”

Estimates of the costs of a federal jobs guarantee vary, but even on the high end, the benefits justify the cost. Economists Mark Paul, William Darity, Jr., and Darrick Hamilton estimate that such a program would employ 13 million people at a cost of $543 billion a year. This amount is less than the country’s military budget (which is about 16% of the total federal budget), and the costs would be lower in the larger scheme, given that tax revenue would increase, and public spending on Medicaid, food assistance, and other needs-based social welfare programs would decrease. These economic benefits would be in addition to the lower financial and human costs driven by joblessness, such as crime and addiction.

A federal jobs guarantee comes close to ensuring the right to a basic income universally, and it is currently included as a proposal in the Green New Deal proposed by Representative Alexandria Ocasio-Cortez (NY). It is also an approach shaped by the human rights principle of equity as it directs resources to those in greater need and also increases racial equity in employment. While it would have to be paired with a strategy to meet the needs of those unable to work (to achieve full universality), it would immediately reach communities facing the worst conditions and provide a dignified life for all able to work. As a result, it would powerfully ensure the well-being, human rights, dignity and social inclusion of our most vulnerable communities.

IV. Conclusion
A commitment to the protection and preservation of human rights has long been one of the American Bar Association’s goals. By recognizing the human right to a basic income, the ABA has the power to help American workers attain security and dignity in their work. Whether this goal is met by supporting increased minimum wage legislation, urging the development of a federal jobs guarantee, or other means, the ABA has a pivotal role to play to support and encourage implementing a basic income for all working Americans through law.

Respectfully submitted,

Wilson Adam Schooley
Chair, Section of Civil Rights & Social Justice
August 2019

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98 See supra note 1.
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GENERAL INFORMATION FORM

Submitting Entity: ABA Section on Civil Rights and Social Justice

Submitted By: Wilson Adam Schooley, Chair, Section on Civil Rights and Social Justice

1. **Summary of Resolution(s).** The Resolution urges state, local and federal governments to enact legislation recognizing and furthering the right of all individuals to a basic income.

2. **Approval by Submitting Entity.** The Council of the Section of Civil Rights and Social Justice approved sponsorship of the Resolution during its Spring Meeting on Friday, April 12, 2019.

   The Commission on Domestic and Sexual Violence approved co-sponsorship of the Resolution on Thursday, April 11, 2019.

   Commission on Homelessness and Poverty agreed to cosponsor on May 6, 2019.

3. **Has this or a similar resolution been submitted to the House or Board previously?** Yes. We previously submitted this policy for the 2018 Annual Meeting but retracted it to address any outstanding issues prior to final submission for consideration. It was not resubmitted at that time.

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?** This Resolution integrates with existing Association policies, such as the Association’s policies promoting the human rights to adequate food and nutrition and adequate housing. This Resolution also builds upon the Association’s 1992 resolution urging that “welfare programs be funded at a level required to meet the need for the basic essentials of life.”

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?** N/A

6. **Status of Legislation.** (If applicable) Forty-five states, the District of Columbia, Guam, the Virgin Islands, and Puerto Rico have implemented their own minimum wages. In jurisdictions where there is a state and a federal minimum wage, the higher of the two applies. The District of Columbia currently has the highest minimum wage at $13.25 per hour. As of the time of this report’s submission, there were more than 700 bills pending in state legislatures to increase state minimum wages. The last federal minimum wage hike occurred in 2009 when Congress increased the minimum wage from $6.55 to $7.25. As of the submission date of this report, there were nine bills pending in Congress to increase the federal minimum wage including H.R.122, S.150, H.R.582. Also, some jurisdictions have passed legislation to study universal basic income, such as Hawaii, Stockton and California.
7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates. We will work with relevant stakeholders within and outside of the American Bar Association and the Governmental Affairs Office to implement the policy in tribal, local, state and federal governments. Passing this resolution will allow the ABA to encourage jurisdictions to pass more comprehensive and substantial laws and policies that further the human right to a basic income.

8. Cost to the Association. (Both direct and indirect costs) Adoption of this proposed resolution would result in only minor indirect costs associated with staff time devoted to the policy subject matter as part of the staff members’ overall substantive responsibilities.

9. Disclosure of Interest. (If applicable) There are no known conflicts of interest.

10. Referrals. By copy of this form, the Resolution will be referred to the following ABA entities:
- Commission on Disability Rights
- Commission on Sexual Orientation and Gender Identity
- Commission on Hispanic Rights and Responsibilities
- Commission on Racial and Ethnic Diversity in the Profession
- Commission on Women in the Profession
- Center for Human Rights
- Solo, Small Firm and General Practice Division
- Tort Trial & Insurance Practice Section
- Section of Alternative Dispute Resolution
- Section of Litigation
- Section of Labor and Employment Law
- Section of Business Law
- Section of Taxation
- Senior Lawyers Division
- Young Lawyers Division
- Law Student Division
- Commission on Law and Aging
- Commission on Mental and Physical Disability Law
- Coalition on Racial and Ethnic Justice

11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

   Kaitlin D. Wolff | Uniform Law Commission
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   kwolff@uniformlaws.org
12. Contact Name and Address Information. (Who will present the Resolution with Report to the House? Please include best contact information to use when on-site at the meeting. Be aware that this information will be available to anyone who views the House of Delegates agenda online.)

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EXECUTIVE SUMMARY

1. Summary of the Resolution

In reaffirmation of the ABA’s commitment to preserving and protecting human rights, this resolution urges the United States government, and governments around the world to promote the human right to a basic income by increasing the funding, development and implementation of basic income strategies to prevent infringement of this right.

The accompanying report summarizes several policies that would allow for citizens to obtain a basic income, defined as the income needed for a person to afford housing, food and other fundamental life necessities. The intent behind the report is to lay out options that may be acted upon to realize the human right of basic income for all. These options include federal, state, and local minimum wage laws, living wages as well as a “universal basic income” and federal job guarantee. The report does not favor one option over another and acknowledges that it will likely be a combination of two or more of these strategies that will achieve this goal.

2. Summary of the Issue that the Resolution Addresses

The United States has long struggled to establish a decent standard of living for all. In times of great economic dislocation and technological change, such as the Great Depression that came in the wake of the second industrial revolution, that national commitment becomes increasingly critical. Nearly 75 years later, not only have these rights yet to be realized at any point for all Americans, another wave of economic dislocation partially fueled by leaps in information and other technologies have impoverished almost half the nation and put the vast majority at economic risk.

3. Please Explain How the Proposed Policy Position Will Address the Issue

Through encouraging governments to prioritize establishing policies consistent with the human right to income, the effects of the economic changes felt by too many Americans can be mitigated or reversed. By crafting legislation and creating programs to advance a basic income, individuals can afford necessities like food, clothing, and housing for themselves and their families. This combats domestic abuse, and homelessness and the myriad of other factors created by economic dislocation and disadvantages.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

No minority views or opposition have been identified.