

AMENDED IN ASSEMBLY JUNE 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

Assembly Concurrent Resolution

No. 76

Introduced by Assembly Member Jones

(Coauthors: Assembly Members ~~Chávez and Lackey~~ *Chávez, Lackey, Achadjian, Alejo, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brough, Burke, Calderon, Campos, Chang, Chau, Chiu, Chu, Cooley, Cooper, Dahle, Daly, Dodd, Eggman, Frazier, Beth Gaines, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Grove, Hadley, Harper, Roger Hernández, Holden, Irwin, Jones-Sawyer, Kim, Levine, Lopez, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Olsen, Patterson, Perea, Quirk, Ridley-Thomas, Rodriguez, Salas, Santiago, Steinorth, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Williams, and Wood*)

(Coauthors: Senators Bates, Hall, Leno, Moorlach, and Pan)

May 19, 2015

Assembly Concurrent Resolution No. 76—Relative to the 800th anniversary of Magna Carta.

LEGISLATIVE COUNSEL'S DIGEST

ACR 76, as amended, Jones. Magna Carta: 800th anniversary.

This measure would commemorate the 800th anniversary of Magna Carta.

Fiscal committee: no.

- 1 WHEREAS, In response to the accumulation of grievances,
- 2 heavy taxation, and unsuccessful wars, a group of rebellious barons

1 forced King John of England to agree to limitations on royal power
2 and submit to the rule of law by affixing his seal to a charter of
3 liberties known to posterity as Magna Carta, Latin for the Great
4 Charter, on June 15, 1215, at a meadow beside the river Thames
5 called Runnymede, near Windsor; and

6 WHEREAS, While many of Magna Carta’s 63 clauses relate to
7 specific grievances and long-defunct feudal practices of little
8 contemporary relevance, several of its provisions have had a lasting
9 significance as precedents guaranteeing fundamental rights and
10 liberties; and

11 WHEREAS, Clause 39 of Magna Carta provides, “No freeman
12 shall be taken, or imprisoned, or disseised, or outlawed, or exiled,
13 or in any way harmed - nor will we go upon or send upon him -
14 save by the lawful judgment of his peers or by the law of land”;
15 and

16 WHEREAS, Clause 40 of the Magna Carta provides, “To none
17 will we sell, to none deny or delay, right or justice”; and

18 WHEREAS, Magna Carta embodies the principle that no person,
19 and no government, is above the law; and

20 WHEREAS, The phrase “due process of law” first appeared as
21 a substitute for Magna Carta’s phrase “law of the land” in a 1354
22 statute of King Edward III that restated Magna Carta’s guarantee
23 of liberty of the subject and, therefore, Magna Carta created a
24 precedent in guaranteeing “due process of law” that was later
25 embodied in the Fifth and Fourteenth Amendments to the United
26 States Constitution, the sources of key constitutional liberties for
27 Americans; and

28 WHEREAS, Other clauses of Magna Carta state important
29 principles, such as the right to impartial and competent judges,
30 reasonable taxes, courts held in fixed places, fixed weights and
31 measures, criminal penalties that are proportionate to the
32 seriousness of the crime, and limitations on taking private property
33 for public use; and

34 WHEREAS, King John later repudiated Magna Carta, and a
35 civil war followed, but it was reissued, with revisions, numerous
36 times by subsequent monarchs, and though many provisions fell
37 into disuse or were superseded by subsequent legislation, Magna
38 Carta remains as an inspirational precedent for the proposition that
39 government power is not absolute and that the people possess
40 fundamental rights which government cannot violate; and

1 WHEREAS, Magna Carta is an early milestone along the path
2 toward freedom and constitutional government, followed by the
3 development of Parliament in the 1260s, the 1606 First Charter of
4 Virginia, the 1620 Mayflower Compact and other colonial charters,
5 the 1628 Petition of Right, the 1679 Habeas Corpus Act, and 1689
6 English Bill of Rights, the 1776 American Declaration of
7 Independence, the 1787 United States Constitution, the 1789 United
8 States Bill of Rights, and the 1948 United Nations' Universal
9 Declaration of Human Rights; and

10 WHEREAS, In a "History of the English-Speaking Peoples",
11 Winston Churchill summarized Magna Carta's achievement,
12 stating, "In place of the King's arbitrary despotism, they proposed,
13 not the withering anarchy of feudal separatism, but a system of
14 checks and balances which would accord the monarchy its
15 necessary strength, but would prevent its perversion by a tyrant or
16 a fool. The leaders of the barons in 1215 groped in the dim light
17 towards a fundamental principle. Government must henceforth
18 mean something more than the arbitrary rule of any man, and
19 custom and the law must stand even above the king. It was this
20 idea, perhaps only half understood, that gave unity and force to
21 the barons' opposition and made the Charter which they now
22 demanded imperishable"; and

23 WHEREAS, In his third inaugural address, delivered on January
24 20, 1941, as continental Europe groaned under the yoke of Nazi
25 tyranny, President Franklin D. Roosevelt said, "Democracy is not
26 dying. ... The democratic aspiration is no mere recent phase in
27 human history. It is human history. It permeated the ancient life
28 of early peoples. It blazed anew in the middle ages. It was written
29 in Magna [Carta]. ... Its vitality was written into our own
30 Mayflower Compact, into the Declaration of Independence, into
31 the Constitution of the United States, into the Gettysburg Address";
32 and

33 WHEREAS, In too many parts of the world, the right to jury
34 trial, habeas corpus, the rule of law, fair legal procedures,
35 reasonable taxation, and the proposition that no government is
36 above the law, principles either enshrined in or foreshadowed by
37 Magna Carta, remain goals yet to be attained, rather than a legacy
38 to be celebrated; and

39 WHEREAS, For as long as people celebrate freedom under law,
40 Magna Carta will remain an inspiring example of a people's ability

1 to resist tyranny and arbitrary government and will remain “the
2 Great Charter” of liberties; now, therefore, be it

3 *Resolved by the Assembly of the State of California, the Senate*
4 *thereof concurring*, That the 800th anniversary of Magna Carta
5 hereby be commemorated and the residents of the State of
6 California be encouraged to observe this important milestone in
7 the history of freedom and development of modern constitutional
8 government; and be it further

9 *Resolved by the Assembly of the State of California, the Senate*
10 *thereof concurring*, That the Chief Clerk of the Assembly transmit
11 copies of this resolution to the author for appropriate distribution.