

## Genealogy of the Constitution

1. The 5 Liberty Charters
2. From Aethelred to William II
3. The 1100 Charter of Liberties
4. King John, 1215 Magna Carta, King Charles I
5. Petition of Rights, Grand Remonstrance, Declaration of



## Intro: The 5 Liberty Charters



*“This is not an \_\_\_\_\_ government but a  
\_\_\_\_\_ government tied down by specific powers.”  
–James Madison*

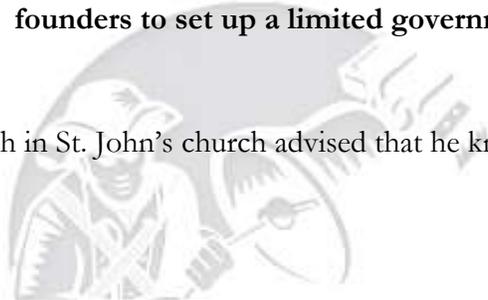
What guided the



founders to set up a limited government rather than a kingdom?



**Patrick Henry** in his famous speech in St. John’s church advised that he knew what the outcome would be of continuing to plead with the king:



*“I have one lamp by which my feet are guided and that is the lamp of  
\_\_\_\_\_; I know way of judging the future but by the past.”*



**The framers learned from their own history.**

**Notes:**

“\_\_\_\_\_ must be supported at all hazards. We have a right to it derived from our maker...but if it had not, our \_\_\_\_\_ have earned and bought it for us at the expense of their ease, their estates, their pleasure and their blood” -John Adams



It was an English historical heritage of 700+ years and 5 English Liberty Charters that informed the development of our founding documents.



*The Anglo-Saxons' struggles with the Danes and other opponents motivated them to choose Aethelred as a king to deal with the foreign nations. The communities remained relatively autonomous for a time with the King focusing primarily on foreign relations on behalf of communities.*

In Federalist Paper #45 Madison says the “powers delegated to the federal government are \_\_\_\_\_ and \_\_\_\_\_, the powers that are to remain in the states are numerous and indefinite.”

Notice as Madison further clarified that the federal government was to be focused on those things that are external to the states, while the states themselves were to retain the power over their own personal internal affairs. He says,

*“the powers delegated to the central government would be exercised primarily on \_\_\_\_\_ such as war, peace, negotiation, and foreign commerce. While those powers reserved to the several states will extend to all the objects, which in the ordinary course of affairs concern the lives liberties and property of the people and the \_\_\_\_\_, improvement and prosperity of the state.*

Notes:

## From Aethelred to William II



The Aethelred agreement creates a somewhat limited monarchy until Edward the Confessor dies without an heir.

\_\_\_\_\_ from Normandy is the closest heir to inherit the monarchy.

Edward apparently promises the throne to Harold Godwinson.

Edward invades and unseats Harold at the Battle \_\_\_\_\_ in 1066.



! William immediately begins to fundamentally transform the kingdom by bringing in his Norman traditions and subverting the common law of the land. !

He replaces the \_\_\_\_\_ who are not loyal to the common law but loyal to the foreign perspectives of the King.

He chases \_\_\_\_\_ off of their property and redistributes the property to allies.

He replaces the \_\_\_\_\_ leadership with men loyal to the king. Using the church to control public opinion.

This fundamental transformation continues for 40 years through William II.

# GENEALOGY OF THE CONSTITUTION



William II and his youngest brother Henry I go hunting together and William II is killed in a mysterious hunting accident.

This accident coincidentally catapults \_\_\_\_\_ to the throne.

Although the people did not like William II the notion that Henry I would murder his brother was troubling to the populace.

Many details of the Battle of Hastings are contained in 2 primary sources:

The Bayeux Tapestry which tells the story of the events from 1064 to the end of the Battle of Hastings series of depictions.



and from William of Poitiers' *The Deeds of William, Duke of the Normans and King of England* published around 1071.

Learn more about the most famous battle in Mediaeval history at <http://www.english-heritage.org.uk/learn/1066-and-the-norman-conquest/what-happened-battle-hastings/>

## NOTES:

# GENEALOGY OF THE CONSTITUTION

## 1100 Charter of Liberties



Henry I in order to appease the population, appoints his own tribunal to determine if he was guilty of his brother's death.

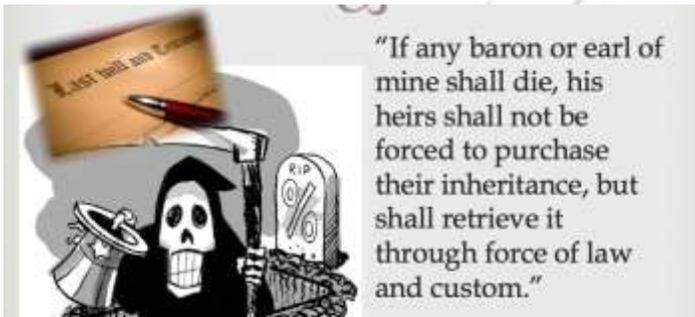
To gain the people's loyalty Henry marries an Anglo-Saxon wife.



Much of what is contained in our founding documents can be found literally and in principle in **5 English Liberty Charters**, which our founders considered their own Bill of Rights.

The most important thing Henry I does in the history of our Constitution, Henry issues the

### Some of the items in the 1100 Charter of Liberties:



"If any baron or earl of mine shall die, his heirs shall not be forced to purchase their inheritance, but shall retrieve it through force of law and custom."

If a person must pay the government to receive his inheritance, then he has an evil and oppressive government.

If those who make the laws are not subject to the laws, then you have an evil and oppressive government.

"If any of my barons commit a crime, he shall not bind himself to the crown...but shall stand for the crime...and make amends as are appropriate."

**Government (above)**  
**The LAW**  
**We the People (below)**

*Often overlooked in history,* The 1100 Charter of Liberties began the documentary heritage that lead to our founding documents. It laid the foundation for Constitutional government and served as a model for the Magna Carta of 1215. Through the history of these documents, the people would progressively gain an understanding of their inherent rights. This would continually put them at odds with the Crown and in each battle, greater and greater securities were gained for individual liberty.

**NOTES:**



# GENEALOGY OF THE CONSTITUTION

## King John, 1215 Magna Carta, King Charles 1



In 1199 a ruthless king named \_\_\_\_\_, ascended to the throne.

This is the king in the Robin Hood legend. The king's oppressive taxation was robbing people of their very \_\_\_\_\_.

Tyrants believe that as long as government can keep people distracted with \_\_\_\_\_, then they will have happy subjects.

King John rejects Stephen Langton as church bishop. This is instrumental in forcing a rebellion against John.

Opening of the 1100 Charter of Liberties: “**K**now that by the mercy of God and the common counsel of the barons of the whole kingdom of England I have been crowned king of said kingdom; and because the kingdom had been oppressed by unjust exactions, I, through fear of god and the love which I have toward you all, in the first place make the holy church of God free...” {Translated in *Albert Beebe White and Wallace Notestein, eds., Source Problems in English History (New York: Harper and Brothers, 1915)*}



**The true and historic principle of Church and State does not mean that God or religion has no place in the public arena, but that government has no business in your church or your faith.**



With a sword at his throat, King John is forced to sign the \_\_\_\_\_ of 1215.

The Magna Carta declares that there will be no \_\_\_\_\_ without \_\_\_\_\_.

**Magna Carta**  
June 15, 1215

The Magna Carta secured for the People

- ✓ The right to no taxation without consent of the royal council;
- ✓ Clauses 38-40 secured Due Process;
- ✓ Clause 61: The Right of the People to Redress their grievances.

Magna Carta creates a council of 25 Barons that will lay the groundwork for the legislative body of Parliament.

The 1. Right of redress is listed with four other rights in our 1<sup>st</sup> Amendment. The other four are

# GENEALOGY OF THE CONSTITUTION

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_



**If you don't know what your rights are, how do you know they are not already gone?**



Charles I loved to “romp about Europe \_\_\_\_\_ on his every whim and fancy”

Because of this and costly wars, Parliament refuses to fund the wasteful spending of Charles I. As a result, Charles I dissolves Parliament 3 times during his reign.

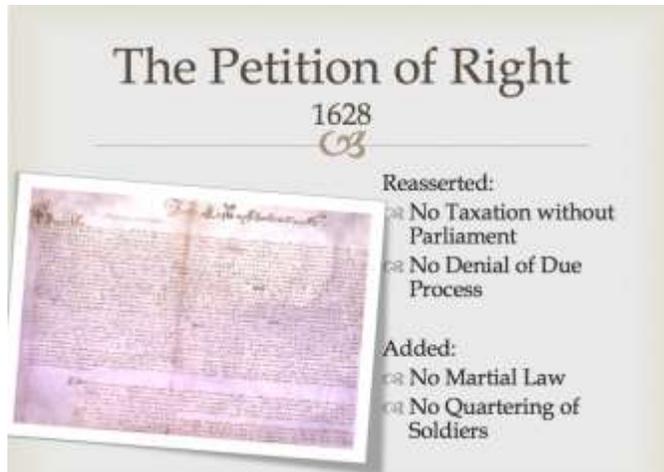
Without Parliament, Charles issues “forced \_\_\_\_\_.” Refusing to bow to his mandate, several men were imprisoned.



**NOTES:**

## Petition of Rights, Grand Remonstrance, English Bill of Rights, Declaration of Independence

The knights who refused to pay the forced \_\_\_\_\_ were imprisoned and Charles refused to publish the charges. After 4 obtained a writ of Habeas corpus, the judge declared "the [prisoners] could not be freed as the offence was probably too dangerous for public discussion".



This and other abuses including war spending, declaring martial law in every county, and quartering troops among the populace led to Robert Coke and the House of Commons drafting the *Petition of Right of 1628*.

The Petition of Right directly influenced the formation of the Third, Fifth, Sixth and Seventh Amendments to the US Constitution.

Charles is dictating and appointing Bishops in the \_\_\_\_\_.

Jenny Gettis in Scotland famously stand up in church and throws her stool at the hireling bishop of Charles I, This helped spark a rebellion in Scotland known as The Bishop Wars.

Charles uses the pretense of war to demand that the Crown be able to collect taxes. It was determined that Charles was conspiring with foreign interests and interests contrary to the England. He was finally tried and convicted for treason, and sentenced to death under the influence of Oliver Cromwell.

This turmoil brings us the next Charter in the history of our founding documents

\_\_\_\_\_ of 1641

## Grand Remonstrance

1641



The root of all this mischief we find to be a malignant and pernicious design of subverting the fundamental laws and principles of government, upon which the religion and justice of this kingdom are firmly established.



The drafters of the Grand Remonstrance declared that there was a **pattern** and an **intentional** subversion of liberty used by the enemies of liberty:

- Corruption of the courts.
- Infiltration of Foreign Law
- Government diminishing property rights.
- Government controlling the church.
- Government creating fiat money.
- Government disarming the people

James II granted the Right of Indulgence eliminating oaths of office, and attempts at national conformity. Yet as part of the Indulgence, the King demanded that “nothing be preached or taught amongst them which may any ways tend to alienate the hearts of our people from us or our government.”

Seven Bishops refused the King’s command to read the Indulgence in church. They published a **petition of redress of grievances** against the King’s decree. James II charged them with seditious libel – where that even if your statements are true, you can never say anything bad about the \_\_\_\_\_.

The eventual rebellion against James II gave us the English \_\_\_\_\_ of 1688.

## English Bill of Rights

1689



Whereas the late King James the Second, by the assistance of divers evil counselors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom; OVERTURN, UNDERMINE~COMPLETELY DESTROY



The English Bill of Rights was the latest liberty charter that our founders enjoyed as British subjects.

When King George II and subsequently George III continued to violate the liberties declared in these FIVE preceding charters, our founders devised a Sixth Liberty Charter – the Declaration of Independence!

NOTES:

