

Bill of Rights in Action



Constitutional
Rights
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JOURNALISM UNDER SIEGE



President of Russia, Press and Information Office (CC BY 4.0)

Russian President Vladimir Putin takes questions from people across Russia during his annual "direct line" appearance in 2017. PolitiFact found that at least 34 journalists have been murdered in Russia since Putin came to power in 2000. Many of these victims had covered issues of human rights, government corruption, and organized crime in Russia. Almost all the murders remain unsolved.

Journalists around the world have a crucially important role to play. They tell us the news of the world and of our own country. When they report news stories that anger powerful people or groups, they increasingly face threats to their lives and liberty. What should be done to help protect them?

The press traditionally is a watchdog. The press informs the public about laws and other actions of governments. It also exposes wrongdoing by governments, such as bribery, suppression of opposition groups, and acts of intimidation. In a democracy, the people rely on an objective press to help them make informed voting choices.

Given this critical role of the press, violence against journalists (including reporters, columnists, news photographers, and even satirists) is a threat to free expression itself. Reporters Without Borders is an organization that advocates freedom of press and information worldwide. It has stated:

In some countries, torturers stop their atrocious deeds as soon as they are mentioned in the media. In others, corrupt politicians abandon their illegal habits when investigative journalists publish compromising details about their activities. Still elsewhere, massacres are prevented when the international media focuses its attention and cameras on events.

Murder in Central Africa

On July 30, 2018, three Russian journalists were murdered in the Central African Republic, a poor country with potentially rich deposits of diamonds and gold. They were investigating private Russian military contractors operating for the Kremlin in the African nation.

The details of the murders are not clear. It is possible they were intentionally led down a road where their attackers ambushed them. Mikhail Khodorkovsky, a wealthy opponent of the current Russian government

LAW AND PROTECTION

The first two articles in this issue relate to the theme of how law can be used and has been used historically to protect sometimes extremely divergent interests. The first article analyzes the endangered state of journalists across the globe, including in the United States, and proposed laws to protect them. The second article takes a close look at the causes and effects of the Fugitive Slave Act of 1850. The third article outlines the historic contributions of Islamic scientists in the Middle Ages.

U.S. Government/Current Issues: *Journalism Under Siege* by contributing writer Patrick Jennings

U.S. History: *The Fugitive Slave Law of 1850* by longtime contributor Carlton Martz

World History: *Islamic Science in the Middle Ages* by Carlton Martz

Supplemental Activities!

Teacher-leaders from CRF's T2T Collab have created innovative activities for lessons in this issue! Look for the T2T symbol to access activities in the online editions.

T2T



Demonstrators in Luxembourg show outrage over nine writers, editors, cartoonists, and others who were murdered at the French satirical newspaper *Charlie Hebdo* on January 7, 2015. “Je Suis Charlie” (meaning “I am Charlie” in French) became an international slogan of support for freedom of the press, even the freedom to publish offensive material.

under Vladimir Putin, says that their employer, the Investigation Control Center (TsUR), shares some of the blame. Khodorkovsky ended his funding of the TsUR because he believes it failed to provide adequate security for the journalists.

The deaths of the Russian trio highlight a growing problem for journalists worldwide. In 2018, at least 51 journalists were murdered while working. That death toll includes the three Russians in the Central African Republic.

The United Nations calculates that over 800 journalists have been killed over the last 10 years. This toll includes print, video, and internet reporters. Almost all the killers of these journalists have gone unpunished.

International and National Laws Protecting Journalists

The 1949 Geneva Conventions are a set of international agreements about humanitarian treatment of people in war. They established protections of civilians in war zones and areas of armed conflict. The agreement specified that journalists working in those areas “shall be considered as civilians” and not soldiers or combatants.

In addition, the Geneva Conventions classify journalists who are authorized to accompany armed forces as “war correspondents.” If war correspondents are captured by enemy forces, they are entitled to prisoner-of-war status equal to that of a captured soldier.

The Geneva Conventions prohibit attacks against civilians unless the civilians take a direct and continuing

Some argue that journalists deserve additional protection.

part in hostilities. Armed forces may not target civilians and their possessions, including housing. Attacks that result in civilian injuries are permitted only when the military advantage gained by the attack is proportional to the incidental civilian injuries. Anyone who violates these provisions may face charges of war crimes.

Outside of conflict zones, the laws of various nations protect journalists. In all countries, violence against a reporter is assault, while intentional killing of a reporter is murder, just as it is with any other citizen. However, some argue that journalists occupy an important role in a democracy and deserve additional protection.

In the United States, the First Amendment to the U.S. Constitution plainly states that “Congress shall make no law . . .

abridging the freedom of speech, or of the press.” Generally, journalists are free to publish stories that inform the public about issues and even criticize the government.

But today there is a growing hostility toward journalists. President Donald Trump himself has repeatedly said that the news media is “the enemy of the people.” In 2017, a Montana congressman pleaded guilty to misdemeanor assault after body-slaming a reporter during an interview. In 2018, a man shot and killed five journalists at a Maryland newspaper office.

In response to these developments, California Congressman Eric Swalwell introduced The Journalist Protection Act in 2018. This law, if passed, would make it a federal crime to injure a journalist actively engaged in newsgathering or to injure a journalist in order to impede newsgathering.

Supporters of Swalwell’s bill say that the president’s “enemy of the people” rhetoric has helped cause the hostility toward journalists. They argue that local authorities might be reluctant to prosecute violence against reporters in jurisdictions where support for the president is high. If passed, the new law might allow the federal government to step in when local authorities fail to prosecute.

Critics of the bill have said it is an unnecessary intrusion of the federal government into states’ law enforcement. Some legal experts argue that Swalwell’s bill is unnecessary because the United States has experienced few incidents of violence against journalists. As of December 2018, the bill remains in the Judiciary Committee of the House of Representatives.

Impunity

We can see the Journalist Protection Act as part of a larger effort to combat *impunity* in cases of violence against journalists. Impunity means exemption from punishment for someone's action. International humanitarian lawyers are concerned about impunity both *de jure* (in law) and *de facto* (in fact) for perpetrators of violence against journalists.

Of the 539 murders of journalists throughout the world from 2001 to 2016, 447 were committed with full impunity: No person was held accountable for the deaths. In 67 cases, the murders involved criminal groups working alone or in concert with government or military officials, political groups, or local residents.

Mexico is one of the deadliest nations for journalists. Here, drug cartels have targeted both journalists working for news organizations and those working freelance. (Freelance reporters work independently of any one news agency.) In many cases, local officials and police have allowed the cartels to commit violence against journalists with impunity.

In 2017 and 2018, at least nine Mexican national reporters were murdered. In February 2018, two unidentified gunmen shot news satirist Leslie Ann Pamela Montenegro del Real in her Acapulco restaurant. Around the city, banners had been hung that stated threats against her. While these banners are normally the work of drug cartels, Montenegro's husband blamed her death on local political figures. She had criticized them in recent months.

In 2017, Javier Valdez, one of Mexico's most prominent journalists, was gunned down a few blocks from his office in the state of Sinaloa. For years, Valdez had chronicled the activities of cartels that supply the continuing demand for narcotics in the United States.

Brazil is another nation where journalists have been threatened and murdered by local criminal gangs. Thirteen reporters were murdered from 2001 through 2016. In four of the deaths, the Brazilian government convicted at least some of the individuals responsible. But in the remaining nine, no one was held accountable.

The Philippines also has a history of impunity when it comes to the murder of journalists by criminal gangs. From 2001 through 2016, eight reporters were murdered. Six of the deaths went unpunished. Government officials are implicated in an additional 51 deaths in the Philippines for the same time period. In 2018, one radio commentator was murdered after receiving threatening text messages from the mayor of his city whom he had criticized harshly.

Murder in Istanbul

On October 2, 2018, Jamal Khashoggi entered the consulate of the Kingdom of Saudi Arabia in Istanbul, Turkey. He was a citizen of Saudi Arabia who began living in the United States a year before. He was engaged to marry a Turkish woman and wanted to obtain documents that would allow him to marry the following day. He never left the consulate.

Khashoggi, a longtime journalist for the *Washington Post*, had lived in the United States for over a year. He was a fierce critic of Crown Prince of Saudi Arabia Mohammad bin Salman. When Khashoggi disappeared, many observers believed that he was killed on the orders of bin Salman. Outraged European leaders demanded an investigation into Khashoggi's disappearance.

Later, Turkish officials claimed to have audio and video proof of Khashoggi's murder. They announced that a squad of 15 Saudi agents arrived in Istanbul on private jets from Saudi Arabia on the day of Khashoggi's disappearance. The jets belonged to a company with close ties to bin Salman. The Saudi agents then waited in the consulate before they tortured and murdered Khashoggi there.

At first, President Donald Trump warned of "severe punishment" against the Saudis if the allegation that they murdered Khashoggi proved to be true. But he soon added that economic sanctions would mean the U.S. would lose lucrative military contracts for selling arms to the Saudi kingdom. He warned that would mean loss of over \$100 billion and many jobs in the United States. The president also echoed a Saudi government claim that unidentified "rogue killers" could have murdered Khashoggi.

Many in the U.S. Congress still vowed to impose economic sanctions against Saudi Arabia. In November 2018, the U.S. Central Intelligence Agency (CIA) concluded that, in fact, bin Salman personally ordered the killing of Khashoggi.

Saudi Arabia is the world's largest exporter of petroleum. The Saudis vowed that they would retaliate against sanctions by severely raising petroleum prices. Such a move could push the American and global economies into recession.

Do you think sanctions against Saudi Arabia are worth the risk of global recession? Why or why not? If not, what else could the U.S. do to show support for protection of journalists like Jamal Khashoggi? Does the conclusion of the CIA affect your opinion?



Jamal Khashoggi in March 2018.

Wikimedia Commons/April Brady/POMED (CC BY 2.0)

The Philippines was also the site of the worst mass murder of journalists in history. In 2009, 30 reporters and two media support workers, along with 25 others, travelled in a convoy to a provincial capital. They were going there to cover an opposition candidate for governor. All 57 persons were taken to a nearby hillside and executed. While no one has ever been charged with the crime, observers believe the incumbent governor's son was behind the massacre.

The Russian Federation is another nation where journalists have been attacked and murdered with impunity. From 2001 to 2018, 23 journalists have been murdered. Twenty of those murders were done with impunity. Government officials, including high ranking members of the Kremlin and even President Vladimir Putin himself, are suspected in 10 of these deaths.

As dangerous as Mexico, Brazil, Russia, and the Philippines are for journalists, no region has been as

deadly for journalists as the war-torn nations of Afghanistan, Iraq, and Syria. Three fierce wars have cost the lives of over 350 journalists since 2001. Most of the victims were native journalists killed while covering combat operations. Insurgent forces within the three nations — particularly the Islamic State in Syria — often captured and executed journalists.

Calls for Action

Because of increasing violence against reporters, a number of organizations are working to protect them. The Committee to Protect Journalists (CPJ) maintains an impunity index to track the worst offending nations. Reporters Without Borders has also asked the United Nations to appoint a “special representative of the UN secretary-general for the safety of journalists.”

In areas where criminal organizations and extremist political groups are powerful, national governments may not be able to protect journalists or punish those who harm them. This reality has led some international organizations to focus on the news organizations and journalists themselves. They hope to find ways to insure journalists’ safety.

In 2006, the United Nations (UN) issued Resolution 1738 condemning “intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict.” The UN also issued a plan to work with its member states to improve the safety of journalists. The plan would take effect in non-combat areas where criminal and extremist political groups are the main threats.

The Commissioner of Human Rights for the Council of Europe has urged news organizations to work with their journalists to assess the dangers of assignments. They also urge these organizations to provide

Reporters Behind Bars

Death is not the only danger journalists face when reporting in hostile areas. Many governments in the world imprison journalists for their newsgathering. According to the Committee to Protect Journalists, 262 journalists were imprisoned in 2017. Often, the governments imprisoning them claim their reporting is an “antigovernment” activity. The nations with the most imprisoned journalists are:

Turkey (73)	China (41)	Egypt (20)
Eritrea (15)	Vietnam (10)	Azerbaijan (10)

security equipment, special training, and additional insurance in conflict zones or for dangerous assignments.

The CPJ has issued a “Journalist Security Guide” with specific recommendations to journalists working in dangerous areas. As the guide indicates, many journalists working in countries with criminal organizations or violent political groups work freelance. The guide may help compensate for freelancers’ lack of training and experience while urging them to take precautions to insure their own safety.

WRITING & DISCUSSION

1. In what ways are journalists important in a democracy?
2. Do journalists need additional legal protection within the United States? Why or why not?
3. How should journalists balance the pursuit of news with securing their own safety in nations with a history of violence and impunity? Use at least three examples from the article in your answer.
4. If a United States citizen working as a reporter in a foreign nation is arrested or assaulted, what should the United States government do about it?

ACTIVITY: Protecting U.S. Journalists

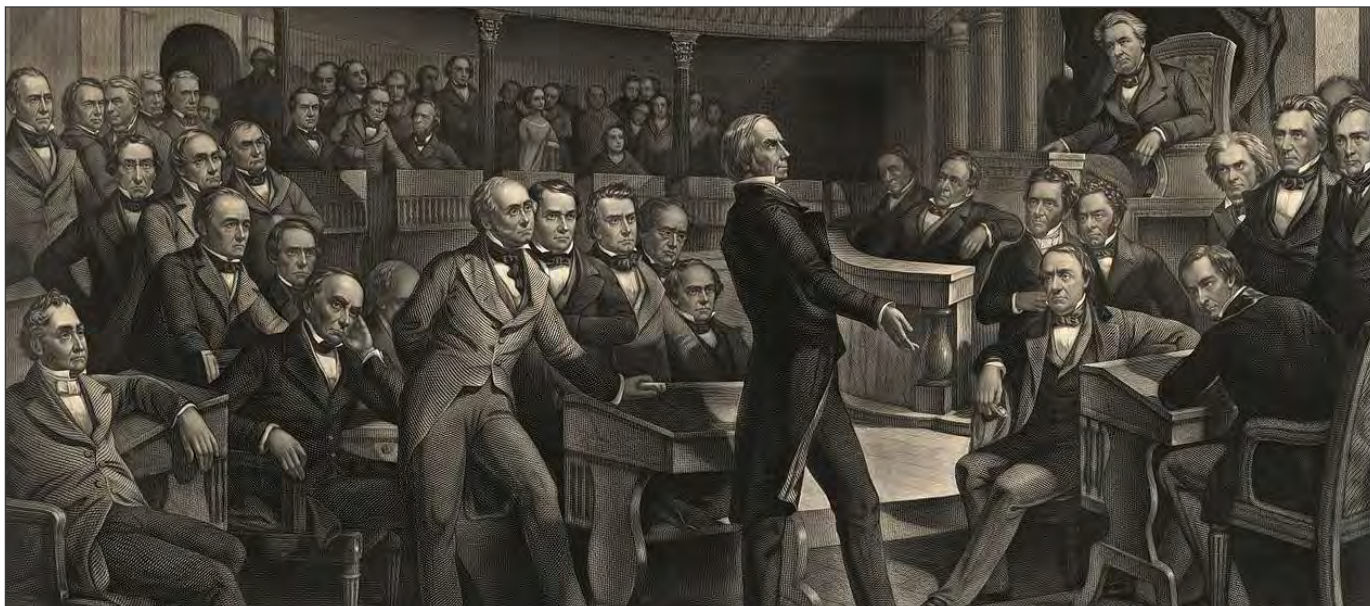
You are an elected member of the United States House of Representatives. You are on a committee that is crafting a bill to protect American journalists at home and abroad.

1. Form a small group with three or four other representatives. This is your committee. Discuss the four proposals below.
2. Decide which of these proposals, if any, the new law should include. Are there any other proposals not listed that the new law should include?
3. Jot down the reasons why each proposal should or should not be included. Choose a spokesperson for your committee.
4. Share your proposal with the entire class, the House of Representatives.
5. Optional: After all groups have shared, have the House of Representatives vote on which proposal should now be sent to the Senate for its approval.
6. As a representative, write a 100-word opinion in support of your proposed new law. Use evidence from the article and from your committee discussion.

Four Proposals:

- A. Make it a federal crime for anyone to injure a journalist actively engaged in newsgathering or to injure a journalist in order to impede newsgathering.
- B. Issue a resolution that the Department of State should formally ask the United Nations to appoint a special representative of the UN secretary-general for the safety of journalists.
- C. Provide federal funding for security equipment, special training, and additional insurance for reporters in conflict zones or for dangerous assignments.
- D. Devise a guide for freelance journalists instructing them about the safety precautions to take when reporting in conflict zones abroad.

THE FUGITIVE SLAVE LAW OF 1850



Wikimedia Commons

Senator Henry Clay of Kentucky introducing the Compromise of 1850 in the United States Senate.

In 1850, Southerners succeeded in getting a new federal law passed to return fugitive slaves who had escaped to the North. The U.S. government enforced this law, but some Northern states passed laws to resist it. Sometimes, free blacks and sympathetic whites joined to rescue captured fugitive slaves.

The idea of returning fugitive slaves to their owners originated at the Constitutional Convention in 1787. At that time, the Constitution stated:

No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law of Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due. (U.S. Const. art. IV, sec. 2, cl. 3)

Nearly all the states in 1787 held that slavery was legal. But Northern states soon began to outlaw it and provide refuge for escaping slaves. This prompted Southern slave owners to demand a law by Congress to enforce the provision in the Constitution that required the return of escaped persons “held to Service or Labor,” in other words, fugitive slaves.

In 1793, Congress passed the first Fugitive Slave Law. This law left it mainly up to the slave owners and their hired slave catchers to capture and return runaway slaves.

In the meantime, free blacks and anti-slavery whites organized a slave-escape system that came to be called the Underground Railroad. This involved escape routes, houses for hiding, and guides called “conductors” to help escaping slaves reach refuge in the North.

Probably the most famous Underground Railroad conductor was Harriet Tubman. She escaped slavery herself in 1849. Then she repeatedly returned to the

South to guide about 70 slaves to freedom. “I was free, and they should be free,” she said.

Abolitionists argued that once slaves touched the soil of a non-slave state, they were free. Some Northern states prohibited county sheriffs from assisting slave hunters or allowing county jails to hold their captives.

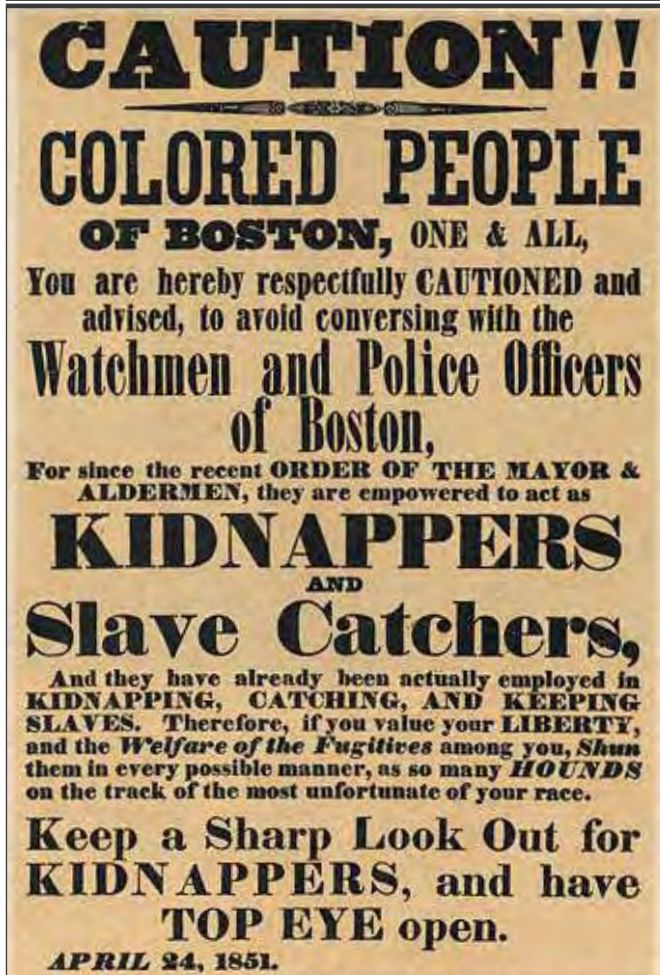
In 1842, the U.S. Supreme Court in *Prigg v. Pennsylvania* found the Fugitive Slave Law of 1793 constitutional. However, enforcement of the law was the responsibility of the federal government, held the court, not the states. The Supreme Court also decided that slave holders had “the complete right and title of ownership in their slaves, as property, in every state in the union into which they might escape. . . .”

This ruling stiffened abolitionist resistance to the Fugitive Slave Law. Southerners intensified their demands for stronger federal enforcement of it.

The New Law in 1850

After the Mexican-American War ended in 1848, the U.S. acquired vast new territories in the West called the Mexican Cession. This re-opened the issue of the expansion of slavery west of the Mississippi River. The Missouri Compromise of 1820 had seemingly settled this matter. It barred slavery north of a line of latitude that now included part of the Mexican Cession. Southerners now wanted these lands open to slavery.

In Congress, Henry Clay, representing the South, and Daniel Webster, representing the North, reached a compromise that was signed into law by President Millard Fillmore on September 18, 1850. The North got the admission of California to the Union as a free state and abolition of the slave trade in the District of



An 1851 abolitionist poster warning escaped slaves in Boston to beware of police officers and others authorized to act as slave catchers.

Columbia. The South, under the concept of “popular sovereignty,” got a provision that allowed the voters in the new Utah and New Mexico territories to decide if they would be free or slave. The South also got a new Fugitive Slave Law.

The main difference between the new Fugitive Slave Law and the one enacted in 1793 was that the federal government would play a much more active role in returning escaped slaves to their masters. Key to the new process were commissioners appointed by federal judges.

Commissioners and federal judges had the authority to issue warrants to slave owners, slave catchers, or U. S. marshals to arrest suspected fugitive slaves. However, no arrest warrants were required, and accused escaped slaves could be seized without them.

The fugitive slave hunters had the right to demand the help of U.S. marshals. In addition, the law stated that “all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law.” Any person who interfered with an arrest, attempted a rescue, or aided or hid a fugitive slave was liable for a \$1,000 fine and up to six months in jail.

*It was in Boston
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slave rescue occurred.*

Once in federal custody, a person accused of being a fugitive slave was taken before a commissioner for a hearing to determine proof of his or her identity as an escaped slave. This was usually provided by an affidavit that had been sworn under oath by the slave’s owner in the court of the county from where the slave had escaped. The affidavit described the fugitive slave and the circumstances of his or her escape. At the hearing, the law prohibited the accused fugitive slave from testifying in his or her own defense.

Hearings before commissioners often lasted just minutes. If the identity of the person as an escaped slave had not been proven, the commissioner would order the person’s release and collect a fee of \$5. If the person’s identity had been proven, the commissioner would issue a certificate, authorizing the fugitive slave’s removal to his or her owner, and collect a fee of \$10.

Normally the slave owner or his agent would transport the slave back to the South. If there was evidence of an attempt to rescue the slave, the commissioner could order the U.S. marshal to hire as many persons as necessary to return the slave at the expense of the U.S. government.

Fugitive Slave Rescues

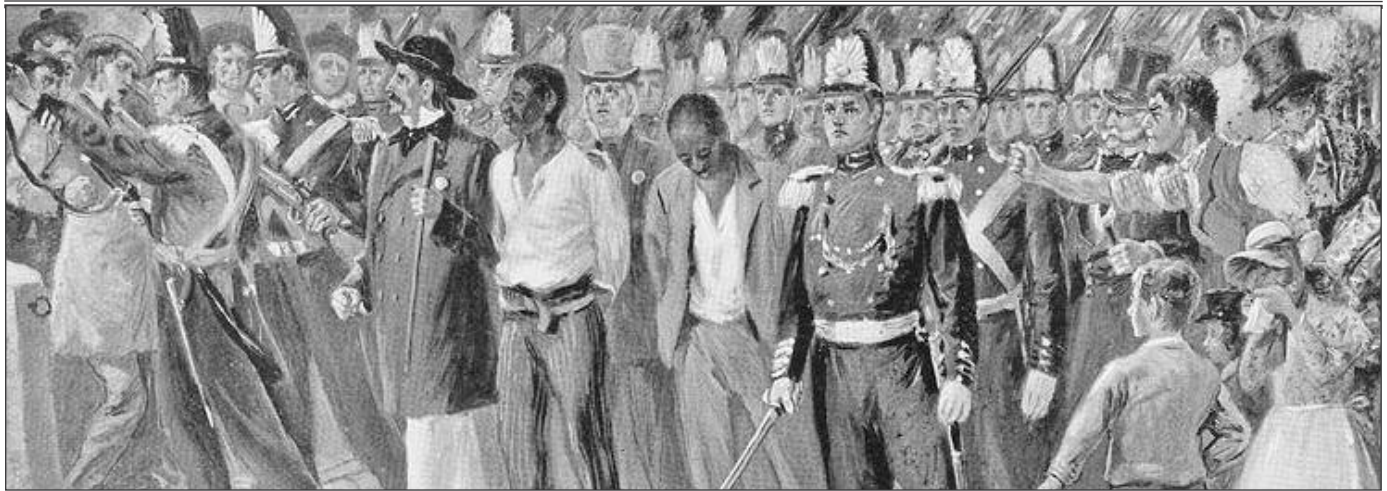
The first year of the new Fugitive Slave Law’s operation caused much turmoil among Northern free blacks and abolitionist whites. They especially hated the provision that required ordinary citizens to aid in the capture of fugitive slaves.

Many Northern cities formed biracial Vigilance Committees to alert fugitive slaves about the presence of slave hunters. Some black communities formed armed militias.

At this time, Boston was the center of anti-slavery agitation in the country. It was here that the first widely publicized fugitive slave rescue occurred. On February 15, 1851, slave catchers captured Shadrach Minkins at a restaurant where he was a waiter. He had escaped slavery from Virginia the previous year.

Known by most as Shadrach, the slave catchers took him to a commissioner for a hearing. But before the hearing got underway, about 20 black men barged into the courtroom and carried him away. They hid him until sending him on to freedom in Canada. It was a colony of Britain that had abolished slavery in 1834.

Shadrach’s surprising rescue caused celebration in the North and rage in the South. President Fillmore and his secretary of state, Daniel Webster, signed a proclamation, warning against “MOB LAW” and accusing the rescuers of treason. Some of the rescuers were arrested and put on trial but none were ever convicted.



The New York Public Library

This 1899 image shows Anthony Burns and Thomas Sims marched through Boston as they were returned to slavery. Actually, Sims was returned in 1851 and Burns in 1854. Boston abolitionists bought Burns's freedom in 1856. He returned to Boston. Sims later escaped again in 1863, and U.S. Attorney General Charles Devens appointed Sims to a position in the Department of Justice.

Barely two months later, Thomas Sims was arrested and taken to the Boston courthouse for his hearing. Outside, abolitionists addressed crowds of blacks and whites. The state militia was ordered to protect the courthouse. Meanwhile, the Vigilance Committee met to plan a rescue. But this time the government was prepared. When the commissioner ordered Sims returned to his owner in Georgia, hundreds of state militiamen marched him to a federal ship that took him to Savannah.

In September 1851, Maryland slave owner Edward Gorsuch led a posse into Pennsylvania to capture his four escaped slaves. He secured an arrest warrant from a commissioner in Philadelphia plus the aid of a U.S. marshal.

Gorsuch's posse tracked two of the slaves to Christiana, where they had been hidden in the home of a black abolitionist, William Parker. When Gorsuch presented his warrant, Parker refused to let him and his men enter the house. Parker's wife then blew a horn from a window, alerting neighbors of the attempt to capture the fugitives. The posse fired their guns at her.

Soon, armed black neighbors and some whites arrived at the scene, outnumbering the posse. Most of them began to retreat, but Gorsuch refused to leave. "I want my property and I will have it!" he yelled. In the resulting confusion, Gorsuch was shot and killed, probably by one of his former slaves. Parker, his wife, and the fugitives then fled to Canada.

The violence shocked even abolitionists. Local, state, and federal law enforcement and a unit of U.S. Marines made mass arrests of blacks suspected of participating in the "Christiana riot." They were accused of treason, but none were convicted.

One of the most spectacular rescues occurred one month later in Syracuse, New York, where an anti-slavery convention happened to be meeting. Jerry Henry had escaped slavery from Missouri several years earlier. A U.S. marshal arrested and took Jerry, as he was commonly called, in handcuffs to a commissioner for his fugitive slave hearing.

Word spread quickly and crowds, consisting of black and white supporters, gathered outside and inside the courthouse. In the commotion, Jerry bolted out of the courtroom still in handcuffs, but he was soon caught by local police. Jerry was taken to the police station where the commissioner decided to resume the hearing.

After the hearing was adjourned, Jerry was locked up in the police station. Thousands had surrounded it, shouting for Jerry's release. Finally, an organized band of black and white members of the Syracuse Vigilance Committee attacked the police station, overwhelmed guards, and used a battering ram to break into the room where Jerry was held. They took him out of the police station and then hid him in town. Later, they sent him through the Underground Railroad to Canada.

U.S. authorities arrested dozens of suspected rescuers and tried them for treason. Only one was convicted, but he died before his appeal was heard. The rest were not convicted, or their cases were dropped.

Rescues continued in several states but were rare. The commissioner hearing process proceeded with the backing of federal force.

Northern State Resistance

At first there was widespread hostility against the Fugitive Slave Law. But then public opinion in the North changed to support it. The law was part of the Compromise of 1850 that many Northerners believed was the "final settlement" of the slavery issue to keep the Union together.

However, in 1854, Congress passed the Kansas-Nebraska Act. This enabled citizens in these two western territories to vote if they would be free or slave. This act re-ignited the slavery issue that most thought had been settled in 1850.

In 1857, the Supreme Court decided in *Dred Scott v. Sandford* that black persons, slave or free, could never become U.S. citizens. The court also decided that if a slave entered a free state he or she remained slave property. ▶

Two years later in *Ableman v. Booth*, the Supreme Court found the Fugitive Slave Law to be constitutional.

In addition, newspapers reported the kidnapping of free black persons by criminals who sometimes convinced commissioners their captives were fugitive slaves. The kidnappers then took them South to be auctioned into slavery.

Abolitionists, free blacks, and a growing number of Northern whites were furious about all these developments. Seven Northern states decided to resist the Fugitive Slave Law by passing “personal liberty laws,” which granted accused fugitive slaves certain protections and due process of law. States varied in what laws they enacted, but they often included:

- providing legal representation to accused fugitive slaves, sometimes by the county attorney;
- requiring a jury trial to decide if the slave owner’s affidavit was adequate;
- barring use of local or state jails;
- prohibiting state officials from any participation in enforcement of the Fugitive Slave Law.

One other personal liberty law granted an accused fugitive slave the right of habeas corpus. This meant a state court judge could order a fugitive brought before him for settlement of a case. As a result, habeas corpus disputes between state and federal courts occurred over who should have jurisdiction of an accused fugitive slave.

In one famous case, escaped slave Margaret Garner killed her two year-old daughter during her arrest and threatened to kill her three other children to prevent them from being returned to a life of slavery. This caused a dispute over whether Garner should be tried for murder in a state court or processed at a federal commissioner’s hearing.

A federal judge finally ruled that the hearing took priority and cancelled the state’s claim of jurisdiction. Garner and her three children were then returned to slavery.

The strategy of state resistance to the Fugitive Slave Law increased the costs of slavecatching, stopped some kidnapping, and slowed the commission-hearing process.

Repeal of the Fugitive Slave Law

When the Confederate states seceded, President Lincoln continued to enforce the Fugitive Slave Law. He said he did this to keep the slave-holding border states in the Union.

Lincoln’s Emancipation Proclamation of 1863 applied only to those states in rebellion. Fugitive slaves were still returned to owners in states loyal to the Union.

The Fugitive Slave Law remained in effect, although not strictly enforced, until nearly the end of the war. Congress finally passed its repeal and President Lincoln signed it on June 28, 1864.

Between 1850 and 1860, an estimated 15,000 or more slaves escaped slavery in the South. Thousands went as far north as Canada. But only 330 of the escaped slaves were caught, taken before commissioners, and returned to the degradation of slavery. The Fugitive Slave Law had managed mainly to energize the abolitionist movement and the Underground Railroad. Through their efforts, thousands of escaped slaves remained free.

WRITING & DISCUSSION

1. Supporters of the Fugitive Slave Law argued that the Constitution and laws passed by Congress should always be obeyed. How do you respond to this argument?
2. Fugitive slave rescues were illegal acts. What did rescuers risk by disobeying the law?
3. In the case of Margaret Garner, if she had been tried in a state court, do you think she should have been found guilty? If she had been found guilty, what do you think an appropriate sentence should have been? Give reasons for your answers.

ACTIVITY: Letters to Lincoln

According to historian Andrew Delbanco, President Lincoln enforced the Fugitive Slave Act during the Civil War in order to preserve the union – and therefore ultimately defeat the Confederacy. “Vile as it was,” writes Delbanco, “the Fugitive Slave Law was also, ironically, a gift to antislavery activists because wherever it was enforced, it allowed them to show off human beings dragged back to the hell whence they came — a more potent aid to the cause than any speech or pamphlet. It implicated Northerners in the business of slavery in a way they had never felt before.”

What do you think of President Lincoln's decision to enforce the Fugitive Slave Law?

1. Each student will first write a letter to Lincoln on this question, using information and facts in the article.
2. Students will then meet in groups, read their letters to each other, discuss the question, and try to reach agreement on it.
3. Groups will then report their conclusions to the class.



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ISLAMIC SCIENCE IN THE MIDDLE AGES



Wikimedia Commons

The House of Wisdom founded by Abu Jafar Abdullah al-Mamun in Baghdad in 813. Mongol invaders destroyed it during the Siege of Baghdad in 1258.

Muslims were the world's leading scientists in the Middle Ages, also known as the post-classical period. First they translated Persian, Greek, and other ancient science texts into Arabic. Later, these texts and the innovative works of Islamic scientists were translated into Latin for use by European scientists.

After the Prophet Muhammad died in 632, there was a conflict over who should succeed him. This came to a head in 661 when Muhammad's cousin, Ali, who had claimed the role as the Prophet's successor, was killed by his rivals.

After Ali's death, a Muslim family, the Umayyads, took control of Islamic lands that had been conquered in the name of Allah. This empire included Persia, Byzantium, Syria, Egypt, North Africa, and parts of Central Asia and India. The Umayyads added what they called Andalusia (most of today's Spain and Portugal).

The Umayyad family dynasty ruled the Islamic empire from their capital at Damascus, Syria, from 661 to 750. They needed knowledge and experts in such areas as engineering, accounting, and irrigation. Persians and others from the empire skilled in such subjects soon became valuable advisors of the caliph. The caliph was the Umayyad political and religious leader of the empire, known as the caliphate.

Some of the Persians brought with them manuscripts in their language, which had been translated from ancient Greek writers like the mathematician Euclid. Around 700, the Umayyads began a small-scale language translation project from Persian to Arabic.

In the mid-700s, the rival Abbasid family challenged the Umayyads for control of the caliphate. After defeating the Umayyads in battle, the Abbasids slaughtered most of the ruling family members at a peacemaking banquet. The Abbasids moved the capital of the caliphate to Baghdad, Iraq, where they ruled from 762 to 1258.

The Abbasid Translation Movement

The Abbasid caliphs expanded the translations of manuscripts into Arabic from not only Persian and

Greek but also from Egyptian, Hebrew, Babylonian, Indian Sanskrit, and other languages. The emphasis was on subjects that served both practical and religious needs. Mathematics and astronomy were of special interest to Muslims because they needed to know how to determine the exact times to pray each day and the direction of their holy city of Mecca. Other science subjects were soon added to the translation movement.

In 813, Abu Jafar Abdullah al-Mamun became the Abbasid caliph in Baghdad. (In Arabic, "Abu" means father of; "al" before a man's name usually referred to his birthplace or region of origin.) Al-Mamun intensified the search for ancient manuscripts, but he also changed the emphasis from only translating texts to also creating new knowledge.

Al-Mamun founded a center for learning that was later called his House of Wisdom. In this place in Baghdad newly discovered manuscripts were translated into Arabic. The largest collection of paper books in the world was assembled in a library. But most importantly, some of the most famous Islamic scientists came here to study, debate, and write books that challenged the thinking of the classical Greeks and other ancient authors.

Al-Mamun also built the first Islamic observatory, without a telescope of course because it had yet to be invented. The astronomers in Baghdad had other tools like a hand-held astrolabe, sundials, and giant masonry sextants that measured the movements of the heavenly bodies.

Al-Mamun wanted astronomers to test the conclusions of Ptolemy, the Greek authority on heavenly bodies. By this time, astronomers knew the earth was a sphere (and not flat) but also fully accepted Ptolemy's geocentric theory that the sun, five known planets, and stars all circled the earth.

Meanwhile in medieval Christian Europe, science was largely centered around alchemy, which was focused on trying to turn lead into gold, astrology, and religious beliefs. Some ancient Greek works were

passed on by Byzantine Christians to European scholars and monks who translated them into Latin. But this effort lacked the scope and volume of what was happening in the Islamic world.

The Golden Age of Islamic Science

By 833, when al-Mamun died, his House of Wisdom was the leading center of Islamic learning. It not only helped to preserve the works of ancient writers, but also provided the foundation for the golden age of Islamic science.

The “superstars” of this golden age were frequently polymaths, experts in several science disciplines. None were women because, during this era, women were almost entirely excluded from academic scholarship in both Islamic lands and Christian.

Mathematics

Islamic mathematicians developed an entirely new number system, which originated in Hindu India and involved only ten numerals: 1-9 and 0. They could be arranged to make any number to infinity. This made mathematical calculations simpler than using the commonly used Roman numeral system of letters (e.g., using 38 instead of XXXVIII).

By 950, Islamic mathematicians were using a decimal point. We still use “Arabic numerals” today. But complex mathematics took a huge leap when algebra was developed.

Ibn Musa al-Khwarizmi (c.790-850)

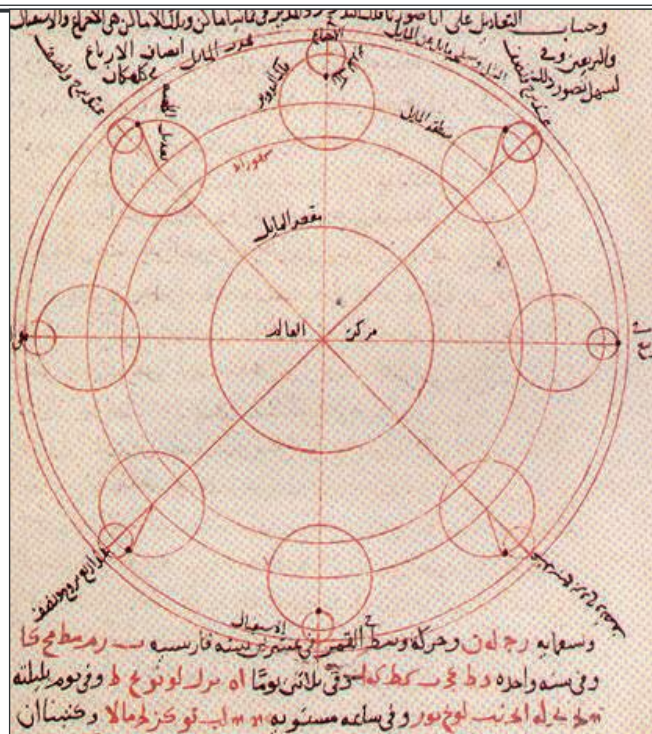
Around 825, Persian born al-Khwarizmi wrote a book on the Indian numbering system (“ibn” means son of). Al-Khwarizmi, who studied at al-Mamun’s House of Wisdom, took the lead in introducing this system to the Islamic world.

Working from Greek and Indian sources, al-Khwarizmi’s greatest achievement was to make algebra a separate mathematics discipline. The Arabic word *al-jebr* (completion) appears in the title of his book on that subject. This was the first algebra textbook on the principles and rules for solving math problems.

Al-Khwarizmi developed step-by-step rules for solving quadratic equations. Today, this is called an algorithm, which is actually derived from al-Khwarizmi’s name. Surprisingly, he used words rather than symbols like *x* and *y* to write his equations. After al-Khwarizmi, mathematics became the language of science.



A 1983 Soviet postage stamp depicting al-Khwarizmi.



The lunar model of al-Shatir.

Astronomy

The Greek astronomer Ptolemy (c.100-c.170 A. D.) lived in Roman occupied Egypt. He wrote what later was called the *Almagest* (*Great Book*), which brought together all ancient Greek astronomical knowledge. This included the geocentric theory that the earth was the center of the universe.

The *Almagest* became the basis of Islamic and European astronomy in the Middle Ages. But Islamic astronomers had difficulty trying to “fit” some of Ptolemy’s reasoning with their own observations of the heavens.

Ibn Ibrahim al-Shatir (c.1305-c.1375)

Al-Shatir was born and lived in Damascus, Syria. He began as a timekeeper at the great mosque there. This made him responsible for regulating the times of prayer as determined by astronomical observations.

Al-Shatir made substantial improvements in astronomical instruments such as the sundial and astrolabe. He invented an astrolabe clock and came up with the idea of using hours of equal time during the year.

While still supporting the geocentric theory, Al-Shatir made major revisions to Ptolemy’s description of the movements of the sun, moon, and planets. Al-Shatir’s solar model was in closer agreement with actual observations than those of other astronomers. His lunar model diagram reduced the varied distances of the moon from the earth, which was the first accurate measuring that matched actual observations.

Al-Shatir’s models were not examined by modern astronomers until the 1950s. They were astounded when they discovered that his lunar model diagram

was nearly identical to the one used by Copernicus in 1543. Thus, al-Shatir's astronomy around 1350 seemed to have played a significant role 200 years later in Copernicus's heliocentric proof that the earth revolved around the sun.

Medicine

Muslims in this golden age had a special interest in medicine and health. In one of his sayings, the Prophet Muhammad declared, "The best gift from Allah to mankind is good health. Everyone should reach that goal by preserving it for now and the future."

The Greek physician Galen, living at the time of Ptolemy, was the main authority for Islamic and European medicine in the Middle Ages. He taught that four fluids or "humors" in the human body needed to be kept in balance for good health.

By the 1100s, trained Islamic physicians had advanced far beyond Galen. They knew how blood circulated between the heart and the lungs, and that the nerves conducted pain. They diagnosed and treated many diseases, and invented dozens of surgical instruments like forceps to aid childbirth.

Most Muslim cities had hospitals with permanent medical staffs, many services, and often a teaching mission. They were financed by charity, a Muslim obligation, and grants from the caliph. Hospital services were usually free to all, including slaves.

The services of hospitals varied depending on their size but could include a drug dispensary, mental-health ward, laboratory, kitchen for special diets, baths, and a library.

Hospitals typically had separate wards for males and females as well as for different diseases. Physicians did rounds to examine patients and prescribe drugs.

By contrast, most hospitals in Europe during the Middle Ages were established by the Roman Catholic Church and were often managed by a priest. Diseases were commonly believed to be punishments of God.

Ibn Zakariya al-Razi (c.854-c.925)

A Persian, al-Razi is known as the greatest Islamic physician of the Middle Ages. He did the first accurate study of contagious diseases and determined that a fever was part of the body's defenses. For the first time, he diagnosed smallpox and measles. He was director of the main hospital in Baghdad, managed a mental-health ward, and headed the teaching of medicine. He



Portrait of al-Razi.

pioneered experimental medicine and the treatment of children.

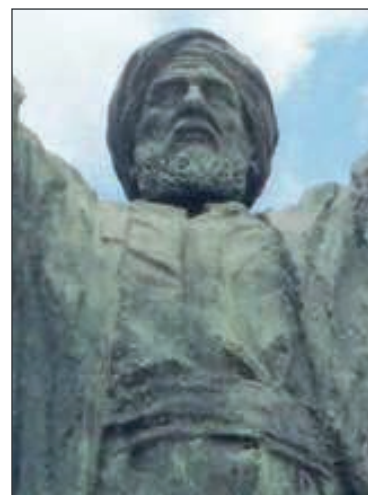
Al-Razi wrote about 60 books on medicine, including *Doubts About Galen*. He wrote an encyclopedia on Greek, Persian, Indian, and Chinese medical knowledge. Most of his writings were translated into Latin and dominated medical textbooks in Europe for centuries.

Geography

The Greek astronomer Ptolemy described and drew a map of the known world. His *Geographica* was translated into Arabic at Caliph al-Mamun's House of Wisdom. The caliph ordered an update of Ptolemy's map, which was completed in 833.

Ibn Muhammad al-Idrisi (c.1100-1166)

Al-Idrisi was the most spectacular geographer of this period. A native of Morocco, he studied at Cordoba (now a Spanish city) and was employed by the Christian King Roger II in Sicily to make a new world atlas. In 1154, al-Idrisi completed the most accurate description and series of maps of the world up to the time of Columbus.



Statue in Spain of al-Idrisi.

Al-Idrisi interviewed experienced travelers to gather information about Asia, Europe, and North Africa. His atlas was in 70 sections that included detailed descriptions in Arabic and Latin of the physical, cultural, political, social, and economic conditions of each region.

Each of the 70 sections also had a map that when put together made a rectangular one of the known world that was assumed to be a sphere. King Roger had this map engraved on a silver disc, weighing 300 pounds. Unfortunately, this version of the map has been lost.

Scientific Method

Euclid, Ptolemy, Galen and the other ancient Greek men of science developed their ideas and theories mostly by *deductive reasoning*. Start with a proposition, and then use reasoning to confirm it.

Increasingly, the Islamic scientists used *inductive reasoning* to solve science problems. Start with collecting data by mathematical calculations, observations, and experimentation, and then reach a conclusion. Today we call this the scientific method. It encountered resistance from religious beliefs in both Islamic and Christian lands in the Middle Ages. ►

Hassan ibn al-Haytham (c.965-c.1040)

An Arab born in Iraq, al-Haytham was the greatest of the medieval Islamic physicists. His most original ideas were in optics, which concerns the science of light.

Al-Haytham investigated every known aspect of light and human vision. He examined sunlight, rainbows, the solar eclipse, and why the sun and moon grow in size as they approach the horizon (optical illusion).

Al-Haytham rejected the Greek theory that vision occurs when rays are sent from the eye to an object. Instead, he demonstrated by experimentation that vision happens when light coming from an object enters into the eye through the pupils, acting as lenses.

Al-Haytham's greatest contribution was to show how to systematically "do science." He varied conditions and used controlled testing in his experiments. He developed a mathematical approach to physics for his experiments.

Al-Haytham wrote in his *Book of Optics*, "We should distinguish the properties of particulars [data], and gather by induction. . . ." Thus, he taught the scientific method of inductive reasoning long before the Englishman Francis Bacon wrote about it 600 years later in his *New Instrument of Science*.

Islamic Science and the Renaissance

By the 1100s, Islamic science dominated the rest of the world.

Andalusia served as the center for a second translation movement from works in Arabic to Latin, which then were passed on to European scientists.

By the 1500s, however, the European Renaissance was unfolding. There was a fascination for reading original



A 1647 portrait of al-Haytham.

Wikimedia Commons

Greek and Roman works in philosophy, literature, and science. This stimulated new thinking and discoveries.

Soon, the giants of Renaissance science like Leonardo da Vinci, Copernicus, and Galileo made their marks on history.

In the early 20th century, the discoveries of the Renaissance scientists were generally believed to have been a purely a European achievement. The previous work of Islamic science was often discounted and forgotten. But in the 1950s, doubts about the insignificance of Islamic science arose when researchers found that Copernicus apparently made use of the mathematical lunar diagram of the Islamic astronomer al-Shatir. This helped Copernicus prove his heliocentric theory.

In 1973, another diagram by a Persian astronomer, Nasr al-Din al-Tusi (1201-1274), was found. It also proved to be nearly the same as one Copernicus used in his 1543 book on the heliocentric universe (he thought the stars circled around the sun too).

The history of science shows that discoveries are almost always the result of building on the work of earlier scientists. The work of Copernicus seemed to fit this pattern. There can be little doubt that the works of Islamic scientists in the post-classical period are embedded throughout modern science today.

WRITING & DISCUSSION

1. Why do you think Islamic science led the world in the Middle Ages?
2. Traditionally, historians thought that Islamic science was mainly the result of translating ancient texts into Arabic. Today, most historians think Islamic science was much more creative. Use at least three pieces of evidence in the article to describe the creativity of Islamic scientists.
3. Make a list of five important ideas or achievements of Islamic science in the Middle Ages that are part of modern science today. Which one do you think is the most important? Why?

ACTIVITY: Islamic Science Pioneers

Five of Islamic science's pioneers discussed in the article are listed below.

1. Meeting in small groups, each student should first list the scientists in rank order, 1-5, according to how important their contributions were to the advancement of science.
2. The groups should then share their rankings, discuss them, and try to agree which scientist should be ranked number one.
3. The groups will finally report their top-ranked scientist and the reasons for choosing him.

Islamic Science Pioneers

Ibn Musa al-Khwarizmi (c.790-850)

Ibn Ibrahim al-Shatir (c.1305-c.1375)

Ibn Zakariya al-Razi (c.854-c.925)

Ibn Muhammad al-Idrisi (c.1100-1166)

Hassan ibn al-Haytham (c.965-1039)



On page 13 is a supplemental activity by Jennifer Jolley, a National Board Certified Teacher and James Madison Fellow (FL'10) who teaches AP U.S. government and politics, U.S. government, and world history at Palm Bay Magnet High School, a STEAM school, in Melbourne, Florida. She is also a teacher-leader in Constitutional Rights Foundation's Teacher-to-Teacher Collab: www.crf-usa.org/t2tcollab.

T2T

ACTIVITY: The Islamic Golden Age of STEM: Philosophical Chairs

Compelling question for this activity: *To what extent are Islamic Golden Age STEM innovations and inventions significant today?*

1. Before your class enters, make signs with the names of these five Islamic Golden Age people of science and their main achievements and post them in different places (“corners”) in the room: Ibn Musa al-Khwarizmi (mathematics), Ibn Ibrahim al-Shatir (astronomy), Ibn Zakariya al-Razi (medicine), Ibn Muhammad al-Idrisi (geography), Hassan ibn al-Haytham (scientific method). (24” x 36” sheets or larger work best. See Step 9 below.)
2. Begin the Philosophical Chairs activity by instructing students to move to the area of the room where their top favorite person/achievement is displayed.
3. With their peers, they should decide the most important pieces of evidence to use to convince others to move to their “corner” of the room.
4. Taking turns, starting with al-Khwarizmi and ending with al-Haytham, one spokesperson for each group should present a persuasive argument for why their chosen person/achievement is the most significant from the Islamic Golden Age.
5. As each spokesperson speaks, all others should listen. If any student is persuaded to move to another group, they should quietly do so. Once all five spokespeople have been heard, this first round has ended. Each group now chooses a new spokesperson.
6. Repeat for three more rounds. Each time, a new spokesperson speaks for each group. If any group does not have enough people from whom to choose a new spokesperson, someone from that group will have to speak again.
7. At the end of the fourth round, see which Islamic person/achievement has the most supporters by tallying up the number of students in each group.
8. Leave the five signs on the walls and give students a few minutes to post reflection questions on sticky notes at the various signs. Leave questions on walls for other students to read.
9. Optional: Modify the Philosophical Chairs activity into a civil conversation using the guidelines, “Conducting a Civil Conversation in the Classroom,” found on T2T Collab Curriculum library (www.crf-usa.org/t2t/curriculum-library). This form provides step-by-step guidelines for student expectations during a discussion.



Evaluation: Students should answer the compelling question above by composing a Tweet of 280 characters. Post student responses around the room.

Standards Addressed

Journalism Under Siege

California History-Social Science Standard 12.10 Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: majority rule and individual rights; liberty and equality; state and national authority in a federal system; civil disobedience and the rule of law; freedom of the press and the right to a fair trial; the relationship of religion and government.

National Civics Standard 3: Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good. Middle School Benchmark 2: Understands how and why the rule of law can be used to restrict the actions of private citizens and government officials. High School Benchmark 2: Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict; regulating social and economic relationships in civil society).

National Civics Standard 21: Understands the formation and implementation of public policy. Middle School Benchmark 3: Understands why conflicts about values, principles, and interests may make agreement difficult or impossible on certain issues of public policy (e.g., affirmative action, gun control, environmental protection, capital punishment, equal rights). High School Benchmark 3: Knows the points at which citizens can monitor or influence the process of public policy formation.

National Civics Standard 22: Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U.S. foreign policy. High School Benchmark 8: Understands the influence of American constitutional values and principles on American foreign policy (e.g., a commitment to the self-determination of nations), and understands the tensions that might arise among American values, principles, and interests as the nation deals with the practical requirements of international politics (e.g., a commitment to human rights and the requirements of national security).

Common Core State Standards: SL.6-8/11-12.1, SL.6-8/11-12.3, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, RH.6-8/11-12.10, WHST.6-8/11-12.1, WHST.6-8/11-12.2, WHST.6-8/11-12.9, WHST.6-8/11-12.10.

The Fugitive Slave Law of 1850

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. (4) Discuss the importance on the slavery issue of the annexation of Texas and California's admission to the union as a free state under the Compromise of 1850. (5) Analyze the significance of the States' Rights Doctrine, the Missouri Compromise (1820), the Wilmot Proviso (1846), the Compromise of 1850, Henry Clay's role in the Missouri Compromise and the Compromise of 1850, the Kansas-Nebraska Act (1854), the Dred Scott v. Sandford decision (1857), and the Lincoln-Douglas debates (1858).

National United States History Standard 10: Understands how the industrial revolution, increasing immigration, the rapid expansion of slavery, and the westward movement changed American lives and led to regional tensions. Middle School Benchmark 5: Understands different economic, cultural, and social characteristics of slavery after 1800 (e.g., the influence of the Haitian Revolution and the ending of the Atlantic slave trade, how slaves forged their own culture in the face of oppression, the role of the plantation system in shaping slaveholders and the enslaved, the experiences of escaped slaves).

National United States History Standard 13: Understands the causes of the Civil War. High School Benchmark 2: Understands events that fueled the political and sectional conflicts over slavery and ultimately polarized the North and the South (e.g., the Missouri Compromise, the Wilmot Proviso, the Kansas-Nebraska Act).

Common Core State Standards: SL.6-8/11-12.1, SL.6-8/11-12.3, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, RH.6-8/11-12.10, WHST.6-8/11-12.1, WHST.6-8/11-12.2, WHST.6-8/11-12.9, WHST.6-8/11-12.10.

Islamic Science in the Middle Ages

California History-Social Science Standard 7.2 Students analyze the geographic, political, economic, religious, and social structures of civilizations of Islam in the Middle Ages. (6) Understand the intellectual exchanges among Muslim scholars of Eurasia and Africa and the contributions Muslim scholars made to later civilizations in the areas of science, geography, mathematics, philosophy, medicine, art, and literature.

National World History Standard 13: Understands the causes and consequences of the development of Islamic civilization between the 7th and 10th centuries. Middle School Benchmark 3: Understands significant aspects of Abbasid culture (e.g., sources of Abbasid wealth and the economic and political importance of various forms of slavery; why the Abbasid state became a center of Afro-Eurasian commercial exchange; how the Abbasids promoted and preserved Greek learning and contributed to science, mathematics, and medicine; the contributions of specific individuals to the Abbasid advancement of scientific knowledge).

Common Core State Standards: SL.6-8.1, SL.6-8.3, RH.6-8.1, RH.6-8.2, RH.6-8.3, RH.6-8.4, RH.6-8.10, WHST.6-8.1, WHST.6-8.2, WHST.6-8.9, WHST.6-8.10.

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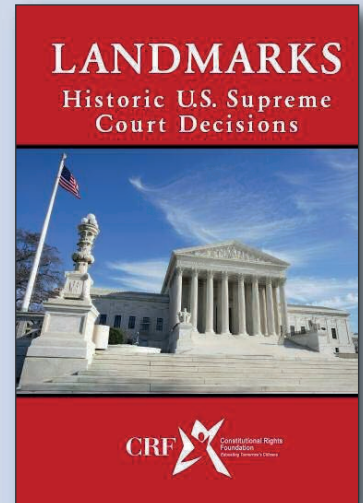
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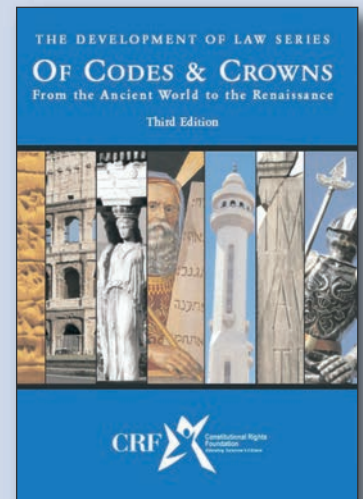
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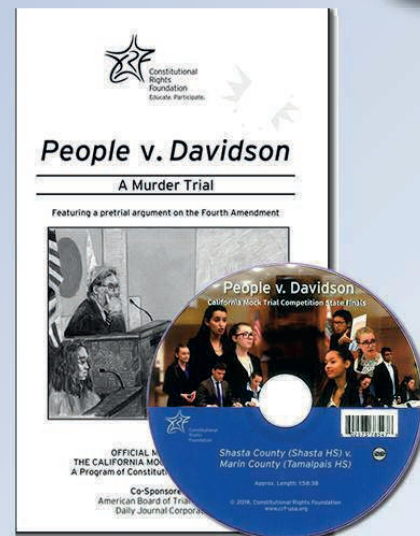
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The defense argues that Davidson did not murder Thompson and has an alibi for the time of death. According to the defense, Davidson was an activist in a nonviolent group, and had a history of mediating conflicts. The defense also argues that forensic blood evidence found on Davidson's clothing was the result of Davidson's close proximity to Thompson when Thompson was punched at the rally. The messages on the social network, the defense argues, were in one case the result of someone other than Davidson, and in another case the result of Davidson responding to an incident in which Thompson physically injured Davidson.

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