June 15, 2000

CONGRESSIONAL RECORD—SENATE 10925

MAGNA CARTA

Mr. BYRD. Mr. President, today is a very special anniversary. One will not find it noted on most calendars. Although it lacks the familiarity of the anniversary of the writing of the Constitution, for example, it is a day well worth remembering. The 750th day of this month deserves our attention for one very fundamental reason which is quite important to this Republic and to those of us in this Chamber. It marks the birth of the idea that ours is a government of laws and not of men, and that no man, no man is above the law.

Seven hundred and eighty-five years ago, on June 15, 1215, English barons met on the plains of Runnymede, on the Thames River near Windsor Castle, to present a list of demands to their king. King John had recently engaged in a series of costly and disastrous military adventures against France. These operations had drained the royal treasury and forced King John to receive the barons’ list of demands. These demands—known as the Articles of the Barons—were intended as a re-statement of ancient baronial liberties, as a limitation on the king’s power to raise funds, and as a reassertion of the principle of due process of law, at that time referred to in these words, “law of the land.” Under great pressure, King John accepted the barons’ demands on June 15 and set his royal seal to their set of stipulations. Four days later, the king and barons agreed on a formal version of that document. It is that version that we know today as Magna Carta. Thirteen copies were made and distributed to every English county to be read to all freemen. Four of these copies survive.

Several of this ancient document’s sixty-three clauses are of towering importance to our system of government. The thirty-ninth clause, evident in the U.S. Constitution’s Fifth Amendment, fourteen-tenth amendments underscores the vital importance of the rule of law and due process of law. It reads “No free man shall be captured or imprisoned . . . except by lawful judgment of his peers or by the law of the land.”

Beginning with Henry III, the nine-year-old who succeeded King John in 1216, English kings reaffirmed Magna Carta many times, and in 1297 under Edward I it became a fundamental part of English law in the confirmation of the charters. (An original of the 1297 edition is on indefinite loan from the Pequot Foundation and is displayed in the rotunda of the National Archives.) In 1368, that would have been under Edward II, the barons succeeded in gaining through the efforts of Edward III established the supremacy of Magna Carta by requiring that it “be holden and kept in all Points; and if there be any Statute made to the contrary, it shall be held void.”

In the early 1600s, a jurist and parliamentary leader Sir Edward Coke interpreted Magna Carta as an instrument of human liberty, and in doing so,