

★ THE MAGNA CARTA ★

(The Great Charter)

King John I was forced to sign the Magna Carta on June 15, 1215, in a field at Runnymede in southern England. The document required the king to observe the rights that the English lords understood to be theirs. Magna Carta established the idea that the king, like other English citizens, was subject to the law.

Excerpts from the Magna Carta

. . . by this our present Charter confirmed, for us and our heirs forever: that the English church shall be free, and shall have her rights entire, and liberties [whole]. . . .

. . . We also have granted to all the freemen of our kingdom, for us and for our heirs forever, all unwritten liberties . . . forever. . . .

No bailiff shall . . . put anyone to trial upon his own unsupported testimony, without reliable witnesses brought for this purpose. . . .

No freeman shall be taken or imprisoned . . . unless by the lawful judgment of his peers, or by the law of the land. . . . We will . . . not deny to any man, either justice or right.

All the aforesaid customs and liberties . . . [are] granted . . . in our kingdom . . . [and] . . . shall be observed . . . [by all].

How the Magna Carta Applies to the Constitution

In royal documents *our* is used to mean belonging to the king. Freedom for the church meant that the king would not become involved in religious matters. This is not the same as freedom of religion, since the English church at the time was Roman Catholic.

This is an early reference to the “Blessings of Liberty” in the Preamble. The idea was to give all liberties, whether specified or not, to the people and not the king.

This is an early statement of the Sixth Amendment right of the accused to be confronted by his accuser; two witnesses being required in a treason case, as in Article III, Section 3, Clause 1; and, to some extent, the Fifth Amendment right of compelling a witness.

The Constitution likewise guarantees the right to a trial in Article III, Sections 2–3 and in Amendment 6. The concept of justice is continually emphasized in the Bill of Rights.

The Preamble also establishes liberty for “. . . ourselves and our Posterity.”