

A Day in the Life of the Magna Carta

Treacherous, shockingly cruel, cowardly; it seems difficult to find a monarch described as poorly as King John of England. Born with several elder brothers, the line of succession seemed to hold the crown far from his head. Yet with a series of inopportune deaths, King John ascended to the throne, unaware of the growing unrest that would force him to make his greatest mark: a signature on a document that represented the submission of the English monarchy (Morris). Today, the Magna Carta proudly possesses a storied legacy that spans eight centuries and has served as inspiration for countless constitutions and bills of rights across the globe, including a prominent influence on those of the United States of America. As new legal territory is explored by the Supreme Court every year, it is easy to overlook the subtle reach of the Magna Carta on key Court decisions within the last decade in three key areas: the age-old writ of habeas corpus, the omnipresent Fourth Amendment, and perhaps most importantly, due process of the law in both federal and state cases through the Fifth and Fourteenth Amendments.

Nowhere is the influence of the Magna Carta more vital than in cases spurred by government overreach during times of crisis, such as after the September 11, 2001, terrorist attacks left America reeling and searching for a way to bring those behind the plot to justice. However, when President Bush declared his infamous “War on Terror,” crucial civil rights were left in the dust; the legacy of the Magna Carta was trampled over in the rush for revenge. This is most evident in *Boumediene v. Bush*, a 2008 U.S. Supreme Court case examining the situation of a foreign national detained by the U.S.

military at Guantanamo Bay in Cuba. The Court rejected “ the Government’s argument that, at least as applied to noncitizens [sic], the Constitution necessarily stops where de jure sovereignty ends,” ruling that, since the Guantanamo Bay camps were effectively under complete U.S. control, prisoners had the right of habeas corpus (*Boumediene v. Bush* 25). Citing Holdsworth’s *A History of English Law*, Justice Kennedy, author of the majority opinion, confirmed that the “writ of habeas corpus became the means by which the promise of Magna Carta was fulfilled.” Justice Kennedy further explored the history of the writ of habeas corpus in the Magna Carta and its application in Ireland during the 18th century, when England effectively held full control over the country (“*Boumediene v. Bush*”). Additionally, the Court ruled that the fundamental rights of the U.S. Constitution applied to detainees, marking a necessary extension of the protections that of the Magna Carta first set into motion 800 years ago.

Although the writ of habeas corpus may be one of the most famous elements of the Magna Carta’s legacy, it would be unwise to exclude the seemingly ever-present Fourth Amendment when reviewing the document’s influence on American case law. Just last year, the Supreme Court took on the case of *City of Los Angeles v. Patel*, where petitioners challenged a section of the Los Angeles municipal code that required hotel owners to keep guest registration information on file and available to the police on demand, even without the permission of a judge. The Court ruled that this qualified as an unreasonable search and therefore was unconstitutional under the Fourth Amendment (*Los Angeles v. Patel*). In the majority opinion, Justice Sotomayor cited the previous case of *Camara v. Municipal Court*, where the Court ruled that a resident could

refuse to let in a building inspector without a warrant. Both *Camara v. Municipal Court* and *City of Los Angeles v. Patel* deal with administrative searches, where the government wishes to inspect premises not based on probable cause for crime, but instead on compliance issues, such as for health statutes or fire codes. Administrative subpoenas can be issued by government officials to authorize administrative searches and are distinct from normal subpoenas because they are not necessarily issued by a judge (Little). By expanding the aegis of the Fourth Amendment to include administrative searches and further allowing citizens to question the reasonableness of administrative subpoenas before being penalized, the Supreme Court showed that the legacy of the Magna Carta in combating unreasonable search and seizure still resonates through the judicial branch today.

At its heart, however, the Magna Carta was not written to condemn individual acts of a tyrannical ruler. Rather, the document was drafted as a reassertion of the rights of the people, guaranteeing that a dictator could not punish his subjects on a whim and implementing the groundwork for our modern jury system ("Magna Carta and the U.S. Constitution"). The jury system, unfortunately, is not without its abuses; the abuse of peremptory challenges to stack the jury lies at the heart of the 2008 Supreme Court case *Snyder v. Louisiana*. The prosecutor seated an all-white jury by using peremptory strikes to remove black jurors from the pool. Justice Alito relied heavily on the 1986 landmark case of *Batson v. Kentucky*, where the Court banned strictly-race-based uses of peremptory strikes (Denniston). The Court ruled that "The Equal Protection Clause guarantees the defendant that the state will not exclude

members of his race from the jury venire on account of race or on the false assumption that members of his race as a group are not qualified to serve as jurors.” Furthermore, the Court criticized the usage of the practice, with Justice Powell, in the majority opinion, stating that “Selection procedures that purposefully exclude black persons from juries undermine public confidence in the fairness of our system of justice” (*Snyder v. Louisiana*). Through its implementation of the precedent set in *Batson v. Kentucky*, the Court’s decision in *Snyder v. Louisiana* further entrenched the principles laid down eight centuries ago in Chapter 39 of the Magna Carta: that “No freeman shall be taken, imprisoned, disseized, outlawed, banished, or any way destroyed, [...] except by the lawful judgment of his Peers or by the Law of the land” (“English Translation of Magna Carta”).

When looking back on the influence of the Magna Carta, it is clear that this historical document still holds unparalleled prestige in the judicial field today. Core elements of the civil rights that over 300 million Americans enjoy today, such as the protection of the writ of habeas corpus, the privacy shielded by the Fourth Amendment, and the aegis that due process offers against arbitrary prosecution, can all trace their roots back to the Magna Carta. Courts across the nation regularly cite these legal standards when deciding complicated and controversial cases, proving the longevity of the ideas birthed from the Magna Carta. Although King John may lay forgotten in the annals of history, it is certain that the legacy of the Magna Carta will impact the world for centuries to come.

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