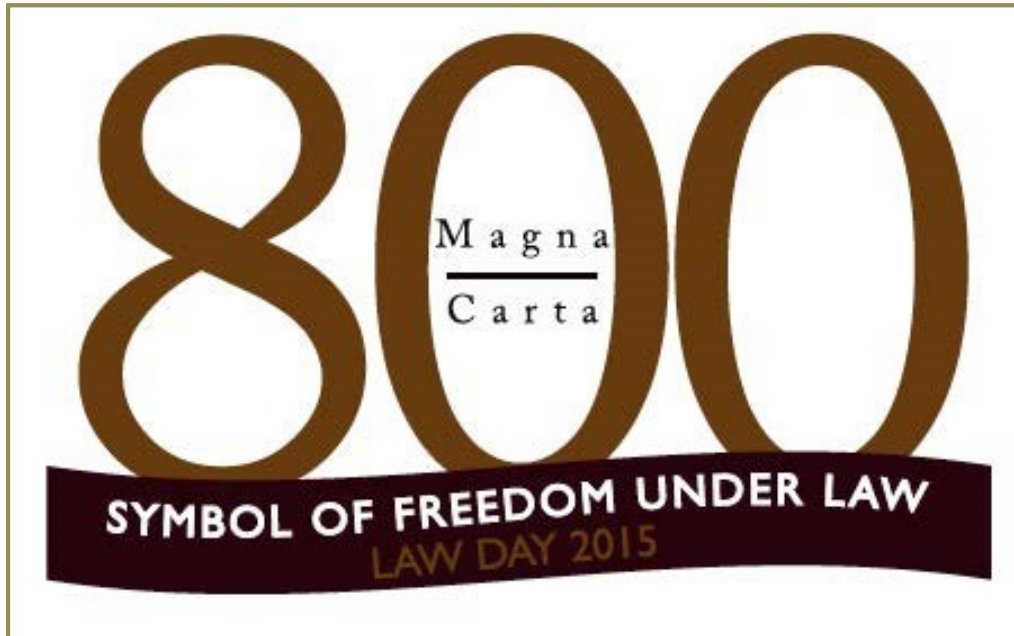


Resource Packet for Teachers

LAW DAY 2015

Magna Carta: Symbol of Freedom Under Law



What is Law Day?

In 1961, Congress passed a joint resolution designating May 1 as the national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process contribute to the freedoms that all Americans share.

What is the 2015 theme?

“Magna Carta: Symbol of Freedom Under Law.” Perhaps more than any other document in human history, Magna Carta has come to embody a simple but enduring truth: No one, no matter how powerful, is above the law. In the eight centuries that have elapsed since 1215, it has taken root as an international symbol of the rule of law. For more information on the theme, see www.LawDay.org

Why is the theme important?

Magna Carta is considered an inspiration for many of the basic rights Americans hold dear today, including due process, habeas corpus, trial by jury, and the right to travel. On the 800th anniversary of this important document, use this resource packet to explore the legacy of Magna Carta and its relevance in today’s modern world.

*Prepared by Rachel E. Marshall, Public Education & Community Outreach Administrator
U.S. Courts, Thomas F. Eagleton U.S. Courthouse, St. Louis, Missouri*

See www.JudicialLearningCenter.org/law-day-lesson-plans/ for a PDF version of this packet

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Do you have questions or comments? Email them to Rachel_Marshall@ca8.uscourts.gov

Thank you!

Activity for HIGH SCHOOL students

Grade Level: 9-12

- A. Theme: Magna Carta: Symbol of Freedom Under Law / Subtheme: Applying Magna Carta's promise of "individual rights and freedoms" in today's tech world.
- B. Activity Summary: 2015 marks the 800 year anniversary of Magna Carta. These lessons will ask students to apply the principles of individual liberty found in Magna Carta to today's tech world. By working through a series of activities, students will analyze the difficult task of balancing rights like privacy and free speech with the right to be safe and secure. This packet includes four lessons for high school students.
- I. **Magna Carta as symbol of individual rights**
 - II. **Individual rights and modern technology**
 - III. **Individual rights vs. public safety and national security**
 - IV. **Magna Carta, standing up to bullies since 1215**

I. Magna Carta as symbol of individual rights

GUIDING QUESTIONS

- How is Magna Carta's influence seen throughout history?
- What important principles can be traced back to Magna Carta?
- In what ways has Magna Carta been used as a symbol?

Suggested time: 30-60 minutes

Supply List: Printed worksheets and fact sheets, internet connection or printed images of symbols

Attachments:

- TEACHER FACT SHEET – Magna Carta Talking Points
- Student Worksheet – MAGNA CARTA
- Student Worksheet – KEY PRINCIPLES

Step-by-Step Procedure:

1. Introduce Magna Carta using the talking points, or review it if you've covered in recently in class. (**TEACHER FACT SHEET – Magna Carta Talking Points**). If you have more time, you could pass out the fact sheet and ask students to read and summarize.
2. Pass out **Student Worksheet – MAGNA CARTA**. Ask students to work in small groups to analyze the words and their meanings from important chapters of Magna Carta.
3. Pass out **Student Worksheet – KEY PRINCIPLES**. Instruct students to look for similarities between Magna Carta and key legal principles followed today.
4. Discuss Magna Carta as a "foundation."
5. Ask students to define the word "symbol."
6. Instruct students to evaluate Magna Carta being used as a symbol, one to each group. Ask each group to prepare a short summary of the location and use of the symbol. Invite each group to hold up or describe the symbolic use, introduce it to the rest of the class, and comment on why Magna Carta is an important symbol in this context.

Provide links for student groups, or print and distribute:

- a. **Seal of the Revolution** –
<http://iconofliberty.com/gallery/old-state-seal-at-statehouse-2/?link=main-gallery/>
 - b. **Artwork at the U.S. Supreme Court** –
 - i. <http://iconofliberty.com/gallery/u-s-supreme-court-door-panel/?link=main-gallery/>
 - ii. <http://iconofliberty.com/gallery/u-s-supreme-court-frieze/?link=main-gallery/>
 - c. **American Bar Association Monument at Runnymede** –
<http://iconofliberty.com/gallery/aba-memorial/?link=location/united-kingdom/>
 - d. **Quote by Eleanor Roosevelt at the United Nations, Universal Declaration of Human Rights, 1948** –
<http://www.un.org/rights/50/carta.htm>
<https://www.youtube.com/watch?v=435NAuclGSA>
<http://www.un.org/en/documents/udhr/index.shtml>
 - e. **Jay-Z album name “Magna Carta Holy Grail”** – (some say it is to signify a complete change or rewriting of the rules.)
 - f. **Choose your own symbols** from <http://iconofliberty.com/>
7. Summarize and wrap up.
 8. To save time:
 - a. Consider assigning the intro to Magna Carta as an at-home reading assignment.
 - b. Consider assigning the document analysis worksheets for homework.
 - c. Show one or two symbols and explain rather than completing the entire activity.
 9. To cover in more depth:
 - a. Complete the activity in the American Bar Association Insights Magazine – Magna Carta, the Federalists, and the Anti-Federalists. This activity is also found in the planning guide at www.LawDay.org
http://www.americanbar.org/publications/insights_on_law_and_society/14/fall-2014/magna-carta--the-federalists--and-anti-federalists.html

II. Individual rights and modern technology

GUIDING QUESTIONS

- How are existing legal principles applied to new and changing situations?
- What issues of individual rights are emerging as new technologies develop?

Suggested time: 20 minutes

Supply List: Printed worksheets, optional internet connection

Attachments: Student Worksheet – MODERN ISSUES

Step-by-Step Procedure:

1. Review the previous lesson on important principles in Magna Carta. In that lesson, you explored the influence of Magna Carta on our system of government today.
2. Ask students if the principles in Magna Carta (800 years old) and the principles in the U.S. Constitution and Bill of Rights (225 + years old) have relevance today?

3. Ask students if they can think of any issues that were not around in 1215 or 1787-89? Prompt them to consider modern technology and the issues that come along with it.
 - *mobile phone use and privacy*
 - *cloud storage of medical and academic records*
 - *music and movies online, copyright laws*
 - *social media accounts*
 - *free speech and free expression on the internet*
 - *internet use and browsing history*
 - *other?*
4. Let's discuss your cell phone use first. What kind of rights do you desire and expect when it comes to your cell phone? (*Right to privacy in cell phone calls and records of cell phone calls, right to privacy in text messages, other forms of communication, right to be free from GPS tracking, free from unreasonable search and seizure.*)
5. What might happen if the individual rights you desire are allowed to be exercised in an unlimited, unregulated way? What might be the unintended consequences? Explain how the rights of others might be affected. (*A consequence might be it would be more difficult to catch criminals. It might also be more difficult to stop someone who might be harassing you, or to locate you if something has happened.*)
6. Which is more important to you? Is there a balance? Is a law or rule needed?
7. Pass out the chart (**Student Worksheet – MODERN ISSUES**) and instruct students to read and complete. Do the first entry as an example out loud, based on the introductory session.
8. At the end of the activity, call time. Discuss responses.
9. Focus on the last row of the chart, "Internet Use," and note that the next activity will deal with these issues. There is a movement gaining momentum that is calling for an international "Magna Carta for the internet," or a written agreement with the government on the rights of citizens when using the internet. What do you think of this? We'll discuss more during the next activity in the series.
10. Summarize and wrap up.
11. To save time:
 - a. Consider asking each group to complete just one issue/row and then discuss all as a class.
 - b. Consider assigning the chart for homework and then discuss in class.
12. To cover in more depth:
 - a. Assign students or teams to research the evolution of laws related to the topics discussed.
 - b. For fun, assign students to follow the twitter page of King John, hosted by the National Center for State Courts - <https://twitter.com/iamkingjohn1215>

III. Individual rights vs. public safety and national security

GUIDING QUESTIONS

- What rights do you have when using the internet? What rights do you give up when you use the internet, voluntarily and involuntarily? What is your opinion about this?
- Who or what is expected to provide for national security in this country? What tactics might need to be employed to ensure the nation is safe? What is your opinion about this?
- How are these two topics connected, and which do you think is more important?

Suggested time: 30-45 minutes

Supply List: Printed worksheets, optional internet connection

Attachments: Student Worksheet – PRIVACY OR SECURITY?

Step-by-Step Procedure:

1. Review the previous lessons
 - a. Important principles in Magna Carta.
 - b. Historic rights in the modern age...today, we will continue exploring modern issues that did not exist in 1215 or 1787-89.
2. Read the following statements out loud, one at a time, asking for students to raise their hand if they agree with each.
 - a. Statement 1 – I know nothing I do on the internet is private and I accept that. I'm not really doing anything wrong so I can't see the harm in internet surveillance.
 - b. Statement 2 – I don't believe there is any reason for my internet use to be monitored, and I consider it an invasion of my privacy rights. It's no one's business what I do on the internet, and I'm not willing to give up my right to privacy for any reason.
 - c. Statement 3 – I know there are bad people out there using the internet for criminal reasons. I think keeping people and our country safe is very important, and I'm willing to give up some personal privacy so that criminal activity and potential terrorist activity can be monitored.
3. Explain - There is a movement gaining momentum that is calling for an international "Magna Carta for the Internet," or a written agreement with the government on the rights of citizens when using the internet. This has probably come about in part because some people believe their rights are being violated by internet (and phone) surveillance.
 - a. Lead a short discussion on the issue as described on **Student Worksheet – PRIVACY OR SECURITY?**. Below are some links that may help you prepare:
 - b. http://www.ted.com/talks/tim_berners_lee_a_magna_carta_for_the_web?language=en
 - c. <http://www.justice.gov/archive/II/highlights.htm>
 - d. <http://www.pewinternet.org/2015/03/16/americans-privacy-strategies-post-snowden/>
 - e. <http://www.pewinternet.org/2014/11/12/what-americans-think-about-privacy/>
 - f. <http://learning.blogs.nytimes.com/2013/09/17/what-is-more-important-our-privacy-or-national-security/>
 - g. <http://thecaucus.blogs.nytimes.com/2013/06/11/poll-finds-disapproval-but-little-personal-concern-about-record-collection/>
4. Pass out the table (**Student Worksheet – PRIVACY OR SECURITY?**). Explain the issue and instructions. Ask students to work individually or in small groups to come up with 3-5 points on EACH side.
 - a. Walk around and offer prompts and assistance as they are working.
 - b. End with a discussion of their responses. If your time allows, consider holding a classroom debate!
5. Summarize and wrap up.
6. To save time:
 - a. Ask students to read about the topic at home, and begin drafting their affirmative and negative statements in advance.

7. To cover in more depth:
 - a. Use the Bill of Rights Institute lesson: Security, Liberty, and the U.S.A. Patriot Act
<http://billofrightsinstitute.org/educate/educator-resources/lessons-plans/bill-rights-institute-curricula-resources/security-liberty-usa-patriot-act/>

IV. Magna Carta, standing up to bullies since 1215

GUIDING QUESTIONS

- Why do people bully others? Has the internet made it easier or more difficult for bullies?
- Do people have a right to say as they please and bully others online?
- Do people have a right to be free from bullying, in person and online?
- What does this have to do with Magna Carta?

Suggested time: 30-45 minutes

Supply List: Printed worksheets, internet connection to access graphic novels, or paper or pdf copies

Attachments: Student Worksheet – JUSTICE CASE FILES

Step-by-Step Procedure:

1. Review the previous lessons:
 - a. Important principles in Magna Carta.
 - b. Historic rights in the modern age.
 - c. Balancing privacy rights and national security.
2. Begin a discussion with the following questions:
 - a. What is a bully?
 - b. Who was a bully in 1215? (some may say King John, some may say the barons....discuss)
 - c. How do you think Magna Carta symbolizes standing up to a bully?
3. Transition the discussion to a review of the previous activity (Privacy or Security) :
 - a. What does our activity about balancing rights and safety have to do with bullying?
 - b. Are there issues of internet rights and use of technology that can open the door to bullying behavior?
 - c. Are internet bullies criminals? Would the phone and internet surveillance techniques help put a stop to bullying online?
4. Pass out the worksheet that accompanies the graphic novel. (**Student Worksheet – JUSTICE CASE FILES**)
5. Allow students to access the graphic novel online at the following link:

"Justice Case Files 5: The Case of the Cyberbully," produced by the National Center for State Courts. The novel can be downloaded as a pdf on the internet at the following link: <http://www.ncsc.org/Education-and-Careers/civics-education/Justice-Case-Files.aspx>

6. Allow time to work on the reading and the questions.
7. Regroup and discuss.
8. Explain this is another area of the law that is catching up with the technology. More and more laws are passed all the time.
 - a. You can see the status of laws in the U.S. at the following page
<http://www.stopbullying.gov/laws/>

9. This is an area of emerging law. If time allows, consider discussing or even assigning case summaries to small groups and ask the groups to describe the issues from various viewpoints, and comment on the resolution/decision in the case.
 - a. Megan Meier - <http://www.meganmeierfoundation.org/megans-story.html>
 - b. Ryan Halligan - <http://www.ryanpatrickhalligan.org/>
 - c. Tyler Clementi - <http://www.tylerclementi.org/tylers-story>
 - d. <http://nobullying.com/six-unforgettable-cyber-bullying-cases/>
10. Summarize and wrap up.
11. To save time:
 - a. Assign the graphic novel questions for homework. The novel can be downloaded as a pdf on the internet at the following link: <http://www.ncsc.org/Education-and-Careers/civics-education/Justice-Case-Files.aspx>
12. To cover in more depth:
 - a. Assign students to research bullying, cyberbullying, and harassment laws throughout the country, see #8 above.
 - b. Assign students to study recent cases, see #9 above.

C. RESOURCES FOR HIGH SCHOOL TEACHERS:

Law Day 2015 (official planning guide available here)

www.lawday.org

Magna Carta – Icon of Liberty

<http://iconofliberty.com/>

ABA Insights Magazine – Fall 2015 (with a focus on Magna Carta)

http://www.americanbar.org/publications/insights_on_law_and_society/14/fall-2014.html

The U.S. Courts Law Day page

www.uscourts.gov/educational-resources/get-inspired/annual-observances/law-day.aspx

The Judicial Learning Center in St. Louis

www.JudicialLearningCenter.org

Magna Carta 800th

<http://magnacarta800th.com/>

Full text translation of 1215 Magna Carta, The British Library

<http://www.bl.uk/magna-carta/articles/magna-carta-english-translation>

Edsitement National Endowment for the Humanities: Magna Carta Cornerstone of the Constitution

<http://edsitement.neh.gov/lesson-plan/magna-carta-cornerstone-us-constitution>

National Center for State Courts – Magna Carta page

<http://www.ncsc.org/magnacarta>

Talking Points

The story of Magna Carta begins at Runnymede in England in 1215, but it does not end there. It is a story that runs eight hundred years forward and is still unfolding. It is the story of our rule of law tradition and of how our American system of government is derived from our English legal heritage.

- The document that became known as Magna Carta was first issued in June 1215. It resulted from negotiations, culminating in a meeting at Runnymede, between King John and rebellious English aristocrats on the brink of civil war.
- The 1215 charter was handwritten in Latin on a single piece of sheepskin parchment approximately 18 inches square—about the same surface area as a 27" computer monitor or TV screen. Its text runs less than 4,000 words—somewhat shorter than that of the original 1787 U.S. Constitution.
- The last line of the 1215 charter refers to a specific place and time of its issue: “in the meadow that is called Runnymede between Windsor and Staines on the fifteenth day of June in the seventeenth year of our [King John’s] reign.” Runnymede represented neutral turf between parties in conflict.
- The most persistent misconception about Magna Carta is that King John “signed” the document at Runnymede in 1215. Rather, to signify his assent and granting of the charter to his subjects, the king’s seal was affixed, after the Runnymede meeting, to more than 40 documents produced by his royal chancery or writing office. They were then distributed to counties throughout the realm of England.
- A would-be peace treaty between the king and the rebellious nobles, the 1215 charter did not survive its year of issue. Pope Innocent III annulled the charter within 10 weeks of its issuance. In the midst of virtual civil war, King John suddenly died in October 1216. The charter was then reissued on behalf of the new king, John’s nine-year-old son, Henry III. This Magna Carta was substantially revised and shortened to about 2,500 words. A second reissue was made in 1217 and a third in 1225. The 1225 issue was the version incorporated into English law in 1297.
- “Magna Carta” means “Great Charter” in Latin. After it was first revised in 1216, a separate charter of the forests, spun off and expanded from the 1215 document, was issued. To differentiate the first charter from the second, the former became known, in 1218, as Magna Carta Libertatum (Great Charter of Liberties) or, simply, Magna Carta.
- There are multiple Magna Carta manuscripts that can claim to be “originals.” Why this is so is a matter of historical circumstance, tradition, and scholarly conventions. In addition to the four 1215 first issues, there survive one from 1216 and four more each from 1217, 1225, and 1297. Just two of these seventeen are outside England, both dating to 1297. They are in the national capitals of Australia (Canberra) and the United States—the latter is publicly displayed at the National Archives in Washington, D.C.
- After 1300, Magna Carta was not reissued—physically produced and disseminated across the realm—but simply “confirmed.” English kings confirmed Magna Carta dozens of times in the centuries following the thirteenth, corroborating its status as an exemplary written charter of good governance and recognition of the lawful liberties of English subjects.



- In the seventeenth century, English jurist Edward Coke interpreted Magna Carta to be part of an “ancient Constitution” that preserved the rights of English subjects, protected by a representative parliament, against the claims of absolutist monarchs. By the eighteenth century, the uncoded British Constitution was seen as including not only key texts from the prior century (1628 Petition of Right, authored by Coke; Habeas Corpus Act 1679; 1689 English Bill of Rights), but also Magna Carta itself—invoked to trace back the deep roots of British constitutionalism.
- The eighteenth-century English jurist William Blackstone developed a numbering convention for Magna Carta, which we follow today. By tradition, the various short sections are commonly called “chapters.” The 1215 Magna Carta has 63 chapters and the shorter 1225, just 37. The famous, oft-cited clause that begins “No free man shall be seized or imprisoned,” which appears in all issues, is numbered chapter 39 in the 1215 Magna Carta and 29 in the abbreviated 1225 issue.
- The 1215 issue of Magna Carta from Lincoln Cathedral became the first charter to travel outside the United Kingdom in 1939, when it came to the United States for display at the New York World’s Fair and then remained in Washington, D.C., for safekeeping throughout World War II.
- Magna Carta has been cited in over 170 U.S. Supreme Court opinions, according to American University law professor Stephen Wermiel, who analyzed 224 years of U.S. Reports of Supreme Court decisions. Of these 170 cases, 28% concern due process of law; 13%, trial by jury; 8% concern how Magna Carta influenced American constitutionalism; 6% each treat antitrust matters and habeas corpus; 5% concern other civil rights and liberties; and 4% each treat cruel and unusual punishment and excessive fines.
- Unlike no other historical document, Magna Carta symbolizes our deep-rooted tradition of constitutional governance and its associated “rule of law” values. These are commonly understood to mean that “no ruler is above the law” and, often, the granting of political and legal rights in writing. Rule of law is often contrasted with rule that is capricious, unprincipled, and inconstant.

Notable Quotes

“The Magna Carta is one of the great symbols, to all English-speaking peoples, of liberty within the law.”

Archibald MacLeish (“Deposit of Magna Carta,” November 28, 1939)

“We must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Carta, the Bill of Rights, the Habeas Corpus, trial by jury, and the English common law find their most famous expression in the American Declaration of Independence.”

Winston Churchill (“Sinews of Peace,” March 5, 1946)

“Magna Carta ... is often claimed to be the cornerstone of English liberty, law and democracy, and its legacy has been its enduring worldwide influence... . It has become an icon for freedom and democracy throughout the world.”

UNESCO (Memory of the World inscription, 2009)

“Centuries ago, when kings, emperors, and warlords reigned over much of the world, it was the English who first spelled out the rights and liberties of man in the Magna Carta.”

Barack Obama (Speech to UK Parliament, May 25, 2011)

“Our later freedoms were gestating in the [Great] Charter. Establish the rule of law—the idea that the authorities can’t make up the rules as they go along—and everything else will eventually follow.”

Daniel Hannan (“Magna Carta is the birthright of all English-speakers,” June 16, 2014)

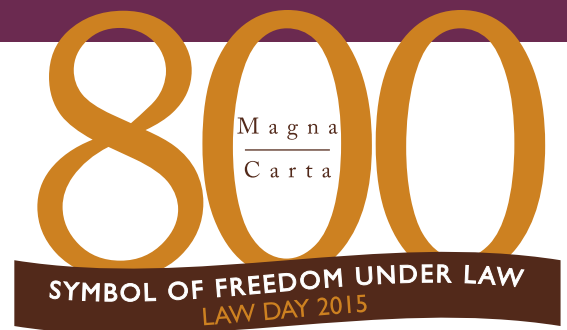
“Magna Charta is such a fellow, that he will have no sovereign.”

Edward Coke (Second Part of the Institutes of the Laws of England, 1642)

“In this country, written constitutions were deemed essential to protect the rights and liberties of the people against the encroachments of power delegated to their governments, and the provisions of Magna Charta were incorporated into Bills of Rights. They were limitations upon all the powers of government, legislative as well as executive and judicial.”

Stanley Matthews (Opinion of the Court, Hurtado v. California, 1884)





“The Magna Carta, the Petition of Rights, and the [English] Bill of Rights are documents which are held in veneration by democrats throughout the world.”

Nelson Mandela (Rivonia Trial Speech from the Dock, April 20, 1964)

“Magna Charta as a great instrument of liberty was the creation not only of its own age, but of later ages that strove for the idea that government is something greater than the naked exercise of power.”

Alfred H. Knight (The Life of the Law: The People and Cases That Have Shaped Our Society, From King Alfred to Rodney King, 1996, p. 25)

“The first eight amendments to our Federal Constitution, our explicit Bill of Rights, owes its parentage to Magna Carta; and Americans regard the enforcement of those amendments as the Supreme Court’s most important and demanding responsibility.”

William Brennan (1985 Rededication Speech at ABA Memorial at Runnymede)

“Magna Carta decreed that no man would be imprisoned contrary to the law of the land. Important as the principle was, the Barons at Runnymede prescribed no specific legal process to enforce it. Holdsworth tells us, however, that gradually the writ of habeas corpus became the means by which the promise of Magna Carta was fulfilled.”

Anthony M. Kennedy (Opinion of the Court, Boumediene v. Bush, 2008)

“Magna Carta has risen above its uncertain beginnings. It has been a crucial influence on the development of the rule of law, first in England and then around the world.”

Sandra Day O’Connor (Magna Carta and the Rule of Law, 2014, p. xiv)

“Magna Carta has had a profound effect on popular culture. King John, his discontented barons, and the Great Charter remain well-known even as other aspects of English medieval history have faded into comparative obscurity. Magna Carta continues to transcend its times.”

Carolyn Harris (University of Toronto, prepared for Insights on Law & Society, American Bar Association, 2014)

“Magna Carta was for England, and later for people around the world, what President Lyndon Johnson said Lexington and Concord were for the American Revolution and Selma was for the American civil rights movement—a turning point—where “history and fate meet at a single time, in a single place to shape a turning point in man’s unending search for freedom.”

Roger Gregory, (Judge, Fourth Circuit Court of Appeals, prepared for Insights on Law & Society, American Bar Association, 2014)

“Magna Carta is a shining symbol of our shared legal heritage and of the rule of law as a foundation for freedom and human rights. Today, the story of Magna Carta we should tell is not merely of Runnymede in 1215, but of the Great Charter’s enduring significance in the eight hundred years since.”

William C. Hubbard, 2014–2015 ABA President (Magna Carta: The Foundation of Freedom 1215–2015, 2014, p. 10)

Instructions: Answer the questions, then read and analyze the selections of text from Magna Carta. After each “chapter,” write notes about why you think the statement is important, especially considering these statements might have been the first of their kind. Also consider which of the statements are similar to current U.S. Laws?

1. Magna Carta was an agreement between what two people or groups of people?
2. Which of the two wrote the agreement?
3. Which of the two sealed (signed) the agreement?
4. Which of the two do the words “we” and “us” in the text refer to?

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: (introduction)

At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her. (7)

No 'scutage' or 'aid' may be levied in our kingdom without its general consent..... (12)

Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place. (17)

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. (20)

Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence. (21)

In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it. (38)

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. (39)

To no one will we sell, to no one deny or delay right or justice. (40)

In future it shall be lawful for any man to leave and return to our kingdom unharmed and without fear, by land or water, preserving his allegiance to us, except in time of war, for some short period, for the common benefit of the realm. (42)

Both we and the barons have sworn that all this shall be observed in good faith and without deceit. (conclusion)

Adapted from the British Library's English Translation of the 1215 Magna Carta
<http://www.bl.uk/magna-carta/articles/magna-carta-english-translation>

1. Magna Carta was an agreement between what two people or groups of people?
King John and the barons
2. Which of the two wrote the agreement? **The barons**
3. Which of the two sealed (signed) the agreement? **The King**
4. Which of the two do the words “we” and “us” in the text refer to? **The King**

Introduction Why is this important? **Made the rights and freedoms outlined applicable to all (free) men, not just the wealthy barons. Shows that both parties agreed, and that the King agreed to be bound by the law.**

Chapter 7 Why is this important? **Gave some women property rights for the first time**

Chapter 12 Why is this important? **No taxation without consent, and also not without representation**

Chapter 17 Why is this important? **Made justice more available to the average person**

Chapter 20 and 21 Why is this important? **The fine/punishment should fit the crime**

Chapter 38 Why is this important? **People should not be arbitrarily accused of crimes, and have a right to confront witnesses against them.**

Chapter 39 (the most famous chapter) Why is this important? **Before loss of life, liberty or property, a person must be judged lawfully. The law of the land is binding. Set the stage for future right to jury trial. Set the stage for future concept of due process. Set the stage for future concept of habeas corpus. Set the stage for property rights.**

Chapter 40 Why is this important? **Everyone (note it says ‘no one’ and doesn’t mention only free men, so applies to everyone) has a right to justice, and shouldn’t have to pay for it. Also set the stage for speedy criminal trials by saying justice should not be denied or delayed.**

Chapter 42 Why is this important? **Established the right to travel as important**

Conclusion Why is this important? **Shows that both parties agreed, and that the King agreed to be bound by the law**

Instructions: Use "Worksheet – MAGNA CARTA" to identify the matches. Many of our most important legal principles and cherished personal liberties can be traced back to Magna Carta of 1215. For each, write the NUMBER OF THE CHAPTER OR CHAPTERS THAT IS THE BEST MATCH. Then, answer the questions at the end, and be ready to discuss.

ENDURING LEGAL PRINCIPLES

- A. _____ A limited government under the Rule of Law. No one is above the law, not even the government.
- B. _____ No taxation without representation.

INDIVIDUAL RIGHTS AND LIBERTIES

- C. _____ The right to travel.
- D. _____ The right to own property.
- E. _____ The right to own property, for women.
- F. _____ Access to Justice, regardless of ability to pay.
- G. _____ Access to Justice, at a fixed location near your home.
- H. _____ The right to fair and equal treatment before the law - "Due Process of Law," in the Fifth Amendment to the U.S. Constitution: *No person... (shall) be deprived of life, liberty, or property, without due process of law.*
- I. _____ The right to a trial by a jury of your peers, in the Sixth Amendment: *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.....*
- J. _____ The right to a SPEEDY trial if accused, also in the Sixth Amendment.
- K. _____ The right to see and question witnesses against you, also in the Sixth Amendment: *In all criminal prosecutions, the accused shall enjoy the right.....to be confronted with the witnesses against him.*
- L. _____ The right to be free from excessive fines, and to have punishments that fit the crime, in the Eighth Amendment: *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*
- M. _____ The right to be free from unlawful imprisonment – "Habeas Corpus."

? How do the contents of this agreement differ from what comes to mind when you think of a "king" or "monarchy"? And how then do you think this document is considered the root of "Rule of Law," the concept that no one is above the law, not even the government?

ENDURING LEGAL PRINCIPLES

- A. A limited government under the Rule of Law. No one is above the law, not even the government.
 - a. [introduction and conclusion]
- B. No taxation without representation.
 - a. [12]

INDIVIDUAL RIGHTS AND LIBERTIES

- C. The right to travel.
 - a. [42]
- D. The right to own property.
 - a. [39]
- E. The right to own property, for women.
 - a. [7]
- F. Access to Justice, regardless of ability to pay.
 - a. [40]
- G. Access to Justice, at a fixed location near your home.
 - a. [17]
- H. The right to fair and equal treatment before the law - “Due Process of Law,” in the Fifth Amendment to the U.S. Constitution: *No person... (shall) be deprived of life, liberty, or property, without due process of law.*
 - a. [39]
- I. The right to a trial by a jury of your peers, in the Sixth Amendment: *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.....*
 - a. [39]
- J. The right to a SPEEDY trial if accused, also in the Sixth Amendment.
 - a. [40]
- K. The right to see and question witnesses against you, also in the Sixth Amendment: *In all criminal prosecutions, the accused shall enjoy the right.....to be confronted with the witnesses against him.*
 - a. [38]
- L. The right to be free from excessive fines, and to have punishments that fit the crime, in the Eighth Amendment: *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*
 - a. [20 + 21]
- M. The right to be free from unlawful imprisonment – “Habeas Corpus.”
 - a. [39]

How do the contents of this agreement differ from what comes to mind when you think of a “king” or “monarchy”? And how then do you think this document is considered the root of “Rule of Law,” the concept that no one is above the law, not even the government?

The king/monarch is not all powerful. He is agreeing to have his power limited and to abide by written rules and laws. (We know this King didn't keep the agreement for very long, but Kings after him reissued and followed versions of the Charter)

Instructions:

1.) For each modern issue, note the most important rights and freedoms you believe citizens should have. *Imagine you are drafting ideas for a Magna Carta for the Modern Age....*

2.) Then, what might happen if the individual rights you desire are allowed to be exercised in an unlimited, unregulated way? What might be the unintended consequences? Explain how the rights of others might be affected.

3.) Which is more important? Is there a way to balance the needs in columns 1 and 2?

	1 RIGHTS AND FREEDOMS	2 CONSEQUENCES	3 BALANCE?
Mobile Phones	Right to privacy in cell phone calls and records of cell phone calls, right to privacy in text messages, other forms of communication, right to be free from GPS tracking, free from unreasonable search and seizure	A consequence might be it would be more difficult to catch criminals. It might also be more difficult to stop someone who might be harassing you, or to locate you if something has happened.	
Use of Social Media			
Copyrighted Movies, Music and other Content			
Internet Use			
Other?	Continue on the back if others comes to mind		

Student Worksheet – MODERN ISSUES - KEY/DISCUSSION POINTS FOR TEACHERS:

	1 RIGHTS AND FREEDOMS	2 CONSEQUENCES	3 BALANCE?
Mobile Phones	Right to privacy in cell phone calls and records of cell phone calls, right to privacy in text messages, other forms of communication, right to be free from GPS tracking, free from unreasonable search and seizure	A consequence might be it would be more difficult to catch criminals. It might also be more difficult to stop someone who might be harassing you, or to locate you if something has happened.	Discuss reasonable rules and laws that would protect the rights of all citizens, including the right to live in a safe and secure environment. Suggestions?
Use of Social Media	Right to free speech and freedom of expression, right to petition (Right to be safe, secure, free from harassment)	A consequence might be that people could be harassed, threatened, bullied, slandered, or otherwise damaged. It may make it easier for criminals to stalk someone.	
Copyrighted Movies, Music and other Content	Right to property, right to share and even sell as you please	A consequence might be that artists and owners lose profits, and prices may go up in the future.	
Internet Use	Right to privacy in internet use and search history, right to privacy in email and other methods of communication, right to be free from warrantless surveillance by the government, free from unreasonable search and seizure (Right to be safe, secure)	A consequence might be it would be more difficult to detect terrorism activity or to catch criminals. It might also be more difficult to stop someone who might be harassing you.	

The issue: PRIVACY OR SECURITY?

Following the September 11, 2001 terrorist attacks on the United States, legislation called the U.S. Patriot Act was passed. The Act has been hailed by federal law enforcement as a critical tool in intercepting criminal activity and keeping America safe. The Act has several provisions, including expanded use of surveillance technology and added criminal punishments for individuals engaging in terrorist activity.

Recently, it was uncovered that under the provisions of the Patriot Act, the U.S. Government is monitoring cell phone and internet use with the purpose of gathering information about terrorist activity. The “bulk” data collected was shown to include cell phone call logs and global web traffic, and was collected without a search warrant. The phone data included only metadata, such as numbers dialed, times of the calls and the duration. The internet monitoring targeted connections where at least one end of the conversation or data exchange was in another country.

As with any issue, there are two sides:

- ⇒ Some feel that national security is of utmost importance, and that the domestic surveillance is necessary to keep our country safe.
- ⇒ Others feel that privacy is of utmost importance, and that the blanket surveillance of citizens is a violation of constitutional rights and a threat to freedom.

List reasons to be FOR domestic surveillance:	List reasons to be AGAINST domestic surveillance:
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

What do YOU think?...

If you had to choose only one:

☐ Domestic surveillance is necessary to protect the country from terrorism.

OR

☐ Domestic surveillance is a violation of individual rights and should be discontinued.

Instructions: Answer the following questions while reading “Justice Case Files 5: The Case of the Cyberbully.”

Before Reading the Book:

1. What is a bully?
2. Who was a bully in 1215?
3. How do you think Magna Carta symbolizes standing up to a bully?

Pages 3-6:

4. What is DUE PROCESS?
5. Explain how the teacher, Ms. Faulkner, uses James and Amber to demonstrate due process.

Pages 7-12:

6. What is one purpose of the RULE OF LAW?
7. What is your opinion about Madison’s behavior? How serious is it? Has a crime been committed?
8. The school has a policy on cyberbullying. Do you think that is necessary? Why or why not?
9. Does your school have a similar policy or rule?

Pages 13-16:

10. What are Amber’s rights?
11. What are Madison’s rights?
12. The state in which they live also has a LAW against cyberbullying. Do you know if your state has one?

↓ Over

Pages 17-20:

13. Read the cyberbullying law on p.19. Do you think Madison is guilty of this crime?
14. What is the judge's verdict? What does "beyond a reasonable doubt" mean?
15. Do you think the punishment is fair, too harsh, or too lenient? Explain.
16. Amber is going to help start a peer counseling group to help kids deal with these kinds of problems. Write at least one suggestion you have for her:

Pages 21-23

17. How are the Magna Carta principles listed on p.21 demonstrated by the story in the book?
 - a. *Due Process* is demonstrated in the book by...
 - b. *Protection Against Unlawful Imprisonment* is demonstrated in the book by....
 - c. *[Trial By Jury* is not demonstrated because the scenario takes place at juvenile court. If Madison were an adult, she would have a right to a jury of her peers.]
18. The chart on pp.22-23 lists several historic documents that are similar in some ways to Magna Carta. List at least two, with their dates.

Further Research:

19. Look up the Megan Meier case from Missouri to learn more about it.
20. Visit <http://www.stopbullying.gov/laws/> to learn about bullying laws in each state.