



## **Magna Carta's Influence on the Constitution**

**Abstract:** In this lesson students learn about the principles that undergird the Magna Carta and how they have influenced important legal documents. More specifically, students will evaluate the Magna Carta's impact on the U.S. Constitution.

**Essential Question:** In what ways has the Magna Carta influenced the U.S. Constitution?

### **Objectives:**

- Define constitutional principles that shaped the Magna Carta
- Identify the history that helped to shape the Magna Carta
- Evaluate how principles in the Magna Carta influenced the U.S. Constitution
- Compare the language of the Magna Carta and U.S. Constitution
- Write an essay illuminating the connections between the Magna Carta and U.S. Constitution

### **Pennsylvania and Common Core State Standards:**

*PA 5.1.9.C. Principles and Documents of Government: Analyze the principles and ideals that shape United States government.*

*PA 5.1.9.D Principles and Documents of Government: Compare and contrast the basic principles and ideals found in significant documents*

*PA 8.3.8.B United States History: Evaluate the importance of historical documents, artifacts and places critical to United States history.*

*PA 8.4.8 B World History: Illustrate how historical documents, artifacts, and sites are critical to world history.*

*CCSS Writing: the development, organization, and style are appropriate to task, purpose, and audience.*

*CCSS Reading: Determine the central ideas or information of a primary or secondary*

source; provide an accurate summary of how key events or ideas develop over the course of the text.

*CCSS Reading: Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.*

### **Materials:**

- Magna Carta and the Constitution Video
- Magna Carta and the Constitution Worksheet
- Primary Source Handout
- Primary Source Analysis Worksheet
- Essay Rubric

### **Activities:**

1. Have students watch the Annenberg Classroom video "[Magna Carta and the Constitution](#)" and complete the **Magna Carta and the Constitution Video Worksheet**. Go over students' answers.
2. Next, students will use the **Primary Source Analysis Worksheet** and **Primary Source Handout** to complete analysis of the Magna Carta and U.S. Constitution. Students will define key principles and find examples in the Magna Carta and U.S. Constitution. Besides the list of resources below, student can use the [Annenberg Classroom Glossary](#) to define important terminology. It is suggested that this activity be facilitated either by using [jigsaw](#) to divide up principles among the class or each student independently or in pairs is responsible for the entire worksheet. Resources are provided to help enhance this activity, enabling this lesson to extend into the history and evolution of constitutional principles. If the instructor decides to have students use the substantial number of resources below and extend learning, divide up the class and ask students to present their findings on how history has shaped and reshaped these constitutional principles.
  - a. unalienable rights
    - i. [Why Was The Constitution Necessary?](#)
  - b. habeas corpus
    - i. [The Right to Habeas Corpus](#)
    - ii. [Habeas Corpus: The Guantanamo Cases](#)
  - c. due process
    - i. [The Right to Due Process](#)
    - ii. [Fifth Amendment Timeline](#)

- iii. [\*Yick and Wo and the Equal Protection Clause\*](#)
  - d. representation
    - i. [\*Establishing Equality in Voting and Representation\*](#)
  - e. rule of law
    - i. [\*Rule of Law Lesson Plan\*](#)
  - f. judicial independence
    - i. [\*A Conversation on the Origin, Nature and Importance of the Supreme Court\*](#)
  - g. trial by jury
    - i. [\*Sixth Amendment Timeline\*](#)
  - h. fair trial
    - i. [\*Key Constitutional Concepts: Right To Counsel Lesson Plan\*](#)
  - i. judicial review
    - i. [\*The Rise of Judicial Review\*](#)
- 3. For the final assessment of this lesson, have students respond to the question below in essay form. Essays should directly answer the question in a form of a thesis statement, at least supporting 2-3 claims, evidence to support claims, and proper grammar and mechanics. Use the **Essay Rubric** as a means to communicate assessment quality criteria.
  - a. In what ways has the Magna Carta influenced the U.S. Constitution?

Name:

Date:

## **Magna Carta and the Constitution Video Worksheet**

1. How did the Magna Carta originate?
2. What basic rights did the lords want written?
3. How did the Magna Carta influence the writings of Edward Coke, and eventually British law? What ideas did Coke emphasize?
4. What did King George do to English colonists in the New World that violated the principles of the Magna Carta?
5. What is the major conceptual difference between British law and the U.S. Constitution?



## Primary Source Analysis Worksheet

| Principle                              | What does it mean? | Where can this principle be found in the Magna Carta? | Where can this principle be found in the U.S. Constitution? |
|--|--------------------|---|---|
| unalienable rights                     |                    |   |   |
| habeas corpus                          |                    |   |   |
| due process                            |                    |   |   |
| representation of people in government |                    |   |   |

|                       |  |  |  |
|-----------------------|--|--|--|
| rule of law           |  |  |  |
| judicial independence |  |  |  |
| trial by jury         |  |  |  |
| fair trial            |  |  |  |
| judicial review       |  |  |  |

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Other Notes:



## Primary Source Handout

### Document A: Excerpts of The Magna Carta (1215)

JOHN, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers

FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

TO ALL FREE MEN OF OUR KINGDOM we have also granted, for us and our heirs for ever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him,

No widow shall be compelled to marry, so long as she wishes to remain without a husband.

Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt.

The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

No man shall be forced to perform more service for a knight's 'fee', or other free holding of land, than is due from it.

Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

Inquests of novel disseisin, mort d'ancestor, and darrein presentment shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a villein the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

No sheriff, royal official, or other person shall take horses or carts for transport from any free man, without his consent.

Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

There shall be standard measures of wine, ale, and corn (the London quarter), throughout the kingdom. There shall also be a standard width of dyed cloth, russet, and haberject, namely two ells within the selvedges. Weights are to be standardised similarly.

In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

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 way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

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

All forests that have been created in our reign shall at once be disafforested. Riverbanks that have been enclosed in our reign shall be treated similarly.

To any man whom we have deprived or dispossessed of lands, castles, liberties, or rights, without the lawful judgment of his equals, we will at once restore these. In cases of dispute the matter shall be resolved by the judgment of the twenty-five barons referred to below in the clause for securing the peace

All these customs and liberties that we have granted shall be observed in our kingdom in so far as concerns our own relations with our subjects. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fullness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

### **Document B: Excerpts of the U.S. Constitution**

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President,

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State,--between Citizens of different States,--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of

the people peaceably to assemble, and to petition the Government for a redress of grievances.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

# Essay Rubric

**Name:**

**Date:**

| Category                          | Advanced   | Proficient  | Basic  | Below Basic  |
|-----------------------------------|--|---|--|--|
| Thesis                            | Presents an easily identifiable thesis that addresses question; lays out major claims, which provide organization to the entire essay.   | Presents a thesis that addresses question.  | Presents a thesis, though difficult to find. Does not lay out claims.  | Presents no thesis statement.  |
| Constitutional Principles         | At least three principles are accurately defined. It is clear that student understands the connection between the two documents.   | Two to three principles are accurately defined. Student is able to make several connections between the two documents.  | Two or three principles are accurately defined. Student struggles to make connections between the two documents.       | Principles are mostly inaccurately defined and applied.  |
| Evidence                          | Multiple sources of evidence are pulled from lesson materials to support thesis and subsequent claims. Evidence is thoroughly explained, cited properly, and connected back to thesis. | Evidence is pulled from lesson materials to support thesis and subsequent claims. At times evidence was explained, cited, and connected back to thesis.       | Student leans heavily on one source for evidence. Evidence is not well explained, cited, nor connected back to thesis. | Student omits evidence or uses evidence incorrectly throughout most of the essay.  |
| Organization, Grammar & Mechanics | Essay is logically organized based on thesis. Writing is exemplary without any grammar or mechanical errors. Transitional phrasing is used.  | Essay is logically organized based on thesis. There are a few grammatical or mechanical errors, but in general they do not impede the reader's comprehension. | Essay is not organized based on thesis. There are several grammatical and mechanical errors.                           | Essay illustrates very little organizational thinking and is hard to follow. Grammatical and mechanical errors impede the ability of the reader to understand argument throughout. |
| Grade and Comments                |  |   |  |  |



*The author of the lesson plan is Marc Brasof, an assistant professor of education at Arcadia University in Glenside, PA.*