

## American Minute with Bill Federer

Magna Carta: "Freedom of the individual against the arbitrary authority of the despot"-Lord Denning

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To understand the significance of the **Magna Carta**, one must know **what preceded it**.

England was invaded by "**Dane**" Vikings from Scandinavia in the 9th century.



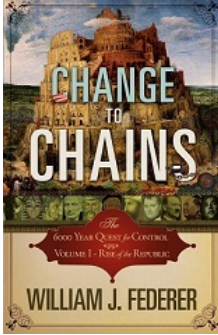
They raided, pillaged, and plundered, destroying homes, churches, and libraries.

They were unstoppable, defeating all opposition, till they encountered **23-year-old King Alfred**.

Forced into the swampy, tidal marshes of Somerset, **Alfred, King of the Anglos and Saxons**, began a resistance movement in 878 AD ... [continue reading American Minute here ...](#)

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According to biographer Bishop Asser:

**"Alfred** attacked the whole pagan army fighting ferociously in dense order, and by divine will eventually won the victory."

**King Alfred's** battle song was:

"When the enemy comes in a'roarin' like a flood,  
Coveting the kingdom and hungering for blood,

The Lord will raise a standard up and lead His people,  
The Lord of Hosts will go before defeating every foe;  
defeating every foe.

For the Lord is our defense, Jesus defend us,  
For the Lord is our defense, Jesu defend.

... Some men trust in chariots, some trust in the horse,  
But we will depend upon the Name of Christ our Lord,

The Lord has made my hands to war and my fingers to  
fight.  
The Lord lays low our enemies, but He raises us upright;  
He raises us upright.

For the Lord is our defense, Jesus defend us,  
For the lord is our defense, Jesu defend.

... A thousand fall on my left hand, ten thousand to the  
right,  
But He will defend us from the arrow in the night.

Protect us from the terrors of the teeth of the devourer,  
Embue us with your Spirit, Lord, encompass us with  
power;  
encompass us with power.

For the Lord is our defense, Jesus defend us,  
For the Lord is our defense, Jesu defend."

**Alfred** drove the **Danes** back to England's coastal area of **East Anglia**, where he gave their **King Guthrum** the choice of sailing back to Scandinavia or **converting to Christianity**. He chose the latter.

Alfred's treaty let **Guthrum** rule 15 shires under a top-down "**Dane Law**."

G.K. Chesterton's narrative poem about **Alfred**, called "**The Ballad of the White Horse**" (1910), is said to have influenced **J.R.R. Tolkien** in his writing of ***The Lord of the Rings***.

Afterwards, **King Alfred the Great** wrote his **Law Code**, drawing from as far back in history as:

- **Lucius King of Britons** (c.156 AD) "prayed and entreated ... he might be made a Christian";
- **St. Patrick's Celtic "Senchus Mor" Laws** (c.438 AD);
- **Laws of Æthelberht of Kent** (c.602 AD)-the first Saxon king in England to be baptized, by St. Augustine of Canterbury;
- **Laws of Christian King Ine of Wessex** (c.694 AD), and
- **Laws of Christian King Offa of Mercia** (c.755 AD).

Born in the county of **Oxfordshire**, **King Alfred the Great's** emphasis on learning and love of books has been credited with the beginning what became **Oxford**,

the oldest university in England.

He included in the preface of his **Law Code**:

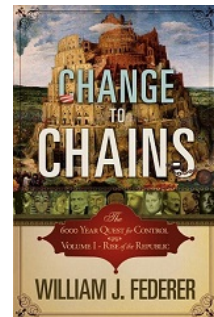
- the **Ten Commandments**,
- passages of the **Book of Exodus**,
- Christ's **Sermon on the Mount**, and
- the **Acts of the Apostles**.

**King Alfred** wrote:

"These are judgments which **Almighty God** Himself spoke to **Moses** and commanded him to keep.

Now, since **the Lord's only begotten Son our God and healing Christ** has come to **Middle Earth (the Mediterranean World)** He said that He did not come to break nor to forbid these **commandments** but to **approve them well**, and to **teach them** with all mild-heartedness and lowly-mindedness."

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**King Alfred's** book of laws is called the "**Doom Book**" -- "**doom**" being an old English term for "**judgment**."

Considered the basis for **English Common Law**, it contained concepts such as:

- **individuals had rights derived from the Creator which government should protect;**
- **liberty of the individual, family and church;**
- **equal justice for all under the law; and**

- a **decentralized government.**

Similar to **Leviticus 19:15**, "You shall do no injustice in judgment! You shall not be partial to the poor; nor defer to the great! But you are to judge your neighbor fairly."

Similarly, **Alfred's Doom Book** stated:

**"Doom very evenly!**

Do not doom one doom to the rich; another to the poor!  
Nor doom one doom to your friend; another to your foe!"

**Winston Churchill** wrote in his Nobel Prize winning book, ***A History of the English Speaking Peoples*** (1956, vol. 1):

**"King Alfred's Book of Laws** ... as set out in the existing laws of Kent, Wessex, and Mercia, attempted to blend the **Mosaic code with Christian principles** and old Germanic customs."

Around 911 AD, **"Norse" Vikings**, called **"Normans,"** invaded an area in northern France.

The land came to be called **Normandy.**

Through intermarriage with royal families there, the **Normans** eventually became **Christian.**

Beginning in 999 AD, **Normans** sailed down to the Mediterranean and **drove the Muslims** out of **Sicily** and **Southern Italy.**

**Norman Richard the First of Capua** took control of Calabria in the **"toe of Italy,"** and **pushed back Muslims raiders.**

In 1061, **Normans Robert and Roger Guiscard** recaptured **Sicily** from **Muslim Saracens.**

In 1016, **Danish King Cnut** the Great took control of all



of England, which he and his sons ruled under **Dane Law**, till 1042, when **Edward the Confessor** became king.

**Edward the Confessor** was the **last Anglo-Saxon King of England**, ruling until his death in 1066. He was a **great-great-great-grandson of Alfred the Great**, and attempted to revive **English Common Law**.

**Edward** was very pious and would lay his hand upon the **sick to be healed**, a tradition which subsequent kings followed, being called the "**Royal touch**."

In 1066, **William the Conqueror** left Normandy, crossed the English Channel and **invaded England**, winning the **Battle of Hastings** to become the **first Norman King of England**.

**William** replaced **King Alfred's Law** with a more top-down feudal-type of government with increased power of the king to collect the "**Danegeld**" tax, as compiled in his "**Doomsday Book**" of judgments.

This power was abused by William's son, **William the Second**, but when he died, another son, **Henry the First**, introduced to **Charter of Liberties** in 1100, as a concession to **gain support of leading barons and earls**.

The Charter of Liberties were largely ignored by monarchs, till the signing of the **Magna Carta**.

Meanwhile, the **Seljuk Turks** invaded the **Byzantine Empire**. Cities were destroyed and graves were desecrated, resulting in the bones of the **Greek Saint Nicholas** being removed to Bari, Italy, in 1087.

**Byzantine emperor Alexios the First Komnenos** begged Western Europe for help.

**Pope Urban the Second** appealed to European kings at the **Council of Clermont** and they responded by sending the **First Crusade** in **1095**, to retake the Holy City of Jerusalem.

**Jerusalem** had been **Jewish city** since the time of **King David**, circa 1000 B.C., then a **Christian city** since **Emperor Constantine**, 325 A.D, till it was conquered by **Caliph Umar** in 638 A.D.

In 1099, **Crusaders** led by Godfrey of Bouillon, regained control of **Jerusalem**, and held it in Christian hands till 1187, when it was reconquered by **Saladin**, the Sunni Muslim Sultan of the Ayyubid Sultanate of Egypt and Syria.

In 1189, **Richard the First, "Lionheart,"** became **King of England**. His great-grandfather, **Fulk the Fifth**, had been **King of Jerusalem** from 1131 to 1143.

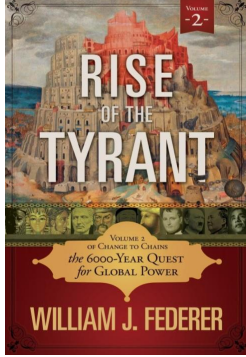
In 1189, **Richard the Lionheart** left England to go off and fight the **Third Crusade**.

While away, his younger brother **John** was left in charge of England. **The legend of Robinhood** is considered to have originated during this time period.

After the Third Crusade, on his overland return trip to England, **Richard the Lionheart** was captured by a rival, Leopold V, Duke of Austria, and transferred to Henry VI, Holy Roman Emperor, who demanded a **king's ransom of 150,00 marks**.

**Richard** finally made it back to England in 1194 but was killed just five years later fighting in Normandy, leaving **King John** again to rule in 1199.

[Rise of the Tyrant - Volume 2 of Change to Chains](#)



Though **William the Conqueror** had sailed from **Normandy** over a century earlier to invade England, in 1205, **King John of England lost control of Normandy to King Philip II of France.**

**England's barons** became frustrated by this loss and by **King John's absolute and arbitrary despotism.** They asked the **Archbishop of Canterbury, Stephen Langton,** for assistance.

Drawing from the **Bible,** **Langton composed limitations** on the **King John's power.** His document became called **The Magna Carta.**

**Langton** is also credited with **dividing the Bible** into the **chapter divisions used today.**

On June 15, 1215, **twenty-five barons** with their "**Army of God**" surrounded **King John** on the **plains of Runnymede.** There they forced him to sign the **Magna Carta, the Great Charter of English Liberties,**

**British judge, Lord Denning,** described the **Magna Carta** as: "the greatest constitutional document of all times - the foundation of **the freedom of the individual** against the arbitrary authority of the despot."

**The Magna Carta** limited the previously unbridled centralized executive power.

**Winston Churchill** stated in 1956:

"**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 character is the great work of the **Magna Carta**; and this alone justifies the respect in which men have held it."

**Sir Edwin Coke** stated: "**The Magna Carta** will have no sovereign."

The **Magna Carta**, drawn up by a clergyman, began the process of redefining government's purpose from dominating people's lives into **guaranteeing individual rights**, culminating in the **U.S. Constitution**.

Political power changed from **top-down** to **bottom-up**.

**Sir Edwin Coke's** book, *Institutes on the Laws of England*, which emphasized the importance of the **Magna Carta**, was studied by **John Adams, Thomas Jefferson** and **James Madison**.

**Sir Edwin Coke** had written in a 1610 case:

"When an act of Parliament is against common right or reason ... the **common law** will ... adjure such an act void."

When Britain imposed the hated **Stamp Act** on the American colonies, the Massachusetts Assembly responded that it "**was against the Magna Carta and the natural rights of Englishmen, and therefore, according to Lord Coke, null and void.**"

**The Magna Carta, Clause 1:**

"the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired"

is reflected in the **1ST AMENDMENT:**

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

### **The Magna Carta, Clause 6:**

"If ... our chief justice, our officials, or any of our servants offend in any respect against any man ... and the offense is made known to four of the said twenty-five barons, they shall come to us ... and claim immediate redress"

is reflected in the **1ST AMENDMENT:**

"and to petition the Government for a redress of grievances."

### **The Magna Carta, Clause 12:**

"No scutage (tax) nor aid ... shall be imposed on our kingdom, unless by common counsel"

is reflected in the the **Revolutionary phrase,**

"No taxation without representation"

and the **DECLARATION OF INDEPENDENCE**

"deriving their just powers from the consent of the governed."

### **The Magna Carta, Clause 13:**

"We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs"

is reflected in the

**U.S. CONSTITUTION, ARTICLE IV, SECTION 2:**

"The citizens of each State shall be entitled to all

Privileges and Immunities of Citizens in the several States"

and **ARTICLE IV, SECTION 1:**

"Full faith and credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State"

**The Magna Carta, Clause 20:**

"For a trivial offense, a free man shall be fined only in proportion to the degree of his offense, and for a serious offense correspondingly, but not so heavily as to deprive him of his livelihood"

is reflected in the **8TH AMENDMENT:**

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

**The Magna Carta, Clause 28:**

"No constable or other bailiff ... shall take corn or other provisions from anyone without immediately tendering money"

is reflected in the **5TH AMENDMENT:**

"nor shall private property be taken for public use, without just compensation."

**The Magna Carta, Clause 38:**

"No official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it"

is reflected in the **6TH AMENDMENT:**

"In all criminal prosecutions, the accused shall enjoy the

right ... to be confronted with the witnesses against him."

### **The Magna Carta, Clause 39:**

"No free man shall be seized or imprisoned, or stripped of his rights or possessions or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him ... except by the lawful judgment of his equals or by the law of the land"

is reflected in the **5TH AMENDMENT:**

"(N)or shall any person ... be deprived of life, liberty, or property, without due process of law"

and the **14TH AMENDMENT:**

"nor shall any State deprive any person of life, liberty, or property, without due process of law."

### **The Magna Carta, Clause 40:**

"To no one will we sell, to no one deny or delay right or justice"

is reflected in the **6TH AMENDMENT:**

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury."

If **King John** did not adhere to the **Magna Carta**, the 25 barons promised to levy war against him.

The **U.S. Supreme Court** wrote in ***Bank of Columbia v. Okely***, 17 U.S. 235, 244 (1819):

"The words from **Magna Carta** ... were intended to **secure the individual from the arbitrary exercise of the powers of government**, unrestrained by the established principles of private right and distributive justice."

In over 100 U.S. Supreme Court decisions, the **Magna Carta** is referenced regarding:

- due process of law;
- trial by jury of one's peers;
- the importance of a speedy and unbiased trial; and
- protection against excessive bail or fines or cruel and unusual punishment.

Acknowledging America's debt to the **Magna Carta**, the **American Bar Association** erected a monument to it in **England at Runnymede** in 1957.

**Justice William J. Brennan, Jr.**, stated in a "**Re-dedication Address to The American Bar Association's Memorial to the Magna Carta**" (19 Loy. L.A. L. Rev. 55, 1985):

"The **Magna Carta**, in Bryce's words, 'was the starting point of the constitutional history' ...

Throughout the 196 year history of the Supreme Court of the United States, the bedrock principles of the **Magna Carta** have had and continue to have, a profound influence over the Justices' deliberations."

The **Magna Carta** ends:

"... for the salvation of our souls, and the souls of all our ... heirs, and unto the honor of God."

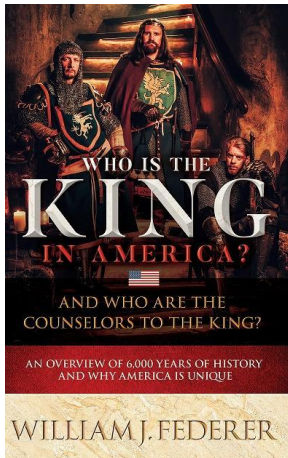
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