

HST 203: History of the United States Sp17 (Escobar Meta 41054 41053)

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Rights, Rights, and More Rights

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Forum 4

Rights, Rights, and More Rights

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by Joe Escobar - Saturday, May 27, 2017, 12:17 AM

This thread is for discussions on the Rights, Rights, and More Rights topic.

To make your POSTS, click the reply link in this, MY post. To reply to another student's post, be sure to click the reply link within in THEIR post.

IMPORTANT - SUBJECT LINES

BE SURE to use an informative subject line for your post, something that describes which question(s) you are addressing . Do NOT simply leave it RE: Rights, Rights, and More Rights

Sum of ratings: -

[Permalink](#) | [Edit](#) | [Delete](#) | [Reply](#)**Re: Opposition or claims against so-called rights**

by Katie Fuller - Saturday, May 27, 2017, 4:14 PM

With all of the different social acts passed from Franklin Roosevelt to Richard Nixon in 1963, many of these acts faced opposition of sorts and some may argue against them being claimed as rights. First off, the Second Bill of Rights, introduced by Franklin Roosevelt, guaranteed adequate food, shelter, educational opportunities and health care. This type of action is that of which people like Walter Williams, would oppose as being against the rights of those that give their pay for these sorts of rights to be passed, along with that of Medicaid and Medicare passed during Lyndon Johnson's presidency.

According to Williams "if you have a right to medical care, whether you have the money to pay for it or not..it means that somebody else does not have a right to what he earned" (What is a Right video), as the government takes their earnings from them. In the sense that these actions take away what others earn, I can understand Williams position and claim that these ideas are not rights, as "rights exist simultaneously.. My right to travel does not impose an obligation on somebody else" that these would do, however, I would argue that they should still be rights in the sense that people should be able to have the opportunity to gain or receive them. And to the concept of taking people's' money away, I suggest that these rights could be campaigned or advertised for to get people to make donations to help fund these systems, that way money isn't just being taken by the government. Though, with the passage of the Second bill, there was also opposition by other insurance companies, as this government act would take away some of their business, so they expanded their efforts to market policies to pay for disability, sickness and unexpected death as well as developing supplements of New Deal programs such as Social Security to make alternatives to these programs (Liberty, Equality, Power. Chapter 26).

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16th Amendment

by William Mc Mahon - Tuesday, May 30, 2017, 8:05 AM

You raise an interesting question.

The 16th Amendment to the Constitution reads, "The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." (Textbook, A-13) It was ratified in 1913.

In regards to Walter Williams point, the federal government decided it had the power to collect income tax and spend it as they saw fit. The politicians at the time created this apparatus using legal channels outlined in the Constitution. They created and passed the Amendment. This is an instance where I ask myself, "Does the government have the right to do this?" It didn't have the right to do so before the amendment was passed, so what changed? Why does the government have the authority to decide what is and is not a right? The principles we tout as a nation are supposed to be "self evident" and yet they are still interpreted by the Supreme Court and these rulings have changed over time. The court itself is also prone to politics and partisanship.

Watching the Walter Williams video, and particular the point you raised about health care, I see more fault with the government in regards to blurring the lines about what is and is not a right. It seems more systemic and egregious than the more superficial misunderstandings of individuals.

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Re: People's rights

by Katie Fuller - Saturday, May 27, 2017, 4:31 PM

I believe people should possess rights, and that these main rights are that of equality and equal opportunity, as in the workforce for women as well as minorities. The various Civil Rights Acts passed to protect African Americans, giving them the right to education and voting as well as women's rights to have equal rights of men (Equal Rights Amendment of 1972). These laws passed can be argued as rights for the right to vote and education are covered under the 14th Amendment's clause that "people born and naturalized in the U.S. are citizens of the U.S. and the state.. they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens.. Nor.. deprive any person of life, liberty or property without due process of law" as well as the claim that "all men are created equal", which is part of the constitution. The 14th amendment is especially successful against the "literacy tests" set in some nations (Voting Rights Act of 1965) and in prohibiting discrimination public accommodations (Civil Rights Act of 1964) as these things related to the life and rights of citizens, as white Americans had no restrictions in regards to these (Life, Liberty, Power. Chapter 29).

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The Correct Right

by Cameron Wray - Sunday, May 28, 2017, 9:20 AM

I thought Walter Williams was correct in say "most people don't have an understanding of what a right is" and he defines it best as "something that exists simultaneously among people" it "does not confer any obligation on another". This painted a clear picture in my mind on what a right is which I would say is something independent of other people. I believe that all humans should have certain rights, things that are essential and don't hinder one's ability to live. When it comes to rights as a U.S. citizen I think we are all very lucky to live in a country with as many rights as we have that allow us to express ourselves and pursue that happiness that is the American dream.

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Rights and Japanese Internment

by William Mc Mahon - Monday, May 29, 2017, 12:43 PM

Having rights is similar to creating laws. Laws are only as effective as the executive branch chooses to enforce them. The same is true with rights. You only have them as much as the Supreme Court decides what they are.

During WWII the U.S. government interned 130,000 Japanese living in the United States. Two thirds of these were native-born American citizens. (Textbook p. 877) The Supreme Court case *Korematsu v. United States* ruled that the internment was constitutional, but in 1988 Congress offered an official apology admitting that, at the time, there were no cases of subversion. (Textbook p. 877/878)

The internment was a reactionary response to a perceived threat to the country's national security and, in this response, people's rights got shoved to the wayside. I think this shows that, in our country, your rights are somewhat conditional especially if there is some kind of pressure eliciting a reactionary response from the U.S. government or the majority of its citizens.

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[Permalink](#) | [Show parent](#) | [Edit](#) | [Split](#) | [Delete](#) | [Reply](#)**Re: Enforced rights**

by Katie Fuller - Thursday, June 1, 2017, 4:33 PM

You make a good point about rights and laws being the same in how they're both enforced, as is the case in the Brown vs. Board of Education in regards to George Wallace's prevention of the desegregation of schools to which Kennedy had to send troops to ensure the student's admission into the schools in Alabama that demonstrates the superiority of the federal government against that of a state. And apart from the case against the Japanese people put in internment camps that violated those legal immigrants and citizens, there was also the jailing of Eugene V. Debs and other outspoken socialists or radicals, like Emma Goldman, who was sent back to her hometown of Russia during the war time, before this. This is a common occurrence in history that during a time of war or panic, people's rights are often compromised, as is the case during these two war events from World War II and the Japanese Americans to the loss of free speech, as is often seen, in this case in World War I.

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2

[Permalink](#) | [Show parent](#) | [Edit](#) | [Split](#) | [Delete](#) | [Reply](#)**Garrett's thoughts on rights**

by Garrett Warner - Monday, May 29, 2017, 12:43 PM

To me it is all about timing because in war time I believe citizens have less rights then when in peacetime. For example speaking against the war could get you arrested. For immigrants and non-US citizens that could get you exiled from the country all together. During peacetime however I believe the government doesn't have the power to exile or jail someone for speaking out against government agenda. Walter Edward Williams claims rights are living simultaneously within people and I agree with him. Rights aren't based on one individual, they are based on how people is living in a society. One person does have the power to say what is a right and what is not a right. But an entire society has the power to determine what a right is for an individual in that society.

Sum of ratings:1 (1)

1

[Permalink](#) | [Show parent](#) | [Edit](#) | [Split](#) | [Delete](#) | [Reply](#)**Schenck vs U.S. and Rights**

by Katlyn Smelcer - Monday, May 29, 2017, 1:22 PM

Let's look at the Schenck v. United States case from WWI. In this case Charles T. Schenck was convicted of attempting to obstruct the draft during wartime. Does Schenck hold the right to freedom of speech in this case? Before reading this forum I probably would have said he absolutely has the right of the first amendment, but now I feel differently because I have a better understanding. A right means that no one else should have an obligation when you exercise that right (0:38 What is a Right?). By distributing the flyers to get men to resist the draft, they're putting the country and it's people in danger which would be an obligation in my opinion. It would be a different story if the country wasn't at war during that time. I think a lot of this case has to do with responsibility as well. In the video on Rights and Responsibilities I really liked when he says, "responsibility comes from reciprocity" (1:11). I related this part of

the video to the example above, "If one has a right to life, this means that others do not have the liberty to kill them." In the Schenck v. U.S. case, Schenck has the right to freedom of speech but also a responsibility to "defend the country if the need should rise" (<https://www.uscis.gov/citizenship/learners/citizenship-rights-and-responsibilities>) and he was sort of doing the opposite of that. I believe that all humans do possess these rights but I also believe that they can be easily taken away and that we have to watch out for each other and show civility with these rights.



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Re: Schenck vs U.S. and Rights opinion on rights

by Katie Fuller - Tuesday, May 30, 2017, 8:54 PM

I agree that there is a sense of obligation to the country and that by distributing these pamphlets, Schenck was encouraging others to resist the draft and not help out the country, which was harmful to the war effort at this time and that he was not expressing a right to free speech by doing so, for he was not just protesting the draft, but rather, campaigning against it, in a sense. Though I would also like to note that, at this time, the draft had never been used for a war effort, which not only shows the severity of the war effort, but also explains Schenck's opposition and I do believe that he and others should be able to protest or not be drafted if they don't want to as I see that as a right that men ought to have, but at that time, the men were needed in large numbers so that wasn't really the case.

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Fighting for Freedom

by Logan Hawkins - Monday, May 29, 2017, 3:14 PM

Rights are something we Americans love to talk about. Freedom of speech and religion are the pillars of this country aren't they? What about John F. Kennedy, the only elected catholic president? He had to base the majority of his campaign on telling people his catholicism was okay. If everyone has freedom of religion, why did Kennedy have to prove his? The fact is, we can't free ourselves from history, and historically we don't vote for catholics.

Williams says a right is something that does not impose an obligation on someone else. Rights are something shared. Is it really a right if everyone doesn't have access to it? Or are rights simply for people who have earned them? Williams also makes the point that there is a difference between wishes and rights. We often declare "I have a right to___" when in reality we should be saying "I wish we had ___". In the link to the Homeland Security page, there is a list of rights next to responsibilities for U.S. Citizens. So if you follow your responsibilities, you have rights. Does that mean we need to work for our rights? There are citizens who avoid paying taxes. Do they lose their freedom since they don't follow through on their responsibility? Freedom within a government is limited. No matter what there will always be someone fighting for more.

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Human Rights

by Marco Leon-Cobian - Monday, May 29, 2017, 10:40 PM

Human rights are rights inherent to all of human beings despite their nationality, sex, language or any other status. They are moral entitlements that everyone on this world possesses simply for being a human. These "Rights" come from the fact that we are not physical beings, but also moral and spiritual beings. However, when we talk about rights and the things humans have the right to have, most people disagree with that idea. In the video, "What Is a Right?", Walter E Williams mentions at the start of the video, "That people believe that health care is a right and that is utter nonsense." (What is a right video 0:20). He later then goes on to mention a good point about this saying, "If you have a right to medical care, whether you can pay for it or not, it of necessity means that somebody else does not have a right to what he earned." (What is a right video 1:30)

When talking about human rights there is also human responsibilities that the government has put upon everyone. It goes without saying that the people need to act responsibly as individuals and groups to respect the rights of others, not to abuse the rights and to advance the rights of others as well as themselves. According to the Universal Declaration of Human Rights, it recognizes in article 29 that 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."(UDHR Article 29)

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Re: Rights, Rights, and More Rights

by Brogan Smith - Monday, May 29, 2017, 11:23 PM

We can think about rights in a couple different ways. Rights were not around at the birth of time...

Topic of rights (warning*-speaking incredibly broad here): Legal processes only began with our recent ancestors, (Mesopotamia, etc) not our distant distant relatives (monkeys). If we think about the animals in the wild, they don't necessarily abide by strict guidelines but they do operate within a margin wherein they don't do anything that might put them in danger or trouble.

Humans operate in a similar way, without rights, but with guidelines to show us where we might be overstepping. But really "there is no such force as a natural right that will reward virtuous action, or punish evil" (Debate.org). This is all in the focus of nature however.

In the focus of statehood and community rights are "morally correct, just, or honorable." or "a moral or legal entitlement to have or obtain something or to act in a certain way" (Google). These are all developed ideas (morals/entitlement) constructed by humans to make sure people are kept in check. Rights are a very liberal idea because liberals often uphold rights/laws being written for "the good of the people".

(Hopefully these super broad statements made sense and upheld this sentence)->Therefore in a conservative light, no one has rights but in a liberal light everyone has fundamental rights.

Citation:

-<http://www.debate.org/opinions/do-fundamental-human-rights-actually-exist>

-Google: Define "rights"

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McCarthy's Red Scare

by Andrew Erkert - Monday, May 29, 2017, 11:41 PM

McCarthy's "Red Scare" accusations had overruled the "rights" of many people due to the neglect of the beliefs of those who were accused of being communists. If you analyze the time using "Freedom of Speech" as your base, those people that were arrested or killed were wrongly dealt with. They had the "right" to discuss any form of government or anything for that matter. The government overstressed their discussions though under the idea that communism is a 'total world government.' And if you consider the 'responsibilities' of U.S. citizens, listed on the website, one of them is to "Respect the rights, beliefs, and opinions of other", which isn't followed by punishing those who have a different world view.

But, as we know by now, during war time, rights are quickly devalued and the mass of citizens seem to be almost required to be in support of their country's mission. The war on communism was a serious one to the U.S. so, these actions seemed justified to some.

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Re: we still have a right to work

by Jason Pickens - Wednesday, May 31, 2017, 6:47 PM

Start with any historical example we've covered in the last half of this course (from WWII forward). Use these sources to discuss the points of agreement and disagreement in defining what "rights" are.

The Civil Rights Act of 1964 covered so many different areas that needed government protection. One of the heated debate issues I can remember from the 90's was affirmative action. I seen in the text and I will quote "The Civil Right Act of 1964, passed in July, strengthened federal remedies, monitored by a new Equal Employment Opportunity Commission (EEOC), against racially inspired job discrimination. (Liberty, Equality, Power: A History of the American People. 953) My issue with this law is that it leaves a lot of room for discrimination to still exist. Even with the implementation of the EEOC, employers could always use the argument that people of color, or people considered as "other" on their job applications who applied for jobs were not qualified. Now I believe that it is hard to prove that someone is a racist in a court case unless you were detective Mark Fuhrman, but it is possible. I will say that everyone has the right to equality in the work place. I think that the EEOC was ineffective at enforcing the law because of the fact that racism is hard to prove. Enter affirmative action. My personal opinion is that it is a step in the right direction because it requires ratios of diversity in the workplace. The 14th amendment states that we cannot deny people equal protection of the law. I just think that EEOC was not doing its job, or perhaps people were not following the law and finding ways around the law in order to maintain an un-diverse workforce. I guess what I am trying to say is that we all have rights to work at jobs we qualify for, and if the EEOC had been doing its job, affirmative action would have never been created. Sorry for the unclear mini essay..

-Jason

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Life, Liberty, and the Pursuit of Happiness

by Michaela Ensele - Thursday, June 1, 2017, 3:45 PM

A historical example pertaining to the concept of having rights that happened in the United States was the Japanese internment camps during WWII after the attack on Pearl Harbor. It began with locking up Japanese immigrants and then progressed into sending Japanese-American's who were citizens of the United States into these camps. In the list of rights provided to us one of them is the freedom to pursue "life, liberty, and the pursuit of happiness" the government took that away from them. It didn't matter if you were a citizen or not, if you had Japanese ancestry you were stripped from your right. In the camps they still had the right to their "life" but certainly not their liberty and pursuit of happiness. In this case the government was acting on their "responsibility" to keep America safe in a time of war and their solution to the problem was to intern the people who were considered the United States' enemies.

I agree with Williams when he defines what a right is, they are something that exist simultaneously among a group of people. If someone doesn't work for the right though does one really deserve to have it? It then simply loses its credibility as a right and turns into a

wish. Williams uses the example of health care, of course you wish that everyone has healthcare but if you can't afford to pay for it then it imposes an obligation onto someone else.

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Re: Rights, Rights, and More Rights - do we have rights?

by Giselle Flores - Thursday, June 1, 2017, 5:24 PM

Emmett Till's story is very powerful and shows how little rights African Americans had during that time. Even though he was from a free state, and they had "rights", he still ended up brutally murdered because he was accused of whistling at a white woman (which turns out she lied about it). According to the definition of a "right", he definitely didn't have rights, even though he was supposed to. Although we have a ways to go, we have already come a long way since then. Fast forward to now, I do believe we have rights, however, I also think they're limited. There are still people that don't realize we all have rights, and not just them or their race. When you take a step back and look at it though, we are for sure lucky to live in America. People always complain about not having rights, when in reality, they have no idea what not having rights is like at all like in some other countries.

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