Bill of Rights in Action

Constitutional Rights Foundation

WINTER 2014 Volume 29 No 2

QUEEN ELIZABETH I: RELIGION & THE STATE

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One of the most celebrated English monarchs, Elizabeth I reigned from 1558–1603.

QUEEN ELIZABETH I TRIED TO ESTABLISH HER VISION OF AN OFFICIAL ENGLISH PROTESTANT CHURCH. SHE FACED MANY OBSTACLES: CATHOLIC PLOTS, PROTESTANT PURITANS, A RIVAL CATHOLIC QUEEN, AND EVEN THE QUESTION OF WHO WOULD SUCCEED HER ON THE THRONE.

In the early 1500s, the Protestant Reformation was transforming much of Europe, but England remained solidly Catholic. This began to change when King Henry VIII decided to end his marriage to Catherine of Aragon.

King Henry blamed Queen Catherine for giving birth to only one child, a girl named Mary, rather than producing a male heir to the throne. Henry asked the pope to annul (make invalid) his marriage, citing an obscure biblical reason. But the pope refused to grant Henry's appeal.

Angered by the pope's refusal, Henry went ahead and married Anne Boleyn, one of Catherine's attendants. Then, Henry broke from the Roman Catholic Church. He denied the authority of the pope in English religious matters and declared himself the "supreme head" of the Church of England. In 1534, Parliament confirmed Henry's actions by passing the Act of Supremacy.

MAKING A DIFFERENCE

This edition of *Bill of Rights in Action* focuses on making a difference. The first article explores the battle over the Church of England during the reign of Elizabeth I. The second article profiles Harriet Tubman, a leader of the Underground Railroad. The last article reviews *Fisher v. Texas*, a recent U.S. Supreme Court decision on affirmative action, and looks at the future of affirmative action.

World History: Queen Elizabeth I: Religion and the State

U.S. History: Harriet Tubman and the End of Slavery

Government: Affirmative Action in American Colleges After *Fisher v. Texas*

Our longtime contributor Carlton Martz wrote the article on Elizabeth I. Theprofile of Harriet Tubman was written by freelance writer Brian Hagenbuch. Guest writer Paul Baumgardner, a graduate student at Princeton University and a former CRF summer intern, contributed the article on affirmative action.

The bishops of the Church of England now answered to Henry, not the pope. Henry arranged to have his archbishop of Canterbury, Thomas Cranmer, annul his marriage to Catherine, making his marriage to Anne legal.

Queen Anne gave birth to another girl, Elizabeth, which displeased the king. Soon, Henry was seeking a way to get rid of Anne in order to marry another who could produce a male heir. With little evidence, he tried and convicted Anne for adultery. She was imprisoned in the Tower, England's chief royal prison. Later, he had her beheaded.

Archbishop Cranmer annulled Henry's marriage to Anne. Henry then quickly married Jane Seymour who finally produced a male heir, Edward, in 1537.

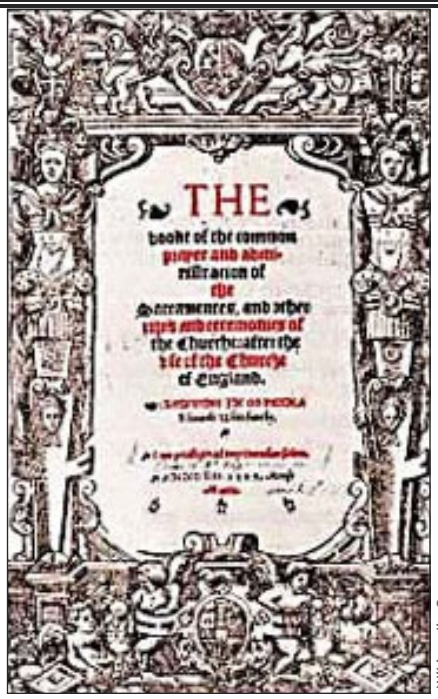
Traditionally in Europe, the religion of the monarch was the religion of the people. Henry's Church of England was not much different from the Roman Catholic Church except that the English king took the place of the pope. English Protestants wanted more radical changes similar to those brought on by the Reformation in the rest of Europe.

Henry died in 1547. A few years earlier, he and Parliament put Mary and Elizabeth in the line of succession to the throne after Edward.

Protestant or Catholic?

King Henry's only son was just 9 when he inherited the throne of England as Edward VI. A special council was empowered by Henry's will to actually rule the country until Edward turned 18.

During this time, "advanced" Protestants gained more influence in the government. They began to adopt religious doctrines and practices for the Church of England that were more in line with the mainstream Protestant Reformation. For example, the Catholic Mass in Latin was abolished and replaced by a simpler religious service in English. The Church of England's *Book of Common Prayer*, adopted in 1549, dictated England's only legal form of worship.



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Written in English, the *Book of Common Prayer* set out prayers and other forms of worship for the Church of England.

As a young teenager, Edward expressed great support for establishing Protestantism as the official state religion of England. In 1553, however, he died of tuberculosis at age 16.

After a period of uncertainty over the succession, Edward's older half-sister, Mary, took the throne. At age 37, she was the first queen to rule England alone. Like her mother, Catherine, Queen Mary I was a strong Catholic. She began to reverse the Protestant reforms of Edward's reign and forcibly attempted to restore Catholicism as England's established religion.

Mary's half-sister Elizabeth, next in line to the throne, was raised a Protestant and had supported the religious reforms advocated by the young King Edward. After Mary became queen, Elizabeth assured her that she would worship as a Catholic. But Mary never trusted her.

In her effort to restore Catholicism, Mary revived the old heresy laws. These punished people for religious beliefs and practices that contradicted the teachings of the Roman Catholic Church.

In her eagerness to rid England of Protestant heretics, Mary ordered hundreds of them burned at the stake, imprisoned many more, and drove others into foreign exile. She tried the Church of England's Archbishop Thomas Cranmer for heresy and burned him at the stake. Later on in English history, she became known as "Bloody Mary."

In 1554, a Protestant rebellion attempted to overthrow Queen Mary and replace her with Elizabeth. Poorly organized, the revolt was quickly put down. Mary ordered Elizabeth be brought to the Tower, the place Elizabeth's mother, Anne, had been beheaded.

No evidence ever surfaced that Elizabeth had been involved in the rebellion. Mary eventually released her, but placed her under house arrest.

Mary married Philip II, the heir to the throne of Catholic Spain. She did not, however, conceive a child, who would have become her Catholic successor. Following an illness, she died in 1558. Under the marriage contract, her husband, by then King Philip II of Spain, held no claim to the English throne.

Elizabeth was escorted to London by a huge number of nobles. Wearing a spectacular golden dress, she was crowned Queen Elizabeth I at age 25 on January 15, 1559.

The 'Elizabethan Settlement'

Queen Elizabeth was well-educated and fluent in several languages. But unlike her half-brother Edward, she had not been trained to rule a nation. Forced to rely on advisers, she made a wise choice for her top adviser, William Cecil, and for the other members of her Privy Council.

Elizabeth remained a Protestant, but she recognized that the majority of her people still considered themselves Catholics. Therefore, she set out to establish a compromise religion with elements of both Protestantism and Catholicism. Her spokesman before Parliament explained her goal: "Well-making of laws for the . . . uniting of the people of this realm into a uniform order of religion."

Shortly after her coronation, Elizabeth called her first Parliament into session and proposed two laws. Her Act of Supremacy, making her the "supreme head" of the Church of England, raised the question whether a woman could hold such a position. Elizabeth compromised and accepted the title "supreme governor." This act also abolished the heresy laws that Queen Mary had used against Protestants.

Elizabeth's second law, the Act of Uniformity, raised much more controversy and barely passed Parliament. This act spelled out the middle way she envisioned for the Church of England.

The act restored King Edward's *Book of Common Prayer*, which included Protestant doctrines and worship practices. The act also abolished the Catholic Mass and practices such as the use of religious images, candles, and altar ornaments. It further made church attendance mandatory. Anyone who failed to attend Church of England services every Sunday would be fined.

The Act of Uniformity retained some Catholic traditions. These included kneeling for communion, bowing at the mention of Jesus, church music, and certain Catholic rituals.

Elizabeth believed keeping these traditions would make Catholics more comfortable attending the mandatory services. Over time, Elizabeth hoped, Catholics would adopt Protestantism as the "true religion."

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In 1588, English ships defeated the Spanish Armada, preventing an invasion of England.

The Act of Supremacy and Act of Uniformity were passed by Parliament and approved by Queen Elizabeth in May 1559. Together they are known as the "Elizabethan Settlement," which established her vision of Protestantism for the Church of England.

To carry out the new religious laws, the queen sent officials known as "visitors" to administer an oath to the bishops and priests. The clergymen had to swear their allegiance to Queen Elizabeth as the supreme governor of the Church of England and not to the Catholic pope. Most bishops refused as did many priests. In most cases, they were simply removed from their church positions. Some who were more outspoken were fined and imprisoned.

The "visitors" also supervised the burning of priest vestments (decorated robes), Catholic books, crucifixes, and other Church ornaments. By 1560, Elizabeth thought the changes were going too fast. She issued proclamations that among other things ordered bishops and priests to wear the old vestments.

Most Catholics accepted the new changes, but were unhappy about having to give up the Roman Catholic Church and attend religious services in the Protestant Church of England. At the same time, radical Protestants criticized the Church of England for hanging on to elements of Catholic worship like priest vestments, which they called "the rags of Rome."

Catholic Plots

In 1568, Protestants in Scotland forced out their Catholic queen, Mary, Queen of Scots (also known as Mary Stuart). They elevated her infant son, James, to the throne. He would be raised as a Protestant. Mary escaped from Scotland and fled to England.

Mary expected that Elizabeth would support her in an attempt to return to Scotland and regain her throne. Elizabeth did not approve of the overthrow of a monarch, but she and her advisers also saw Mary as a threat to Elizabeth's reign. Mary did indeed become involved in a number of Catholic plots to put herself on the English throne. Elizabeth resisted calls to execute Mary. Instead, she placed her under house arrest. Mary spent the next 18 years living in various castles and estates under supervision.

In 1569, Catholic nobles in northern England rebelled. They demanded the restoration of "the true and Catholic religion," but were quickly defeated by Elizabeth's army.

The following year, the pope in Rome issued a bull, or declaration, calling Elizabeth "the pretended queen" and declaring Mary, Queen of Scots, the rightful queen of England. As a descendant of Henry VIII's sister, Mary had probably the strongest claim to succeed Elizabeth on the English throne.

Religious tensions mounted. Catholic priests were smuggled into England from Europe to illegally conduct the Mass and persuade the faithful not to attend the Protestant Church of England. Several Catholic plots, threatening to assassinate Elizabeth, were harshly suppressed.

Elizabeth finally agreed to crack down on Catholic activities. Proclamations and laws made it illegal to distribute and read Catholic works or even "imagine" the death of Elizabeth. Catholic publications were burned. Active Catholic priests were fined, imprisoned, and sometimes hanged, although Elizabeth was reluctant to use the death penalty. Ordinary Catholics faced the dilemma of loyalty to the pope or to Elizabeth.

Despite the harshness of the Catholic crackdown, Elizabeth insisted there would be no inquisition into the religious beliefs of individuals. Francis Bacon, an English philosopher at the time, wrote that Elizabeth had no desire "to make windows into men's hearts and secret thoughts."

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Elizabeth's Catholic rival, Mary, Queen of Scots was executed in 1587.

Protestant Challenges

While her troubles with Catholics were going on, Elizabeth also faced growing criticism from radical Protestants about Catholic worship practices she allowed, such as priests wearing vestments. Some of these Protestants objected to the structure of the Church of England, calling bishops a holdover from the Catholic Church.

The most radical Protestants were sarcastically called "Puritans." They wanted to purify the Church of England by abolishing all remaining Catholic elements and simply rely on preaching and the Scriptures of the Bible.

Elizabeth condemned Protestant practices that did not conform to the *Book of Common Prayer*. She cancelled the licenses of non-conforming preachers who refused to recite government-approved church sermons.

Radical Protestants gained seats in Parliament and called for Elizabeth to agree to laws changing the *Book of Common Prayer.* But, as the supreme governor of the church, she refused to allow any changes or even debate on this issue.

The Execution of Mary

After years of plots to place Mary on England's throne, Sir Francis Walsingham, Elizabeth's spy master, devised a plan in 1586 to trap Mary by using a double agent. The agent helped Mary secretly smuggle her coded letters to her supporters. All her letters were intercepted, decoded, and copied. The plot was to put Mary on the English throne by starting a rebellion and assassinating Elizabeth.

Mary was arrested and taken to a secure castle. Elizabeth was willing to pardon her if she admitted her guilt in the plot. But Mary rejected the offer.

Elizabeth had Mary tried for treason. Mary refused to mount a defense, claiming Elizabeth had no authority to put a foreign monarch on trial. But Mary's letters proved her guilt. She was sentenced to be executed.

Elizabeth hesitated about putting to death a queen. But her reign

QUEEN ELIZABETH'S 'GOLDEN SPEECH'

In 1601, nearing the end of her life and reign, Queen Elizabeth addressed members of Parliament's House of Commons at her London palace. The members had come to thank the queen for agreeing to reform her grants of monopolies to those she favored. The excerpt below is from this address, which became known as her "Golden Speech" since it seemed to be her farewell to the English people.

There will never Queen sit in my seat, with more zeal to my country, care for my subjects, and that sooner with willingness will venture her life for your good and safety, than my self. For it is not my desire to live nor reign longer, than my life and reign shall be for your good. And though you have had, and may have many princes, more mighty and wise, sitting in this state; yet you never had, or shall have any that will be none more careful and loving.

How did Elizabeth think of herself as queen of England? Do you agree with her self-assessment? Why?

and the established Protestant religion were threatened as long as Mary lived.

After agonizing over the sentence, Elizabeth finally signed Mary's death warrant. Her Privy Council ordered it quickly sent to the castle where she was imprisoned. On February 8, 1587, Mary, Queen of Scots, was beheaded. One of those present cried out, "So let Queen Elizabeth's enemies perish." Mary died that day, but a Catholic martyr was born.

Last Years and Succession

The execution of Mary, Queen of Scots, enraged Catholic Europe. Pope Sixtus IV told King Philip II of Spain that it was his duty to overthrow Elizabeth and restore Catholicism in England. A year after Mary was beheaded, Philip assembled a huge naval armada, carrying 20,000 soldiers, to invade England.

The size of the Spanish Armada greatly outmatched Elizabeth's navy. Though fewer in number, the swifter, more powerful English ships held the Armada at bay. The invasion ended in failure when high winds and storms sank numerous Spanish ships. Many of the English people believed the defeat of the Spanish Armada was a sign that God approved of Elizabeth's Protestant Church of England.

The conflict continued between Protestant England and Catholic Spain, the richest and most powerful nation in Europe. Elizabeth sent aid to Protestants fighting against Spanish control of the Netherlands. English privateers like Sir Francis Drake attacked Spanish ports and treasure ships in the Caribbean. In 1599, Elizabeth sent a large army to Catholic Ireland to end a rebellion against English rule and to prevent it from becoming the launching site for a new Spanish invasion of England.

Elizabeth also encouraged English exploration and colonization. In 1584, Elizabeth granted Sir Walter Raleigh a charter to explore the coast of North America. He claimed a large area north of Spanish Florida and named it Virginia, probably after Elizabeth who was widely known by this time as the "Virgin Queen."

Elizabeth never married or had children even though she had many suitors. This matter troubled England throughout her reign because her successor to the throne was at stake. But she, her council, Parliament, or the people always seemed to object to any proposed matches.

For many years, Elizabeth declined to name a successor. But in her last years, she and her advisers developed good relations with James, the son of the beheaded Mary, Queen of Scots. James had been raised a Protestant, and was now Scotland's king. Shortly before Elizabeth died on March 24, 1603, she named him her successor. He was crowned with little opposition as King James I of England.

By the end of Elizabeth's nearly 45-year reign, Protestantism was the religion of the majority of her subjects. The Elizabethan Settlement had created a moderate Protestant Church of England that was firmly established. But bitter and sometimes bloody conflicts between Protestants and Catholics continued for another century.

DISCUSSION & WRITING

1. What was the Elizabethan Settlement? Why did Queen Elizabeth choose to combine elements of Protestantism and Catholicism for the Church of England?
2. Why did both Catholics and Puritan Protestants dislike Elizabeth's Church of England?
3. The writers of the U.S. Bill of Rights placed the following clause in the First Amendment: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." In light of what happened in England before and during Elizabeth's reign, why do you think this clause was put in the First Amendment?

ACTIVITY

What Should Queen Elizabeth Have Done About Mary, Queen of Scots?

Queen Elizabeth hesitated before ordering the execution of Mary, Queen of Scots, after her trial. Elizabeth did not like the precedent of beheading another monarch. She worried that Mary would become a martyr for English Catholics. She feared the reaction of Catholic Europe. But the prevailing view of her advisers was that Mary would have to die to preserve the Protestant Church of England. What do you think? Was the sentence of beheading Mary the only choice Elizabeth reasonably had, or should she have considered other alternatives?

1. Form small groups to discuss what Elizabeth should have done about Mary, Queen of Scots. Identify the pluses and minuses of the following alternatives and choose one:
   A. Imprison Mary in the Tower.
   B. Place Mary under house arrest.
   C. Exile Mary to a Catholic country.
   D. Negotiate an agreement with Mary, making her Protestant son, King James of Scotland, Elizabeth's successor to the throne.
   E. Execute Mary.
2. Each group should defend its choice and explain why the other alternatives should be rejected.

HARRIET TUBMAN
AND THE END OF SLAVERY

NICKNAMED THE 'MOSES OF HER PEOPLE' FOR LEADING RUNAWAY SLAVES TO FREEDOM IN THE NORTH, HARRIET TUBMAN WAS THE MOST FAMOUS MEMBER OF THE UNDERGROUND RAILROAD. SHE BECAME A CELEBRITY IN HER LIFETIME AND A HERO OF THE CIVIL WAR.

The Underground Railroad was a secret system of anti-slavery activists providing food, shelter, transportation, and protection for runaway slaves on their dangerous journey north. Most historians credit Tubman with personally leading more than 300 former slaves to freedom on the Underground Railroad and rallying hundreds more to defect from Confederate forces during the Civil War.

The Making of a Fugitive

The year of her birth is unknown. Tubman believed it was 1825. Her death certificate gives 1815 as her date of birth, but her gravestone reads 1820. Regardless, she was born in Maryland's Dorchester County to slave parents, Harriet Green and Benjamin Ross. They named their daughter Araminta Ross. Later, when she escaped to the North, she took the name Harriet to honor her mother and mask her own identity.

She was one of nine children, many of whom she would later lead north. Slave traders often purchased young slaves in Dorchester County, and they routinely separated members of slave families. Traders took away two of Tubman's siblings, and it's likely that the painful loss of her sisters drove her later to work with the Underground Railroad.

At just 5 years old, Tubman was taken from her home to look after a white infant. When the child cried, Tubman was whipped, leaving

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Harriet Tubman led hundreds of slaves to freedom on the Underground Railroad.

scars on her neck and back for the rest of her life.

As a young girl, Tubman bounced between several households, serving various masters and mistresses. She fled one home after getting caught stealing a lump of sugar. She hid in a pigpen for days, fighting the swine for scraps of food until she grew so hungry that she returned to face punishment at the hands of her mistress. Later in life, Tubman would sum up the indignities of her childhood by saying she was "a neglected weed, ignorant of liberty."

She often fought illness in her childhood, but as she grew older, the "sickly" young household girl grew stronger and even became a fieldhand. On a secluded plantation during her adolescence, Tubman attempted to warn an escaping slave that his master was nearby. She was caught between the slave and his master when the two confronted each other. The master slung a lead weight at the escapee, but hit Tubman in the head. The force of the blow "broke her skull and drove a piece of her bandana" into her head. The head injury would cause her to have headaches, fainting spells, and visions for the rest of her life.

In 1844, she married a free black man named John Tubman. Around this time, she hired a lawyer to investigate her family's slave contracts. The lawyer found her mother should have been freed at the age of 45, meaning that some of her siblings should have been born free.

Escape North

The revelation about her mother angered and saddened Tubman, so she decided to do what she had thought about for years: flee to the North. In September 1849, she made off. She was one of about 280 slaves who escaped Maryland from June 1849 to June 1850.

Tubman became so closely linked to the Underground Railroad that many assume she founded it, but by the 1840s a system of clandestine routes already existed. Women rarely made the dangerous journey alone, but Tubman, with her husband's blessing, set out by herself.

Throughout her life, Tubman treated the details of her escape as a secret. Freed slaves were intentionally secretive about how they escaped, so as not to reveal precious escape routes. Historians suspect Tubman took the

most common "liberty line" of the Underground Railroad, which cut inland through Delaware along the Choptank River.

Fugitives, or runaways, on the Choptank liberty line traveled by foot at night and rested during the day, generally doing about 10 miles a night on the roughly 90-mile journey to the Pennsylvania state line. The trip usually took between 10 to 20 days.

Since it was called a "railroad," many of its elements were known by common railroad terms. People who gave shelter to fugitives were called "stationmasters," and their homes were known as "stations" or "depots." The volunteers who guided fugitives between stations were "conductors," and the fugitives themselves were called "cargo."

The railroad was "underground" in the sense that it was clandestine. Its routes, safe houses, and the identity of participants were closely guarded secrets. Over time, the Underground Railroad developed an elaborate system of catchphrases, code words, secret knocks, lamps lit at night, and hymns to warn of slave catchers and to identify sympathizers.

The gateway for runaway slaves heading north was Philadelphia, which had a strong Underground Railroad network. The city attracted abolitionists and upwardly mobile African Americans. Here, free blacks formed their own businesses, schools, and churches. Tubman got a job and was able to live freely. She also likely expanded her network, meeting Underground Railroad members and activists.

But life in Philadelphia was not easy. Philadelphia was the last stop for recaptured slaves being shipped back south. Slave catchers raided black communities and were prominent in Philadelphia. Fear of recapture among fugitives was constant, and racial tensions ran high. Tubman found herself feeling lonely and frustrated by the uncertainty of freedom.

Courtesy of Michael Siegel, Geography Department-Rutgers University

When Harriet Tubman first escaped, she probably followed the route that passes near Dover and leads to Philadelphia.

By the late 1840s, slave owners claimed they were losing $200,000 annually to the Underground Railroad. (This would be about $4.5 million in today's money.) In 1850, Congress passed the Fugitive Slave Law, which opponents dubbed the "Bloodhound Law." The law gave federal authorities sweeping powers to seize fugitives and return them to the South. Without legal protection, even free blacks were at risk. As former slaves were plucked out of unlikely places like New York and Boston, anger grew in the anti-slavery community. The issue of slavery increasingly divided the nation.

The Abductor

Within the growing climate of fear and persecution, Tubman, most likely still in her teens, undertook her legendary career as an "abductor." Abductors, true folk heroes of the Underground Railroad, ventured into slave states and led fugitives out. Prior to Tubman, most abductors were adventurous white men. Tubman was five feet tall, illiterate, and a fugitive, with little idea of geography and subject to frequent fainting spells.

Tubman's first rescue mission was prompted by news that her niece Keziah would be sold into slavery in the Deep South. Keziah's husband, John Bowley, sent word to Tubman in Philadelphia of the pending sale. In 1850, risking capture,

Tubman returned to the slave state of Maryland. Bowley delivered Keziah and her children to Tubman in Baltimore, where she hid them before using her contacts to move the fugitives into Philadelphia.

She went south a second time in the spring of 1851 to rescue one of her brothers. Two of his fellow slaves joined their expedition. In the fall of 1851, Tubman returned to Dorchester County to persuade her husband to return north with her. The risk of being recognized by a former master was enormous, and the result, heartbreaking. John Tubman refused to flee with her as he had taken another wife.

Despite her grief, Tubman completely committed herself to the task of freeing slaves. She returned to Maryland in December 1851, rallying a large band of fugitives. Reports indicate there were as many as 11, among them relatives. Tubman led them north to Philadelphia, but the new border of freedom had been pushed still further north by the Fugitive Slave Law. Tubman moved into uncharted territory, guiding her group up through New York to Niagara and into the new promised land of Canada.

It was far easier to lead small groups, or for slaves to flee on their own. But Tubman became a master at organizing large groups. She sent word ahead through the Underground Railroad network of upcoming missions, and she quickly assembled groups of fugitives.

Thomas Garrett, a stationmaster in Wilmington, Delaware, sheltered many of Tubman's groups at a blacksmith shop. While many stationmasters destroyed their records of fugitive slaves to avoid prosecution, Garrett's records remain. A Quaker who believed in the equality of all people before God, Garrett sheltered some 2,500 fugitives, scores of whom had been under Tubman's care.

Starting in 1852, Tubman made one or two trips a year, shepherding fugitives through the night. She famously toted a pistol and was known to point it at fugitives who threatened to turn back and put the entire band at risk. "You'll be free or die," she would say to them.

She often worked in winter when the days were short, facing darkness and bad weather on the exhausting and perilous journey into Maryland and Virginia. The Underground Railroad's path then took her back through stations in Wilmington, Philadelphia, New York, and on to the Canadian border. During this time, Underground Railroad members and anti-slavery admirers gave her the nickname "Moses."

General Tubman

As the numbers of fugitives she rescued swelled, so did her fame. Tubman was a celebrity among the elite abolitionists of Boston and New York.

Southern authorities fumed as they failed at efforts to "end her reign." In 1856, a $40,000 reward was offered for her recapture in the South. Once, she overheard men reading a wanted poster that mentioned her illiteracy. She cleverly pretended to read a book to avoid being recognized. She not only eluded capture, but later in life she claimed that she never lost a single slave on any of her missions.

It was far easier to lead small groups, or for slaves to flee on their own. But Tubman became a master at organizing large groups.

She had become a devout Christian in her childhood. Her strong faith and uncanny ability to avoid capture also earned her a reputation as a mystic, or person in direct contact with God.

Tubman helped her own family gain freedom. She was able to guide five of her siblings to St. Catharines, outside present-day Toronto, Canada. In 1857, her parents were technically free, but faced penalties for sheltering slaves in their Maryland home. Knowing her parents were in danger but not physically strong, Tubman fashioned a primitive horse-carriage and carried them 80 miles to Garrett's safe house in Wilmington. Garrett supplied them with train tickets to Canada, where they joined their children and grandchildren. Tubman spent time there gathering funds for missions to the South.

In 1859, Tubman got help from Senator William Seward, a high-profile admirer of Tubman's work. Seward, who later became Lincoln's secretary of state, sold Tubman a small piece of land in Auburn, New York, for a home, and Tubman moved her parents and siblings there from Canada. But just as it looked like she might settle down, firebrand abolitionist John Brown sought her out in Canada. He called her "General Tubman." She supported his mission to wage war to end slavery.

Brown's plan involved raiding the U.S. arsenal, or weapons storage, at Harper's Ferry. He wanted to arm slaves to fight their masters. Tubman began to raise money and gather former slaves in Canada to help with the raid, but she fell sick before she could participate herself. Brown's poorly planned mission failed, and he was hanged at the gallows. Brown's execution, however, made him a martyr for the abolitionist cause.

Meanwhile, slave owners complained of a "stampede" of slaves to the North. Abolitionists feared Tubman would be executed, just like Brown, if ever recaptured.

Daring and Tenacity

In 1860, Abraham Lincoln was elected president. The slaveholding South viewed him as an abolitionist, though he did not think of himself that way. He opposed slavery, but his main goal was to stop the spread of slavery into new American territories. Beginning with South Carolina on December 20, 1860, Southern states began to secede from the Union and in 1861 formed the rebellious Confederate States of America. In April, the Confederate Army's attack on Fort Sumter in South Carolina began the Civil War.

While Lincoln's primary aim was to keep the country from splitting apart, Tubman and other activists were convinced the war should put an end to slavery. "God won't let Master Lincoln beat the South," she was quoted while fundraising in Massachusetts, "till he does the right thing." The right thing was to abolish slavery.

Tubman used her detailed knowledge of routes through swamps, rivers, and wetlands to help Union troops in Maryland. Later, she sailed to South Carolina, extending her liberty lines into the Deep South as the war raged. She spent much of her time caring for fugitives and guiding them back north.

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In the Civil War, Tubman worked tirelessly, leading a team of spies and even raiding plantations.

Tubman wanted to join the military. Through influential abolitionist friends, Tubman met the abolitionist governor of Massachusetts, John Albion Andrew. In response to a Union general's request for volunteers, Andrew said that Tubman would be "a valuable person to operate within enemy lines in procuring information and scouts." At first, however, Tubman worked as a cook and a nurse in Union camps. She also taught slaves freed by the Army.

Early on, Lincoln opposed arming freed slaves, but Tubman enthusiastically supported bringing them into the U.S. Army. With the Emancipation Proclamation in 1863, the first black troops of the Army appeared ready for battle. Tubman then joined, too. She became the leader of a team of spies, sending valuable information to commanders and recruiting restless slaves in the South to join Union forces.

On June 1, 1863, Tubman aided a mission of black soldiers up the Combahee River in South Carolina to take supplies and free slaves from plantations controlled by rebels. Serving as navigator on the lead gunboat, Tubman took charge. The raid on the plantations freed at least 750 slaves. Tubman was the only woman in the Civil War to plan and lead an armed assault.

The *Wisconsin State Journal* soon published an article about her titled "A Black She 'Moses' — Her Wonderful Daring and Tenacity." But the article did not use her name. The Boston *Commonwealth* newspaper reprinted the article. The editor let his readers know that the "black heroine" of the story was Harriet Tubman.

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Tubman (far left) poses for a photograph with her family and neighbors in Auburn, N.Y.

Continued Struggle

When the war ended in 1865, Tubman returned to Auburn to live with her parents and siblings. Although she struggled financially, Tubman opened her home to people in need. Her former husband, John Tubman, was gunned down in 1867 by a white man in Maryland. She then married Nelson Davis, a veteran of Civil War from the U.S. Colored Troops, the black soldiers of the U.S. Army.

Tubman, who had survived slavery, illness, heartbreak, and even battle, experienced hardship in her later life. Even with the help of powerful friends like William Seward, it took 30 years for Tubman to receive payment for her wartime services from the U.S. Army. She also struggled to receive widow's benefits when Nelson Davis died.

In 1896, Tubman bought the land where she and Nelson had lived to create a home for aging, poor African Americans. With only a $20 per month pension, she could not afford upkeep of the property. She donated the land to the African Methodist Episcopal Zion Church. The Harriet Tubman Home officially opened in 1908.

In the meantime, Tubman became active in the women's suffrage, or voting rights, movement alongside Susan B. Anthony and others. As a war hero, Tubman stood as an example of equality between women and men. She spoke at suffrage meetings throughout the Eastern states and also used her respected status to continue speaking out for equality for African Americans.

Former slave and influential abolitionist Frederick Douglass admired her greatly and wrote about her. After lengthy bouts with illness, Tubman died in 1913. Prominent African American reformer Booker T. Washington gave the eulogy at her funeral.

During her lifetime, she had become widely known. In 1869, a biography of her sold well. Though criticized for inaccuracies, the book spread her fame, and she was invited many places to speak about her experiences with the Underground Railroad and the war. Many biographies have been written since. Although for a period after her death, her story lapsed into obscurity, it has since risen into the stuff of legend.

DISCUSSION AND WRITING

1. Why do you think it was called the Underground Railroad?
2. What was the Fugitive Slave Law? What effects did it have on the Underground Railroad?
3. What made Harriet Tubman an unlikely person to be a leader? What do you think motivated her? Explain.
4. Tubman made many decisions in her life. Which do you think was the bravest? Which do you think was the most questionable? Explain your answers.

ACTIVITY

The Traits of Leadership

Harriet Tubman was a great leader. In this activity, students discuss what makes a great leader and evaluate Tubman's leadership qualities.

1. Form small groups.
2. Each group should:
   a. Discuss traits that leaders should have.
   b. Choose the **five** most essential traits of a leader.
   c. Evaluate Harriet Tubman's leadership based on these five traits.
   d. Discuss what other leadership traits Tubman possessed.
   e. Be prepared to report your conclusions and reasons for them to the class.
3. Call on groups to report their conclusions and hold a class discussion on the traits of leadership.

AFFIRMATIVE ACTION IN
American Colleges After *Fisher v. Texas*

ON JUNE 24, 2013, THE U.S. SUPREME COURT DECIDED THE AFFIRMATIVE ACTION CASE OF *FISHER V. UNIVERSITY OF TEXAS*. SOME HAD EXPECTED THE COURT TO STRIKE DOWN AFFIRMATIVE ACTION PROGRAMS IN HIGHER EDUCATION. INSTEAD, THE FISHER DECISION CLARIFIED PREVIOUS RULINGS BY THE COURT AND GAVE INSTRUCTIONS ON HOW LOWER COURTS SHOULD DETERMINE WHETHER AN AFFIRMATIVE ACTION PROGRAM IS CONSTITUTIONALLY PERMISSIBLE.

The University of Texas at Austin - Wallpaper

Fisher v. Texas is the most recent of a line of cases the Supreme Court has decided on affirmative action in higher education.

Affirmative action in higher education provokes great controversy. Affirmative action programs and policies attempt to create greater diversity on campuses by taking into account factors such as race, sex, and ethnic origin when admitting student applicants. Opponents of affirmative action argue that these factors should not be considered, because students should be admitted on merit alone (e.g., grades and test scores).

Affirmative action programs arose following the successes of the civil rights movement in the 1960s. In a speech at Howard University in 1965, President Lyndon Johnson voiced the rationale for affirmative action:

> You do not wipe away the scars of centuries by saying: "Now, you are free to go where you want, do as you desire, and choose the leaders you please." You do not take a man who for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying, "You are free to compete with all the others," and still justly believe you have been completely fair . . . . This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity — not just legal equity but human ability — not just equality as a right and a theory, but equality as a fact and as a result.

The federal government initiated affirmative action programs to continue the push for greater equality in American society. After the passage of the Equal Employment Opportunity Act in 1969, the Nixon administration pressed employers to hire more minorities and to help these workers rise in the ranks. By the 1970s, this concerted economic effort broadened. Many American universities began affirmative action programs for admissions decisions and hiring practices.

One result of affirmative action programs is that sometimes a minority applicant for school admission will be preferred over white applicants with similar or even better qualifications. This amounts to a racial preference.

Many public college and university programs have faced court challenges. Several cases have reached the U.S. Supreme Court. The legal question in most affirmative action cases is: Does this affirmative action program violate the 14th Amendment?

The 14th Amendment to the U.S. Constitution guarantees equal protection. It reads: "No state shall . . . deny to any person within its jurisdiction the equal protection of the laws." The amendment applies to all state entities, including public colleges and universities.

Bakke

The first affirmative action case to reach the Supreme Court was *Regents of the University of California*

v. Bakke (1978). Allan Bakke claimed that the U.C. Davis School of Medicine had unlawfully discriminated against him and fellow white applicants by reserving at least 16 seats in each incoming class for members of historically disadvantaged groups. Bakke believed that the medical school's affirmative action policies violated the 14th Amendment's equal protection clause.

In a sharply divided ruling, the Supreme Court held in *Bakke* that the Constitution does not permit public institutions of higher education to apply racial quotas in admissions decisions. But the court also recognized the importance of diversity on college campuses, calling it a "compelling state interest." It therefore ruled that race could be considered in applications but only as a "plus" factor when the university reviews the many factors in an applicant's profile.

After *Bakke* was decided, American colleges did away with racial quotas, but many continued affirmative action programs using race as one factor in admissions decisions. Even so, affirmative action continued to be a hot-button issue in state politics.

In 1996, Californian voters approved an amendment to the state constitution that made it illegal for California public institutions — such as state universities — to discriminate "on the basis of race, sex, color, ethnicity, or national origin." Proposition 209 has been challenged multiple times in court, but has withstood attack. Defenders of Proposition 209 point to the rising graduation rates at Californian public universities since the passage of the constitutional amendment. Opponents of the proposition decry how the constitutional amendment has led to lower numbers of minority students at California's public universities.

Gratz and Grutter

Twenty-five years went by before the court heard another affirmative action case on higher education. In 2003, the Supreme Court issued two landmark affirmative action decisions in *Gratz v. Bollinger* and *Grutter v. Bollinger*. (Both cases involved lawsuits against the University of Michigan, and Lee Bollinger, the university's president, was named as a defendant in both lawsuits.)

After Bakke *was decided, colleges did away with racial quotas, but many continued affirmative action programs using race as one factor in admissions decisions.*

At issue in *Gratz v. Bollinger* was the undergraduate admissions system at the University of Michigan. The university had been using a 150-point scale to judge undergraduate admissions. Applicants needed 100 points for automatic acceptance. If applicants came from a historically disadvantaged racial or ethnic group, they automatically received 20 points. By comparison, an applicant with a perfect SAT score received 15 points. Jennifer Gratz, a white applicant with above-average test scores and high grades, was denied admission to the University of Michigan, while all minority students with Gratz's academic qualifications were admitted. She sued the University of Michigan, arguing that the undergraduate point system violated the 14th Amendment.

Six Supreme Court justices agreed with Gratz. The majority of the court held that the University of Michigan's point system failed the "strict scrutiny" test. In order to pass this test, the university needed to show that a compelling state interest justified its admissions system. Additionally, the University of Michigan's point system would need to be "narrowly tailored" toward achieving the compelling interest.

The majority in *Gratz v. Bollinger* did not question the university's stated compelling interest: diversity within the student body. Instead, the court asserted that the University of Michigan's admissions system was not narrowly tailored to the university's interest in a diverse student body. The point system did not allow for an individual analysis of each applicant. The court stated:

> Justice Powell's opinion in Bakke emphasized the importance of considering each particular applicant as an individual, assessing all of the qualities that individual possesses, and in turn, evaluating that individual's ability to contribute to the unique setting of higher education. The admissions program Justice Powell described, however, did not contemplate that any single characteristic automatically ensured a specific and identifiable contribution to a university's diversity.

Grutter v. Bollinger was decided on the same day as *Gratz*. The University of Michigan Law School had an admissions policy that used race and ethnicity as a plus factor. The policy aimed to produce "racial and ethnic diversity with special reference to the inclusion of students from groups which have been historically discriminated against, like African-Americans, Hispanics and Native Americans, who without this commitment might not be represented in our student body in meaningful numbers." The school wanted a "critical mass" of underrepresented students to ensure "their ability to make unique contributions to the character of the Law School."

Barbara Grutter, a white applicant who was denied admission into the University of Michigan Law School, challenged the school's admission policy. She charged that the policy was unconstitutional and represented reverse discrimination against white applicants.

In a 5–4 vote, the court upheld the law school's practices. Writing for the majority, Justice Sandra Day O'Connor stated that the University of Michigan Law School's admissions standards passed the strict scrutiny test. The law school had a compelling reason for furnishing a qualified and diverse student body, which could prepare students for the diverse world beyond law school. It also had used appropriate means to achieve its compelling interest. Michigan understood that a student could add to the quality and diversity of the student body in many ways, and therefore it considered numerous factors in its admissions decisions. Unlike the undergraduate admissions program in *Gratz*, the law school engaged in an individual analysis of each applicant. Although the University of Michigan used racial preferences, the law school's interest in student diversity included much more than simply racial and ethnic makeup.

One of the most surprising aspects of Justice O'Connor's opinion was the timetable that she set for affirmative action programs. O'Connor stated all these programs needed "sunset provisions" in place, so that "all race-conscious admissions programs have a termination point." The judge also forecast when such a termination point would arrive: "We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today."

After *Gratz* and *Grutter* were decided, many universities that had been uncertain about the legality of race-conscious admissions policies either became cautious about implementing affirmative action programs or cancelled their race-conscious plans altogether. The University of Michigan, which closed its affirmative action program because of *Gratz*, witnessed a downturn in minority enrollment for the next several years. Over the past decade, several more states, including Michigan, have passed bans on race-conscious admissions. (The Michigan ban was challenged in court, and unlike the bans in other states, a federal appeals court struck it down in 2011. The case was appealed to the U.S. Supreme Court, which will issue its decision during the 2013–14 term.)

NATIONAL OPINON POLLS ON AFFIRMATIVE ACTION

Do you approve or disapprove of affirmative action admissions programs at colleges and law schools that give racial preferences to minority applicants?

Approve	Disapprove	Unsure
29%	68%	3%

Source: CNN/ORC Poll. June 2013.

In order to make up for past discrimination, do you favor or oppose programs which make special efforts to help blacks and other minorities get ahead?

Favor	Oppose	Other	Unsure/Refused
68%	24%	2%	6%

Source: Public Religion Research Institute. May 2013.

Of the two following statements on affirmative action programs, which one comes closer to your own point of view. Affirmative action programs are still needed to counteract the effects of discrimination against minorities, and are a good idea as long as there are no rigid quotas. OR, Affirmative action programs have gone too far in favoring minorities, and should be ended because they unfairly discriminate against whites.

Still needed	Should be ended	Unsure
45%	45%	10%

Source: NBC News/ *Wall Street Journal* Poll. June 2013

Background to *Fisher*

After the *Gratz* and *Grutter* decisions, the University of Texas at Austin enacted a two-tiered admissions approach for undergraduate applications. The top tier was linked to the Top Ten Percent Law passed by the state legislature in the mid-1990s. Under this law, all Texas high school students in the top 10 percent of their high school class are assured admission into any public university in the state. The majority of the University of Texas' entering freshmen come from this admissions tier.

For those applicants who do not fall within the top tier, the university applies a separate admissions criteria. Admissions counselors evaluate a greater number of factors than class rank when looking at applications in the second tier. The University of Texas reviews factors such as standardized test scores, personal essays, examples of leadership, work experience, and race and ethnicity when making admissions decisions in the second tier.

Abigail Fisher, a white Texan, applied to the University of Texas at Austin in 2008, when she was a senior in high school. Fisher was not in the top 10 percent of her high school class, so her application was evaluated under the second tier of the university's admissions approach. After the university denied her admission, Fisher sued the University of

Texas. She claimed that the university's consideration of race improperly influenced the outcome of her application.

Employing the language of the University of Michigan Law School's admissions policies, Fisher argued that Texas's top tier approach to undergraduate admissions — the Top Ten Percent tier — already achieved a "critical mass" of diverse perspectives in the classroom, and therefore the additional consideration of race in the second tier admissions policy was unnecessary. The University of Texas responded that the diversity gained from the Top Ten Percent tier is largely due to the school segregation present in Texas public school districts. By adding more variety *within* minority groups at the university — a goal that the University of Texas termed "diversity within diversity" — the second tier of the university's admissions approach supplies an extra degree of heterogeneity to the student body.

Both the district court and the court of appeals ruled that the University of Texas's two-tiered admissions approach fit within the constitutional framework set up by *Bakke* and *Grutter*. It thus did not violate the equal protection clause of the 14th Amendment. Fisher appealed the lower courts' rulings to the Supreme Court, which accepted review of the case.

Fisher v. University of Texas

The case was one of the most highly anticipated decisions of the year. Many legal experts expected the court to make a major ruling on affirmative action. In a 7–1 opinion, however, the Supreme Court decided to remand the case back down to the Fifth Circuit Court of Appeals. But this seemingly anticlimactic ruling did provide greater definition to the legal state of affirmative action in American colleges and universities.

Courtesey of Dereskey / Flickr.com

The University of Texas admits all students in the top-10 percent of their high school graduating class. It has a separate admissions process for those students not in the top-10 percent.

The majority decision upheld *Gratz* and *Grutter* in key respects. According to Justice Anthony Kennedy, who wrote the majority opinion, the academic and professional benefits that arise from a diverse classroom are still considered to be a compelling government interest. Additionally, racial preferences are still constitutionally permissible in limited contexts.

Justice Kennedy instructed public universities to consider race-neutral paths to a diverse educational environment. *Bakke* had asserted that race-conscious policies were permissible only if they were able to "demonstrate that their methods of using race 'fit' a compelling state interest 'with greater precision than any alternative means.' " According to the majority, a race-conscious admissions approach can only pass the strict scrutiny test if it is " 'necessary' for a university to use race to achieve the educational benefits of diversity" and "no workable race-neutral alternatives would produce the educational benefits of diversity."

The Supreme Court remanded the *Fisher* case to the lower courts because the lower courts had not been stringent in their review. The lower courts had deferred to the University of Texas' judgment that it had made a good faith effort in narrowly tailoring its admissions criteria. But the majority in *Fisher* rejected this passive judicial approach and argued that it is the duty of federal courts, not institutions of higher education, to perform a strict scrutiny assessment: "Strict scrutiny does not permit a court to accept a school's assertion that its admissions process uses race in a permissible way without a court giving close analysis to the evidence of how the process works in practice." It is up to federal courts to determine whether racial preferences in the particular university are "essential to its educational mission."

In their concurring opinions, Justice Scalia and Justice Thomas went further than the majority on the question of affirmative action. These justices believe that all racial preferences in higher education admissions decisions are indefensible under the 14th Amendment.

Justice Ginsburg provided the lone dissent in *Fisher*. In her opinion, she asserted that the University

of Texas's two-tiered admissions approach followed the *Grutter* precedent and ought to be deemed constitutionally appropriate.

Consequences of *Fisher*

In many ways, the *Fisher* decision represents a judicially moderate opinion. Instead of attacking the controversial topic of affirmative action head-on, the court opted for an indirect approach, focusing on questions of judicial procedure and keeping the *Bakke*, *Gratz*, and *Grutter* precedents intact.

In fact, after hearing the court's decision, the University of Texas responded, "Today's ruling will have no impact on admissions decisions we have already made or any immediate impact on our holistic admissions policies."

Although the University of Texas feels comfortable with its current admissions policies, many legal scholars believe that the *Fisher* decision will make universities even more leery about how they incorporate racial preferences into admissions decisions. Because *Fisher* directs public universities to explore race-neutral options before embracing race-conscious admissions policies, pressure will be placed on universities to demonstrate clearly the need for affirmative action programs. *Fisher* may deter universities from using race-conscious admissions criteria. Instead, pressured by conservative voters and legal groups about the empirical justification for racial preferences, universities likely may begin emphasizing applicants' socioeconomic status and family data in order to earn greater diversity in the classroom.

Fisher tremendously affects federal courts also. Lower courts will have to be more meticulous when deciding cases regarding affirmative action in higher education. Courts will be required to subject public universities' admissions policies to the strict scrutiny requirements. They will not be able to defer to a university's assessment that its own admissions formula is necessary to the achievement of a compelling interest and that the university implements the formula using narrowly tailored means. Courts now must discern the necessity of race-conscious policies, case-by-case.

DISCUSSION AND WRITING

1. What is affirmative action? What is the purpose of affirmative action programs at public universities? Do you think this is a valuable purpose? Explain.
2. What constitutional problems do affirmative action programs have? What is the test that courts impose on these programs? Do you think the test makes sense? Explain.
3. Do you agree with the Supreme Court's decisions in *Bakke*, *Gratz*, and *Grutter*? Do you think the decisions are consistent with each other? Explain your answers.
4. Do you agree with Justice O'Connor's idea of "sunset provisions" for affirmative action programs? When do you think a termination date should be, if ever? Explain your answers.
5. What did the Supreme Court decide in *Fisher v. Texas*? What would you have ruled if you were a justice on the court? Explain.
6. What alternatives to affirmative action do schools have to achieve greater diversity on their campuses?

ACTIVITY

Trustees

In this activity, students will role play trustees of a public university charged with setting, among other things, admissions policy for the university. The trustees will decide on the goal of admissions policy and address the question of affirmative action at the school.

1. Form small groups. Each group is a board of trustees.
2. Each group should do the following:
   a. Discuss and answer this question: What should be the goal of the admissions policy at your university?
   b. Look at each of the proposed policies on affirmative action and discuss the pros and cons of each.
   c. Decide which policy your university should adopt. If none of the listed policies are attractive, combine policies or create your own.
   d. Be prepared to report on your decisions and the reasons for them.
3. Each group should report its decisions and the class should discuss them.

Proposed Policies on Affirmative Action

1. **Top Ten Percent.** Adopt a policy similar to Texas' Top Ten Percent Law (see article for details).
2. **Race or Ethnicity as a Plus Factor.** Adopt an affirmative action program similar to that of the University of Michigan Law School (see article for details).
3. **Class-Based Affirmative Action.** Give applicants a plus factor if they are from low-income families.
4. **Grades and Test Scores Only.** Base university admission on high school grades and SAT scores only.

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Standards

Elizabeth I

National High School World History Standard 27: Understands how European society experienced political, economic, and cultural transformations in an age of global intercommunication between 1450 and 1750. (2) Understands causes and the major political, social, and economic consequences of the religious wars in Europe in the 16th and 17th centuries, and the legacy of these wars in modern Europe.

California History-Social Science Standard 7.9: Students analyze the historical developments of the Reformation. (4) Identify and locate the European regions that remained Catholic and those that became Protestant and explain how the division affected the distribution of religions in the New World.

Common Core Standard SL.11–12.4: Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

Common Core Standard SL.11–12.1: Initiate and participate effectively in a range of collaborative discussions . . . with diverse partners on grades 11–12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

Tubman

National High School U.S. History Standard 12: Understands the sources and character of cultural, religious, and social reform movements in the antebellum period. (1) Understands elements of slavery in both the North and South during the antebellum period (e.g., … how African American leaders fought for rights).

California History-Social Science Standard 8.9: Students analyze the early and steady attempts to abolish slavery and to realize the ideals of the Declaration of Independence. (1) Describe the leaders of the movement (e.g., … John Brown and the armed resistance, Harriet Tubman and the Underground Railroad …).

Common Core Standard SL.11–12.1: Initiate and participate effectively in a range of collaborative discussions . . . with diverse partners on grades 11–12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

Fisher

National High School Civics Standard 18: Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights. (2) Knows historical and contemporary practices that illustrate the central place of the rule of law.

National High School U.S. History Standard 31: Understands economic, social, and cultural developments in the contemporary United States. (5) Understands major contemporary social issues and the groups involved….

California History-Social Science Standard 11.11: Students analyze the major social problems and domestic policy issues in contemporary American society.

California History-Social Science Standard 12.5: Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments. (1) Understand the changing interpretations of the Bill of Rights over time, including interpretations of … the due process and equal-protection-of-the-law clauses of the Fourteenth Amendment. (4) Explain the controversies that have resulted over changing interpretations of civil rights, including those in … Regents of the University of California v. Bakke …).

Common Core Standard WHST.11–12.9: Draw evidence from informational texts to support analysis, reflection, and research.

Common Core Standard SL.11–12.4: Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

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