The Magna Carta

...here is a law which is above the King and which even he must not break. This reaffirmation of a supreme law and its expression in a general charter is the great work of Magna Carta; and this alone justifies the respect in which men have held it.

--Winston Churchill, 1956

King John of England agreed, in 1215, to the demands of his barons and authorized that handwritten copies of Magna Carta be prepared on parchment, affixed with his seal, and publicly read throughout the realm. Thus he bound not only himself but his "heirs, for ever" to grant "to all freemen of our kingdom" the rights and liberties the great charter described. With Magna Carta, King John placed himself and England's future sovereigns and magistrates within the rule of law.

When Englishmen left their homeland to establish colonies in the New World, they brought with them charters guaranteeing that they and their heirs would "have and enjoy all liberties and immunities of free and natural subjects." Scant generations later, when these American colonists raised arms against their mother country, they were fighting not for new freedoms but to preserve liberties that dated to the 13th century.

When representatives of the young republic of the United States gathered to draft a constitution, they turned to the legal system they knew and admired--English common law as evolved from Magna Carta. The conceptual debt to the great charter is particularly obvious: the American Constitution is "the Supreme Law of the Land," just as the rights granted by Magna Carta were not to be arbitrarily canceled by subsequent English laws.
This heritage is most clearly apparent in our Bill of Rights. The fifth amendment guarantees

No person shall...be deprived of life, liberty, or property, without due process of law
Written 575 years earlier, Magna Carta declares
No freeman shall be taken, imprisoned, or in any other way destroyed...except by the lawful judgment of his peers, or by the law of the land. To no one will we sell, to none will we deny or delay, right or justice.

In 1957 the American Bar Association acknowledged the debt American law and constitutionalism had to Magna Carta and English common law by erecting a monument at Runnymede. Yet, as close as Magna Carta and American concepts of liberty are, they remain distinct. Magna Carta is a charter of ancient liberties guaranteed by a king to his subjects; the Constitution of the United States is the establishment of a government by and for "We the People." The Magna Carta confirmed by Edward I in 1297

Magna Carta Translation

[Preamble] *Edward by the grace of God King of England, lord of Ireland and duke of Aquitaine sends greetings to all to whom the present letters come. We have inspected the great charter of the lord Henry, late King of England, our father, concerning the liberties of England in these words:*
Henry by the grace of God King of England, lord of Ireland, duke of Normandy and Aquitaine and count of Anjou sends greetings to his archbishops, bishops, abbots, priors, earls, barons, sheriffs, reeves, ministers and all his bailiffs and faithful men inspecting the present charter. Know that we, at the prompting of God and for the health of our soul and the souls of our ancestors and successors, for the glory of holy Church and the improvement of our realm, freely and out of our good will have given and granted to the archbishops, bishops, abbots, priors, earls, barons and all of our realm these liberties written below to hold in our realm of England in perpetuity.

[1] In the first place we grant to God and confirm by this our present charter for ourselves and our heirs in perpetuity that the English Church is to be free and to have all its rights fully and its liberties entirely. We furthermore grant and give to all the freemen of our realm for ourselves and our heirs in perpetuity the liberties written below to have and to hold to them and their heirs from us and our heirs in perpetuity.

[2] If any of our earls or barons, or anyone else holding from us in chief by military service should die, and should his heir be of full age and owe relief, the heir is to have his inheritance for the ancient relief, namely the heir or heirs of an earl for a whole county £100, the heir or heirs of a baron for a whole barony 100 marks, the heir or heirs of a knight for a whole knight's fee 100 shillings at most, and he who owes less will give less, according to the ancient custom of (knights') fees.

[3] If, however, the heir of such a person is under age, his lord is not to have custody of him and his land until he has taken homage from the heir, and after such an heir has been in custody, when he comes of age, namely at twenty-one years old, he is to have his inheritance without relief and without fine, saving that if, whilst under age, he is made a knight, his land will nonetheless remain in the custody of his lords until the aforesaid term.

[4] The keeper of the land of such an heir who is under age is only to take reasonable receipts from the heir's land and reasonable customs and reasonable services, and this without destruction or waste of men or things. And if we assign custody of any such land to a sheriff or to anyone else who should answer to us for the issues, and such a person should commit destruction or waste, we will take recompense from him and the land will be assigned to two law-worthy and discreet men of that fee who will answer to us or to the person to whom we assign such land for the land's issues. And if we give or sell to anyone custody of any such land and that person commits destruction or waste, he is to lose custody and the land is to be assigned to two law-worthy and discreet men of that fee who similarly will answer to us as is aforesaid.

[5] The keeper, for as long as he has the custody of the land of such (an heir), is to maintain the houses, parks, fishponds, ponds, mills and other things pertaining to that land from the issues of the same land, and he will restore to the heir, when the heir comes to full age, all his land stocked with ploughs and all other things in at least the same condition as when he received it. All these things are to be observed in the custodies of archbishoprics, bishoprics, abbeys, priories, churches and vacant offices which pertain to us, save that such custodies ought not to be sold.

[6] Heirs are to be married without disparagement.

[7] A widow, after the death of her husband, is immediately and without any difficulty to have her marriage portion and her inheritance, nor is she to pay anything for her dower or her marriage portion or for her inheritance which her husband and she held on the day of her husband's death, and she shall remain in the chief dwelling place of her husband for forty days after her husband's death, within which time dower will be assigned her if it has not already been assigned, unless that house is a castle, and if it is a castle which she leaves, then a suitable house will immediately be provided for her in which she may properly dwell until her dower is assigned to her in accordance with what is aforesaid, and in the meantime she is to have her reasonable necessities (estoverium) from the common property. As dower she will be assigned the third part of all the lands of her husband which were his during his lifetime, save when she was dowered with less at the church door. No widow shall be distrained to marry for so long as she wishes to live without a husband, provided that she gives surety that she will not marry without our assent if she holds of us, or without the assent of her lord, if she holds of another.

[8] Neither we nor our bailiffs will seize any land or rent for any debt, as long as the existing chattels of the debtor suffice for the payment of the debt and as long as the debtor is ready to pay the debt, nor will the debtor's guarantors be distrained for so long as the principal debtor is able to pay the debt; and should the principal debtor default in his payment of the debt, not having the means to repay it, or should he refuse to pay it despite being able to do so, the guarantors will answer for the debt and, if they wish, they are to have the lands and rents of the debtor until they are repaid the debt that previously they paid on behalf of the debtor, unless the principal debtor can show that he is quit in respect to these guarantors.

[9] The city of London is to have all its ancient liberties and customs. Moreover we wish and grant that all other cities and boroughs and vills and the barons of the Cinque Ports and all ports are to have all their liberties and free customs.

[10] No-one is to be distrained to do more service for a knight's fee or for any other free tenement than is due from it.

[11] Common pleas are not to follow our court but are to be held in a certain fixed place.

[12] Recognisances of novel disseisin and of mort d'ancestor are not to be taken save in their particular counties and in the following way. We or, should we be outside the realm, our chief justiciar, will send our justices once a year to each county, so that, together with the knights of the counties, that may take the aforesaid assizes in the counties; and those assizes which cannot be completed in that visitation of the county by our aforesaid

justices assigned to take the said assizes are to be completed elsewhere by the justices in their visitation; and those which cannot be completed by them on account of the difficulty of various articles (of law) are to be referred to our justices of the Bench and completed there.

[13] Assizes of darrein presentment are always to be taken before our justices of the Bench and are to be completed there.

[14] A freeman is not to be amerced for a small offence save in accordance with the manner of the offence, and for a major offence according to its magnitude, saving his sufficiency (salvo contenemento suo), and a merchant likewise, saving his merchandise, and any villain other than one of our own is to be amerced in the same way, saving his necessity (salvo waynagio) should he fall into our mercy, and none of the aforesaid amercements is to be imposed save by the oath of honest and law-worthy men of the neighbourhood. Earls and barons are not to be amerced save by their peers and only in accordance with the manner of their offence.

[15] No town or free man is to be distrained to make bridges or bank works save for those that ought to do so of old and by right.

[16] No bank works of any sort are to be kept up save for those that were in defense in the time of King (Henry II) our grandfather and in the same places and on the same terms as was customary in his time.

[17] No sheriff, constable, coroner or any other of our bailiffs is to hold pleas of our crown.

[18] If anyone holding a lay fee from us should die, and our sheriff or bailiff shows our letters patent containing our summons for a debt that the dead man owed us, our sheriff or bailiff is permitted to attach and enroll all the goods and chattels of the dead man found in lay fee, to the value of the said debt, by view of law-worthy men, so that nothing is to be removed thence until the debt that remains is paid to us, and the remainder is to be released to the executors to discharge the will of the dead man, and if nothing is owed to us from such a person, all the chattels are to pass to the (use of) the dead man, saving to the dead man's wife and children their reasonable portion.

[19] No constable or his bailiff is to take corn or other chattels from anyone who not themselves of a vill where a castle is built, unless the constable or his bailiff immediately offers money in payment of obtains a respite by the wish of the seller. If the person whose corn or chattels are taken is of such a vill, then the constable or his bailiff is to pay the purchase price within forty days.

[20] No constable is to distrain any knight to give money for castle guard if the knight is willing to do such guard in person or by proxy of any other honest man, should the knight be prevented from doing so by just cause. And if we take or send such a knight into the army, he is to be quit of (castle) guard in accordance with the length of time the we have him in the army for the fee for which he has done service in the army.

[21] No sheriff or bailiff of ours or of anyone else is to take anyone's horses or carts to make carriage, unless he renders the payment customarily due, namely for a two-horse cart ten pence per day, and for a three-horse cart fourteen pence per day. No demesne cart belonging to any churchman or knight or any other lady (sic) is to be taken by our bailiffs, nor will we or our bailiffs or anyone else take someone else's timber for a castle or any other of our business save by the will of he to whom the timber belongs.

[22] We shall not hold the lands of those convicted of felony save for a year and a day, whereafter such land is to be restored to the lords of the fees.

[23] All fish weirs (kidelli) on the Thames and the Medway and throughout England are to be entirely dismantled save on the sea coast.

[24] The writ called 'praecipe' is not to be issued to anyone in respect to any free tenement in such a way that a free man might lose his court.

[25] There is to be a single measure for wine throughout our realm, and a single measure for ale, and a single measure for Corn, that is to say the London quarter, and a single breadth for dyed cloth, russets, and haberjects, that is to say two yards within the lists. And it shall be the same for weights as for measures.

[26] Henceforth there is to be nothing given for a writ of inquest from the person seeking an inquest of life or member, but such a writ is to be given freely and is not to be denied.

[27] If any persons hold from us at fee farm or in socage or burgage, and hold land from another by knight service, we are not, by virtue of such a fee farm or socage or burgage, to have custody of the heir or their land which pertains to another's fee, nor are we to have custody of such a fee farm or socage or burgage unless this fee farm owes knight service. We are not to have the custody of an heir or of any land which is held from another by knight service on the pretext of some small serjeanty held from us by service of rendering us knives or arrows or suchlike things.

[28] No bailiff is henceforth to put any man on his open law or on oath simply by virtue of his spoken word, without reliable witnesses being produced for the same.

[29] No freeman is to be taken or imprisoned or disseised of his free tenement or of his liberties or free customs, or outlawed or exiled or in any way ruined, nor will we go against such a man or send against him save by lawful judgment of his peers or by the law of the land. To no-one will we sell or deny of delay right or justice.

[30] All merchants, unless they have been previously and publicly forbidden, are to have safe and secure conduct in leaving and coming to England and in staying and going through England both by land and by water to buy and to sell, without any evil exactions, according to the ancient and right customs, save in time of war, and if they should be from a land at war against us and be found in our land at the beginning of the war, they are to be attached without damage to their bodies or goods until it is established by us or our chief justiciar in what way the merchants of our land are treated who at such a time are found in the land that is at war with us, and if our merchants are safe there, the other merchants are to be safe in our land.

[31] If anyone dies holding of any escheat such as the honor of Wallingford, Boulogne, Nottingham, Lancaster or of other escheats which are in our hands and which are baronies, his heir is not to give any other relief or render any other service to us that would not have been rendered to the baron if the barony were still held by a baron, and we shall hold such things in the same way as the baron held them, nor, on account of such a barony or escheat, are we to have the escheat or custody of any of our men unless the man who held the barony or the escheat held elsewhere from us in chief.

[32] No free man is henceforth to give or sell any more of his land to anyone, unless the residue of his land is sufficient to render due service to the lord of the fee as pertains to that fee.

[33] All patrons of abbeys which have charters of the kings of England over advowson or ancient tenure or possession are to have the custody of such abbeys when they fall vacant just as they ought to have and as is declared above.

[34] No-one is to be taken or imprisoned on the appeal of woman for the death of anyone save for the death of that woman's husband.

[35] No county court is to be held save from month to month, and where the greater term used to be held, so will it be in future, nor will any sheriff or his bailiff make his tourn through the hundred save for twice a year and only in the place that is due and customary, namely once after Easter and again after Michaelmas, and the view of frankpledge is to be taken at the Michaelmas term without exception, in such a way that every man is to have his liberties which he had or used to have in the time of King (Henry II) my grandfather or which he has acquired since. The view of frankpledge is to be taken so that our peace be held and so that the tithing is to be held entire as it used to be, and so that the sheriff does not seek exceptions but remains content with that which the sheriff used to have in taking the view in the time of King (Henry) our grandfather.

[36] Nor is it permitted to anyone to give his land to a religious house in such a way that he receives it back from such a house to hold, nor is it permitted to any religious house to accept the land of anyone in such way that the land is restored to the person from whom it was received to hold. If anyone henceforth gives his land in such a way to any religious house and is convicted of the same, the gift is to be entirely quashed and such land is to revert to the lord of that fee.

[37] Scutage furthermore is to be taken as it used to be in the time of King (Henry) our grandfather, and all liberties and free customs shall be preserved to archbishops, bishops, abbots, priors, Templars, Hospitallers, earls, barons and all others, both ecclesiastical and secular persons, just as they formerly had.

All these aforesaid customs and liberties which we have granted to be held in our realm in so far as pertains to us are to be observed by all of our realm, both clergy and laity, in so far as pertains to them in respect to their own men. For this gift and grant of these liberties and of others contained in our charter over the liberties of the forest, the archbishops, bishops, abbots, priors, earls, barons, knights, fee holders and all of our realm have given us a fifteenth part of all their movable goods. Moreover we grant to them for us and our heirs that neither we nor our heirs will seek anything by which the

liberties contained in this charter might be infringed or damaged, and should anything be obtained from anyone against this it is to count for nothing and to be held as nothing.

With these witnesses: the lord Stephen archbishop of Canterbury, Eustace bishop of London, Jocelin bishop of Bath, Peter bishop of Winchester, Hugh bishop of Lincoln, Richard bishop of Salisbury, W. bishop of Rochester, William bishop of Worcester, John bishop of Ely, H(ugh) bishop of Hereford, Ranulf bishop of Chichester, William bishop of Exeter, the abbot of (Bury) St Edmunds, the abbot of St Albans, the abbot of Battle, the abbot of St Augustine's Canterbury, the abbot of Evesham, the abbot of Westminster, the abbot of Peterborough, the abbot of Reading, the abbot of Abingdon, the abbot of Malmesbury, the abbot of Winchcombe, the abbot of Hyde (Winchester), the abbot of Chertsey, the abbot of Sherborne, the abbot of Cerne, the abbot of Abbotsbury, the abbot of Milton (Abbas), the abbot of Selby, the abbot of Cirencester, Hubert de Burgh the justiciar, H. earl of Chester and Lincoln, William earl of Salisbury, William earl Warenne, G. de Clare earl of Gloucester and Hertford, W(illiam) de Ferrers earl of Derby, William de Mandeville earl of Essex, Hugh Bigod earl of Norfolk, William earl Aumale, Humphrey earl of Hereford, John constable of Chester, Robert de Ros, Robert fitz Walter, Robert de Vieuxpont, William Brewer, Richard de Montfiquet, Peter fitz Herbert, William de Aubigné, G. Gresley, F. de Braose, John of Monmouth, John fitz Alan, Hugh de Mortemer, William de Beauchamp, William de St John, Peter de Maulay, Brian de Lisle, Thomas of Moulton, Richard de Argentan, Geoffrey de Neville, William Mauduit, John de Baalon and others.
Given at Westminster on the eleventh day of February in the ninth year of our reign.

We, holding these aforesaid gifts and grants to be right and welcome, conceed and confirm them for ourselves and our heirs and by the terms of the present (letters) renew them, wishing and granting for ourselves and our heirs that the aforesaid charter is to be firmly and inviably observed in all and each of its articles in perpetuity, including any articles contained in the same charter which by chance have not to date been observed. In testimony of which we have had made these our letters patent. Witnessed by Edward our son, at Westminster on the twelfth day of October in the twenty-fifth year of our reign. (Chancery warranty by John of) Stowe.

Magna Carta and Its American Legacy

Before penning the Declaration of Independence--the first of the American Charters of Freedom--in 1776, the Founding Fathers searched for a historical precedent for asserting their rightful liberties from King George III and the English Parliament. They found it in a gathering that took place 561 years earlier on the plains of Runnymede, not far from where Windsor Castle stands today. There, on June 15, 1215, an assembly of barons confronted a despotic and cash-strapped King John and demanded that traditional rights be recognized, written down, confirmed with the royal seal, and sent to each of the counties to be read to all freemen. The result was Magna Carta--a momentous achievement for the English barons and, nearly six centuries later, an inspiration for angry American colonists.

Magna Carta was the result of the Angevin king's disastrous foreign policy and overzealous financial administration. John had suffered a staggering blow the previous year, having lost an important battle to King Philip II at Bouvines and with it all hope of regaining the French lands he had inherited. When the defeated John returned from the Continent, he attempted to rebuild his coffers by demanding scutage (a fee paid in lieu of military service) from the barons who had not joined his war with Philip. The barons in question, predominantly lords of northern estates, protested, condemning John's policies and insisting on a reconfirmation of Henry I's Coronation Oath (1100), which would, in theory, limit the king's ability to obtain funds. (As even Henry ignored the provisions of this charter, however, a reconfirmation would not necessarily guarantee fewer taxes.) But John refused to withdraw his demands, and by spring most baronial families began to take sides. The rebelling barons soon faltered before John's superior resources, but with the unexpected capture of London, they earned a substantial bargaining chip. John agreed to grant a charter.

The document conceded by John and set with his seal in 1215, however, was not what we know today as Magna Carta but rather a set of baronial stipulations, now lost, known as the "Articles of the barons." After John and his barons agreed on the final provisions and additional wording changes, they issued a formal version on June 19, and it is this document that came to be known as Magna Carta. Of great significance to future generations was a minor wording change, the replacement of the term "any baron" with "any freeman" in stipulating to whom the provisions applied. Over time, it would help justify the application of the Charter's provisions to a greater part of the population. While freemen were a minority in 13th-century England, the term would eventually include all English, just as "We the People" would come to apply to all Americans in this century.

While Magna Carta would one day become a basic document of the British Constitution, democracy and universal protection of ancient liberties were not among the barons' goals. The Charter was a feudal document and meant to protect the rights and property of the few powerful families that topped the rigidly structured feudal system. In fact, the majority of the population, the thousands of unfree laborers, are only mentioned once, in a clause concerning the use of court-set fines to punish minor offenses. Magna Carta's primary purpose was restorative: to force King John to recognize the supremacy of ancient liberties, to limit his ability to raise funds, and to reassert the principle of "due process." Only a final clause, which created an enforcement council of tenants-in-chief

and clergymen, would have severely limited the king's power and introduced something new to English law: the principle of "majority rule." But majority rule was an idea whose time had not yet come; in September, at John's urging, Pope Innocent II annulled the "shameful and demeaning agreement, forced upon the king by violence and fear." The civil war that followed ended only with John's death in October 1216.

On indefinite loan from the Perot Foundation, a 1297 version of Magna Carta shares space with the Charters of Freedom in the National Archives Rotunda.

To gain support for the new monarch--John's 9-year-old son, Henry III--the young king's regents reissued the charter in 1217. Neither this version nor that issued by Henry when he assumed personal control of the throne in 1225 were exact duplicates of John's charter; both lacked some provisions, including that providing for the enforcement council, found in the original. With the 1225 issuance, however, the evolution of the document ended. While English monarchs, including Henry, confirmed Magna Carta several times after this, each subsequent issue followed the form of this "final" version. With each confirmation, copies of the document were made and sent to the counties so that everyone would know their rights and obligations. Of these original issues of Magna Carta, 17 survive: 4 from the reign of John; 8 from that of Henry III; and 5 from Edward I, including the version now on display at the National Archives.

Although tradition and interpretation would one day make Magna Carta a document of great importance to both England and the American colonies, it originally granted concessions to few but the powerful baronial families. It did include concessions to the Church, merchants, townsmen, and the lower aristocracy for their aid in the rebellion, but the majority of the English population would remain without an active voice in government for another 700 years.

Despite its historical significance, however, Magna Carta may have remained legally inconsequential had it not been resurrected and reinterpreted by Sir Edward Coke in the early 17th century. Coke, Attorney General for Elizabeth, Chief Justice during the reign of James, and a leader in Parliament in opposition to Charles I, used Magna Carta as a weapon against the oppressive tactics of the Stuart kings. Coke argued that even kings must comply to common law. As he proclaimed to Parliament in 1628, "Magna Carta . . . will have no sovereign."

Lord Coke's view of the law was particularly relevant to the American experience for it was during this period that the charters for the colonies were written. Each included the guarantee that those sailing for the New World and their heirs would have "all the rights and immunities of free and natural subjects." As our forefathers developed legal codes for the colonies, many incorporated liberties guaranteed by Magna Carta and the 1689 English Bill of Rights directly into their own statutes. Although few colonists could afford legal training in England, they remained remarkably familiar with English common law. During one parliamentary debate in the late 18th century, Edmund Burke observed, "In no country, perhaps in the world, is law so general a study." Through Coke, whose four-volume Institutes of the Laws of England was widely read by American law students, young colonists such as John Adams, Thomas Jefferson, and James Madison learned of the spirit of the charter and the common law--or at least Coke's interpretation of them. Later, Jefferson would write to Madison of Coke: "a sounder whig never wrote,

nor of profounder learning in the orthodox doctrines of the British constitution, or in what were called English liberties." It is no wonder then that as the colonists prepared for war they would look to Coke and Magna Carta for justification.

By the 1760s the colonists had come to believe that in America they were creating a place that adopted the best of the English system but adapted it to new circumstances; a place where a person could rise by merit, not birth; a place where men could voice their opinions and actively share in self-government. But these beliefs were soon tested. Following the costly Seven Years' War, Great Britain was burdened with substantial debts and the continuing expense of keeping troops on American soil. Parliament thought the colonies should finance much of their own defense and levied the first direct tax, the Stamp Act, in 1765. As a result, virtually every document--newspapers, licenses, insurance policies, legal writs, even playing cards--would have to carry a stamp showing that required taxes had been paid. The colonists rebelled against such control over their daily affairs. Their own elected legislative bodies had not been asked to consent to the Stamp Act. The colonists argued that without either this local consent or direct representation in Parliament, the act was "taxation without representation." They also objected to the law's provision that those who disobeyed could be tried in admiralty courts without a jury of their peers. Coke's influence on Americans showed clearly when the Massachusetts Assembly reacted by declaring the Stamp Act "against the Magna Carta and the natural rights of Englishmen, and therefore, according to Lord Coke, null and void."

But regardless of whether the charter forbade taxation without representation or if this was merely implied by the "spirit," the colonists used this "misinterpretation" to condemn the Stamp Act. To defend their objections, they turned to a 1609 or 1610 defense argument used by Coke: superiority of the common law over acts of Parliament. Coke claimed "When an act of parliament is against common right or reason, or repugnant, or impossible to be performed, the common law will control it and adjudge such an act void. Because the Stamp Act seemed to tread on the concept of consensual taxation, the colonists believed it, "according to Lord Coke," invalid.

The colonists were enraged. Benjamin Franklin and others in England eloquently argued the American case, and Parliament quickly rescinded the bill. But the damage was done; the political climate was changing. As John Adams later wrote to Thomas Jefferson, "The Revolution was in the minds of the people, and this was effected, from 1760 to 1775, in the course of 15 years before a drop of blood was shed at Lexington."

Relations between Great Britain and the colonies continued to deteriorate. The more Parliament tried to raise revenue and suppress the growing unrest, the more the colonists demanded the charter rights they had brought with them a century and a half earlier. At the height of the Stamp Act crisis, William Pitt proclaimed in Parliament, "The Americans are the sons not the bastards of England." Parliament and the Crown, however, appeared to believe otherwise. But the Americans would have their rights, and they would fight for them. The seal adopted by Massachusetts on the eve of the Revolution summed up the mood--a militiaman with sword in one hand and Magna Carta in the other.

Armed resistance broke out in April 1775. Fifteen months later, the final break was made with the immortal words of the Declaration of Independence: "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness." Although the colonies had finally and irrevocably articulated their goal, Independence did not come swiftly. Not until the surrender of British forces at Yorktown in 1781 was the military struggle won. The constitutional battle, however, was just beginning.

In the war's aftermath, many Americans recognized that the rather loose confederation of states would have to be strengthened if the new nation were to survive. James Madison expressed these concerns in a call for a convention at Philadelphia in 1787 to revise the Articles of Confederation: "The good people of America are to decide the solemn question, whether they will by wise and magnanimous efforts reap the just fruits of that Independence which they so gloriously acquired . . . or whether by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the Revolution." The representatives of the states listened to Madison and drew heavily from his ideas. Instead of revising the Articles, they created a new form of government, embodied in the Constitution of the United States. Authority emanated directly from the people, not from any governmental body. And the Constitution would be "the supreme Law of the Land"--just as Magna Carta had been deemed superior to other statutes.

In 1215, when King John confirmed Magna Carta with his seal, he was acknowledging the now firmly embedded concept that no man--not even the king--is above the law. That was a milestone in constitutional thought for the 13th century and for centuries to come. In 1779 John Adams expressed it this way: "A government of laws, and not of men." Further, the charter established important individual rights that have a direct legacy in the American Bill of Rights. And during the United States' history, these rights have been expanded. The U.S. Constitution is not a static document. Like Magna Carta, it has been interpreted and reinterpreted throughout the years. This has allowed the Constitution to become the longest-lasting constitution in the world and a model for those penned by other nations. Through judicial review and amendment, it has evolved so that today Americans--regardless of gender, race, or creed--can enjoy the liberties and protection it guarantees. Just as Magna Carta stood as a bulwark against tyranny in England, the U.S. Constitution and Bill of Rights today serve similar roles, protecting the individual freedoms of all Americans against arbitrary and capricious rule.

http://www.archives.gov/exhibits/featured_documents/magna_carta/translation.html