

STRUGGLING FOR HUMANITY: The Evolution of Human Rights in the United States of America

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“Human rights are inscribed in the hearts of people; they were there long before lawmakers drafted their first proclamation.” --Mary Robinson, UN High Commissioner for Human Rights, 1997-2002

“... Each time a person stands for an ideal or acts to improve the lot of others or strikes out against injustice, she/he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.” -- Robert Kennedy, South Africa, 1966

“We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization.”

“The liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic State itself. That, in its essence, is Fascism: ownership of government by an individual, by a group or by any controlling private power.” --Franklyn Delano Roosevelt

“Where, after all, do universal human rights begin? In small places, close to home...the neighborhood, the school or college, the factory, farm or office. Such are the places where every man, woman, and child seek justice, equal dignity without discrimination. Unless these rights have meaning here, they have little meaning anywhere.” --Eleanor Roosevelt, 1958

“The existence and validity of human rights are not written in the stars. The ideals concerning the conduct of men toward each other and the desirable structure of the community have been conceived and taught by enlightened individuals in the course of history. Those ideals and convictions which resulted from historical experience, from the craving for beauty and harmony, have been readily accepted in theory by man—and at all times, have been trampled upon by the same people under the pressure of their animal instincts. A large part of history is therefore replete with the struggle for those human rights, an eternal struggle in which a final victory can never be won. But to tire in that struggle would mean the ruin of society.” --Albert Einstein, 1951

“Can it be believed that the democracy which has overthrown the feudal system and vanquished kings will retreat before tradesmen and capitalists?” --Alexis de Tocqueville, 1835

“In every human breast, God has implanted a principle, which we call Love of Freedom.” --Phillis Wheatley, 1774

“If you kill one person, you go to jail; if you kill 20, you go to an institution; if you kill 20,000, you get political asylum.” --Reed Brody, Human Rights Watch

“Human rights are the basic standards people need to live in dignity.” --Amnesty International

“Human beings have human rights, whatever label they are given and wherever they are.” --Amnesty International

The Torah and the Bible (2000 BCE)

Confucius and Buddha (500 BCE)

Greek and Roman Civilizations (486 BCE-500 AD)

The great aim of the Greek philosophers concerned abstract standards of justice. Socrates, Plato, Aristotle and others contributed to this search. They did not have a common law for the entire Greek nation because each city-state possessed its own code of laws. The Romans, on the other hand, possessed a fierce respect for and love of the law. They considered their ancient laws to be the lifeblood of the state. As a consequence, during the greatest days of the empire, one law ruled all persons from Britain to Egypt and from Spain to the Black Sea.

Aristotle (384-322 BCE)

Some humans are born to rule and others to serve. The latter group was considered natural slaves.

The Koran (570 AD)

Magna Carta (1215)

The cornerstone of English liberty. English barons forced King John to approve it. In the charter, the king promised certain rights to his subjects thus marking the beginning of democracy. It was the first time anyone had limited the power of the king.

John Milton (1608-1674)

English poet who had great influence in the movement for fundamental human rights.

Petition of Right (1628)

Document drawn up by the English Parliament and presented to King Charles I. It declared unconstitutional certain actions of the king such as levying taxes without the consent of Parliament. It asserted the supremacy of the law over the personal wishes of the king.

John Locke (1632-1704)

Government comes into existence because of property. If there is no property, then government is not needed to protect it. If I possess nothing of my very own, then what need do I have of the machinery of the state: laws and judges, policemen and prisons?

He considered life, liberty and property to be fundamental rights of people.

The English Bill of Rights (1689)

Parliament presented to King William III (of Orange) and Queen Mary a declaration that listed certain rights that were "true, ancient and indubitable rights and liberties of the people" of the English kingdom.

Thomas Jefferson (1743-1826)

Taxation without representation is tyranny! Although born in Virginia, he had always considered himself an Englishman. Now he could do so no longer, for he had studied Locke and knew many of his ideas by heart. These ideas echoed through the Declaration of Independence that he composed for the Continental Congress, which that body accepted with hardly a change.

Declaration of Independence (1776)

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another,... a decent respect to the opinions of mankind requires that they should declare the causes which impel them to separation... *We hold these truths to be self-evident that all men are created equal; that they are endowed by their creator with some inalienable rights... life, liberty and the pursuit of happiness.*

Document makes no mention of women.

The monarchy was a nearly universal form of government for two millennia, until a tiny band of revolutionaries in America dared to stand up and speak of equality. They created an unlikely and visionary new form of government, which has since spread throughout the world, and today the power of kings can be measured in a thimble.

The Constitution of the United States (1787-1789)

The supreme law of the land. It consists of a preamble that begins with these words, *We the People*. In addition, it contains 7 articles and, at the present time, 26 amendments. The document separates powers among national and state governments and divides national power of government among the executive, legislative and judicial branches. In determining the number of congressmen a state should have according to population, slaves counted, as 3/5 of a person and foreign slave trade could not be prohibited before 1808.

The United States Bill of Rights (1791)

The first 10 amendments to the U.S. Constitution, which outlines the basic freedoms that all US. citizens enjoy. It describes the fundamental liberties of the people and forbids the government to violate these rights.

Thomas Paine (1737-1809)

Although born in England, where he met Benjamin Franklin, Paine came to the U.S. and became an outspoken supporter of independence. He served as a soldier in the U.S. and went to France in 1787. In 1792 he published his famous *Rights of Man* in England for which he was tried for treason. He died back in the U.S.

James Madison (1751-1836)

"As a man is said to have a right to his property, he may equally be said to have a property in his rights." In the first sense, a man has property in his land, his money, and his merchandise. In the second sense, a man has property in his opinions, especially his religious beliefs, in the "safety and liberty of his person," in the "free use of his faculties and free choice of the objects on which to employ them."

The French Revolution (1789)

Liberty, Equality, Fraternity (Liberte, Egalite, Fraternite)

The French Declaration of the Rights of Man and of the Citizen (1789)

This document attempted to define the battle cry of "liberty, equality, and fraternity." It guaranteed religious freedom, freedom of speech and of the press and personal security.

"Nothing that is not forbidden by law may be hindered, and no one may be compelled to do what the law does not ordain."

"Liberty consists in being able to do anything that does not harm others."

"The source of all sovereignty lies essentially in the nation. No corporate body, no individual may exercise any authority that does not expressly emanate from it."

Robespierre (1758-1794)

Decreed death for all those he considered enemies of the French Revolution. This is a common result of revolutions that dissolve the society as well as the government: purges are undertaken to weed out all those members of the old society who seem to be unwilling to accept the new. Louis XVI and Marie Antoinette died beneath the guillotine in 1793. Robespierre met the same fate in 1794.

Napoleon Bonaparte (1767-1821)

Arranged for the pope to crown him, but at the last moment, he took the crown into his own hands and thrust it upon his own head. France had, once again, an absolute monarch. Defeated by Duke of Wellington at Waterloo, Belgium, on June 18, 1815.

Alexis de Tocqueville (1805-1859)

French traveler and historian. Writing in 1835 (*Democracy in America*) about the achievements of the developing democracy in the United States, saw more clearly than anyone else in his time that the progress toward equality was an irresistible and irreversible movement, more powerful than any king or emperor. Does advancing knowledge always come at a high price? Is there a way to avoid paying the price?

John Stuart Mill (1806-1873)

Distinguished philosopher and economist. He tried to help the English working people by promoting measures leading to a more equal division of profits. He also favored increased rights for women. Father of Utilitarianism. Produce the greatest amount of happiness for the greatest number of people. An action is morally right if it produces at least as much good over evil for everyone concerned as compared to any other action.

The United States Indian Removal Act (1830)

Under this legislation, most of the so-called Five Civilized Tribes--Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles--were taken from their homes in the southeastern states and marched along the "Trail of Tears" to a new Indian territory, which is now the state of Oklahoma.

Treaty of Guadalupe Hidalgo (1848)

Mexico ceded the northern half of its territory to the United States. Mexico was paid 15 million dollars. The territory awarded in this treaty included the states of Texas, Arizona, New Mexico, California, Colorado, Utah, and Nevada.

The United States Civil War (1861)

There were, at the time, four million slaves in the United States.

Emancipation Proclamation (1863)

Slavery came to an end in the last major place on planet earth in 1864 (in the U.S. south). It revived once again in the 1940's under Hitler.

Hereditary debt servitude still exists in pockets around the world (de facto slavery). A recent issue of *The Economist* counted some two million de facto slaves in a number of countries around the world. The abolition of *natural* slavery is a great achievement of our times.

Abolishment of Slavery and the 13th Amendment to the Bill of Rights (1865)

Indian Treaties and the Indian Peace Commission (1867-1868)

As settlers forced their way westward, another form of removal was incorporated into treaties made with Indian tribes: the establishment of *reservations*. In 1867 and 1868, the Indian Peace Commission negotiated the last of the 370 treaties made between tribes and the United States.

Black Right to Vote and the 15th Amendment to the Bill of Rights (1870)

Chinese Exclusion Act (1882)

The Spanish-American War (1898)

The U.S. declared war on Spain when the U.S. Battleship Maine blew-up in Havana Harbor. At the conclusion of this conflict, Spain agreed to cede Puerto Rico, The Philippines, and Guam to the U.S. and grant independence to Cuba.

NAACP founded (1909)

National Urban League Incorporated (1913)

World War I (1914-1918)

Women win political equality in most western democracies. It does not, however, lead to social or economic equality.

Women's Suffrage and the 19th Amendment to the Bill of Rights (1920)

Indian Citizenship Act (1924)

Conferred citizenship upon all Indians and Alaskan Natives.

World War II (1939-1945)

Atomic Bomb dropped on Hiroshima, Japan (1945)

Japanese-American Internment (1942)

The Bracero Program (1942-1964)

Intergovernmental agreement between Mexico and the United States that allowed the importation of Mexican workers to fill labor shortages in the Southwest caused primarily by the war. U.S. agricultural interests secured its extension and expansion until 1964. While the program was in operation, more than 4 million workers were recruited.

Universal Declaration of Human Rights (1948)

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

Brown vs. Board of Education (1954)

School segregation declared unconstitutional by the US Supreme Court.

U.S. Commission on Civil Rights established (1957)

March on Washington for Civil Rights (1963)

Federal Equal Pay Act (1963)

Protects man and women who perform substantially equal work in the same establishment from sex based wage discrimination.

Federal Civil Rights Act (1964)

42 U.S. Code 2000e Title VI and VII prohibits discrimination based on race, color, religion, sex or national origin in any federally funded program or activity.

Selma to Montgomery March (1965)

Martin Luther King Jr. (1929-1968)

Baptist Minister, key figure in the U.S. Civil Rights Movement.

Federal Age Discrimination in Employment Act (1967)

Protects individuals who are 40 years of age or older against employment discrimination based on age.

Gay Liberation Movement (1969)

The Stonewall Rebellion is considered to be the birth of Gay militancy in the U.S. A seemingly insignificant disorder in a Greenwich Village (NY) bar symbolically ushered a new stage in the Gay Rights movement of this country and perhaps the world.

Federal Education Amendments (1972)

Title IX prohibits discrimination based on sex as it pertains to educational institutions.

Federal Vietnam Era Veterans Readjustment Assistance Act (1972)

38 U.S. Code 2012 prohibits discrimination against any veteran because she/he is a disabled veteran or veteran of the Vietnam Era.

Federal Rehabilitation Act (1973)

Sections 503 and 504 prohibit discrimination based on physical and mental disability in any federally funded program or activity.

Federal Executive Order 11246

Prohibits discrimination based on race, color, religion, sex, or national origin in employment as it pertains to federal contractors or sub-contractors and requires the development of Affirmative Action Plans with goals and timetables designed to increase the number of women and racial minorities in their work force.

Federal Executive Order 11063

Prohibits discrimination based on race, color, religion, sex, or national origin in any federally funded housing program.

Federal Age Discrimination Act (1975)

Prohibits discrimination based on age in any federally funded program or activity.

Federal Fair Housing Act (1989)

Prohibits discrimination based on race, color, religion, sex, handicap, familial status, or national origin in housing; requires reasonable modifications of the premises, if necessary, to allow a handicapped person full enjoyment of the premises; mandates that HUD administer its programs in a way that advances fair housing.

Federal Americans with Disabilities Act (1990)

Makes organizations more accessible to persons with disabilities and prohibits discrimination against them.

Federal Civil Rights Act (1991)

Provides workers with more protection against bias and harassment; allows employees who successfully sue their employers, greater monetary damages and cost reimbursements.

University of Minnesota Equal Opportunity Statement (1991)

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation.

Federal Family Medical Leave Act (1993)

Allows employees who have worked for the same employer for one year to take up to 12 weeks of unpaid leave under certain circumstances such as the birth/adoption of a child or to care for a spouse or parent with a serious illness; exempts employers with fewer than 50 employees.

Minnesota Human Rights Act (1993)

Chapter 363 of the statute prohibits discrimination on the basis of race, color, creed, religion, national origin, marital status, sexual orientation, status regarding public assistance, membership or activity in a local commission, disability, age, or sex.

University of Minnesota/AFSCME Agreement (1993-1995)

Discrimination on the basis of race, color, creed or religion, sex (including sexual harassment), marital status, affectional preference and/or sexual orientation, public assistance status, disability, age, national origin, veteran status, or political opinions, is prohibited. The Union shall share equally with the University the responsibility for applying this provision of the Agreement.

University of Minnesota/Civil Service Rules (1993)

Discrimination and harassment on the basis of race, color, religion, sex, marital status, sexual orientation, public assistance status, disability, age, national origin, or veteran status are forbidden by the University of Minnesota. Additionally, discrimination on the basis of political opinions or affiliation with any union or other organization representing the interest of public employees is forbidden by the University of Minnesota.

Animal Rights

Increasingly, at the end of the millennium our consciences are awakening to the possibility of other members of the animal kingdom possessing rights comparable to ours as members of an interrelated ecosystem, a biosphere made up of living organisms forming a unified living system (Gaia). Perhaps we are finally beginning to see ourselves as *part of* rather than *apart from* creation.

The Moral Problems of Intelligent Machines

In the not-too-distant future we will be able to create "thinking machines" that are indistinguishable from a human being in the restricted circumstances of intelligence (artificial vs. human). It will be hard to deny these machines the rights guaranteed to persons under the constitutions of many nations. The right not to be turned off (life), to choose its own mode of operation (liberty), to learn whatever it chooses to learn (pursuit of happiness). Justice seems to demand that, but humans have turned their backs on justice in the past and most likely they will do so in the future. Will we enslave the thinking machines of the 22nd century? For a further exploration of this subject, please read *The Age of Spiritual Machines* by Ray Kurzweil.

Democracy and Eugenics

The improvement of the human race is an ancient dream. From Plato to Hitler, many individuals have always advocated for eugenics, hoping that by the use of its principles, we would be able to rid the world of "undesirables."

The greatest underpinning of democracy is the belief that all men and women are created equal. This belief could be eroded by merchants of genetic superiority that can easily be sold to the highest bidder.