

Bill of Rights in Action



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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. The profile 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.

WORLD HISTORY

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.

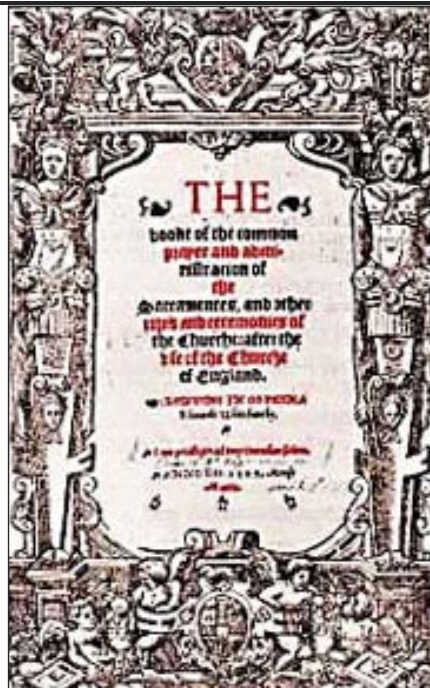
Traditionally in Europe, the religion of the monarch was the religion of the people. Henry's Church of England was not much different from the Roman Catholic Church except that the English king took the place of the pope. English Protestants wanted more radical changes similar to those brought on by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



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

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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.

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



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

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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.”

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.

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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.

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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.

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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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