

LONGHOUSE · THURSDAY, SEPTEMBER 24, 2026 · PLANNING

Two Charters

Magna Carta, the Great Law of Peace, and what actually reached the American founding.

Brady Hugins · every claim tonight is sourced, and the contested parts are marked contested.

WHY THIS SUBJECT

We are a group about how constitutional traditions get kept.

So the honest version of our own founding story is not a detour from the work. It *is* the work. Tonight has a rule: nothing goes on a slide unless I can tell you who said it and where.

WHAT YOU WILL GET

Sources, not vibes

Author, year, page. Where scholars disagree, you get both of them and not a verdict.

WHAT YOU WILL NOT GET

The popular version

The story most people have heard about these two documents is substantially wrong, and the wrong parts are the famous parts.

WHY IT MATTERS HERE

Both were carried by people

Neither charter survived on parchment. Both were altered by whoever carried them. That is an argument for stewardship — and for volunteers.

FIRST · WHAT IT ACTUALLY IS

A peace treaty between a king and the barons who had beaten him.

JUNE 1215, RUNNYMEDE

Not a founding document

John lost a war he could not pay for and taxed his barons past what they would take. They took London. He met them in a meadow and conceded, in writing, a list of things he would stop doing.

63 CLAUSES

Mostly feudal admin

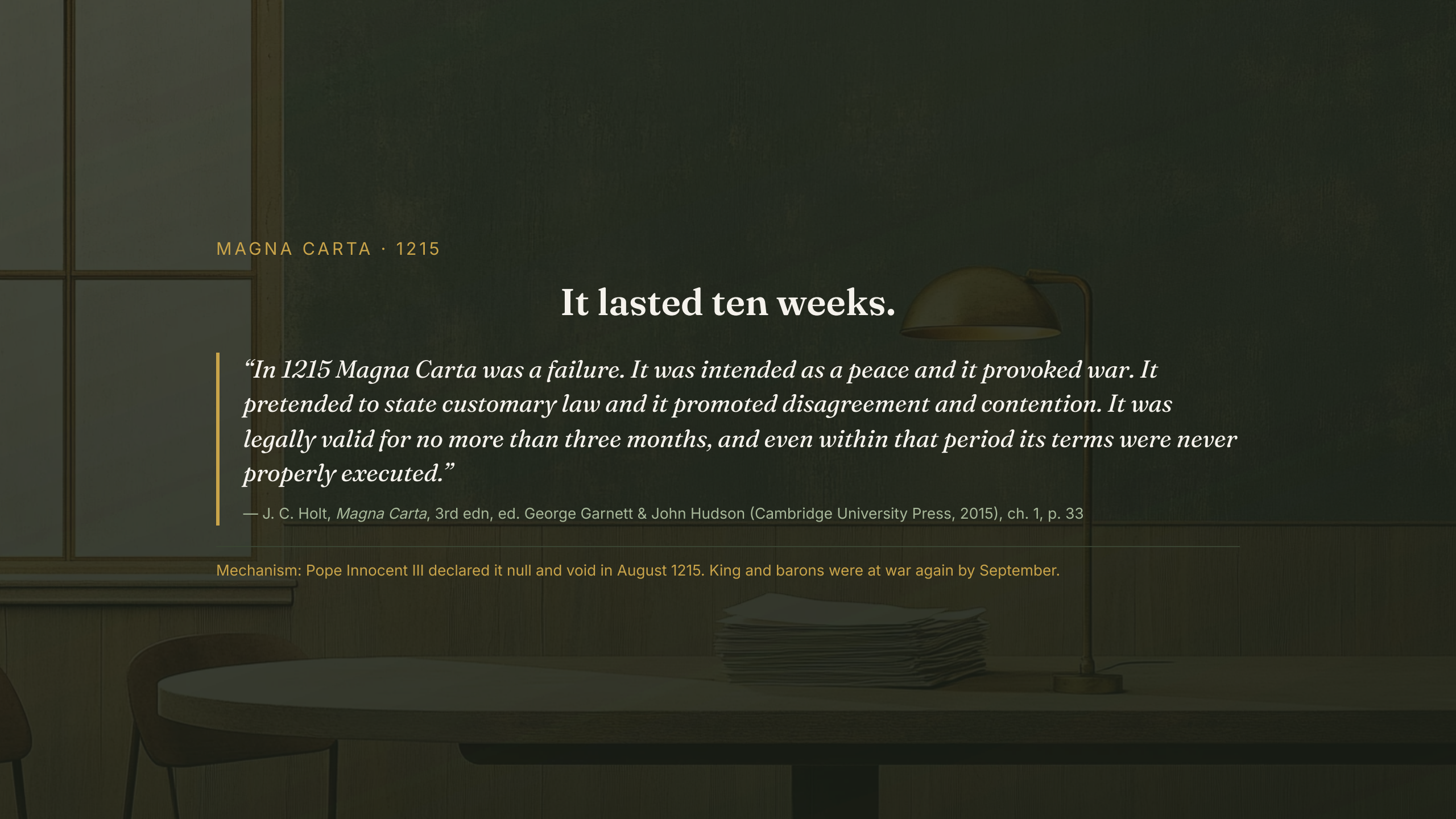
Inheritance fees, wardship of heiresses, scutage, royal forests. Clause 33 is about fish-weirs in the Thames. A document about property, not liberty.

WHY IT MATTERS ANYWAY

The limiting principle

The first time an English king wrote down that the king is under rules he cannot change at will. Power bound by written law — the idea the founders inherited.

For constitutional research this is the ancestor document: the oldest text in the English-speaking tradition still cited as binding law, and the place where “the ruler is under the law” stops being a sentiment and becomes a clause someone can point at.



MAGNA CARTA · 1215

It lasted ten weeks.

> *“In 1215 Magna Carta was a failure. It was intended as a peace and it provoked war. It pretended to state customary law and it promoted disagreement and contention. It was legally valid for no more than three months, and even within that period its terms were never properly executed.”*
>
> — J. C. Holt, *Magna Carta*, 3rd edn, ed. George Garnett & John Hudson (Cambridge University Press, 2015), ch. 1, p. 33

Mechanism: Pope Innocent III declared it null and void in August 1215. King and barons were at war again by September.

WHAT SURVIVED

Three clauses — and they are from 1225, not 1215.

STILL LAW

Three chapters

The Church's privileges, the City of London's privileges, and ch. 29 of 1225 — which merges clauses 39 and 40 of 1215.

Lord Sumption, *Magna Carta then and now*, 9 March 2015, p. 16

WHOSE CHARTER

Henry III's

"It is chapters of Henry III's Charter of 1225, not John's of 1215, which remain on the Statute Book today."

David Carpenter, in Goldman, ed. (2018), p. 22

CUT

Taxation by consent

Clauses 12 and 14 — no tax without "common counsel of the realm" — were deleted from the reissues and are in none of them.

Sumption (2015), p. 11 · Vincent (2018), p. 33

The clause a modern audience most wants to celebrate is not in the version that became law, and never was.

THE WORDS THEMSELVES · CLAUSES 39 AND 40

> *“No free man is to be arrested, or imprisoned, or dispossessed, or outlawed, or exiled, or in any way destroyed, nor will we go against him, nor will we send against him, save by the lawful judgement of his peers or by the law of the land.”*
>
> — Trans. David Carpenter, *Magna Carta* (Penguin Classics, 2015); reprinted in Goldman, ed. (2018), p. 20

> *“To no one will we deny, delay or sell right or justice.”*
>
> — Carpenter, same translation and page

Two things the English hides. **Liber homo** is “free man” — Carpenter: the liberties were granted “not to ‘all the men’ of the kingdom, but to ‘all the free men’.” And **judicium parium suorum** is judgment by social equals, not by a jury.

WHY THIS IS NOT ANTIQUARIAN · THE LINE YOU CAN TRACE

Four steps from a meadow in 1215 to the law of your own state.

1215

“the law of the land”

Magna Carta cl. 39 — no free man seized or imprisoned *save by the lawful judgement of his peers or by the law of the land*.

1791

Fifth Amendment

“nor shall any person… be deprived of life, liberty, or property, **without due process of law**” — the same idea, translated.

1868

Fourteenth Amendment

The same words again, this time binding **the states**: no state shall deprive any person of life, liberty or property without due process.

SINCE 1925

Incorporation

Through the Fourteenth, most of the Bill of Rights now applies to Arizona and every other state. This is the clause that carries it.

So when an Arizona court asks whether you got due process, the phrase it is applying descends in an unbroken line from a document about fish-weirs and wardship. That is the practical answer to ‘why does this matter’ — and it is why the fight over what the words MEAN has never stopped.

HOW IT CROSSED · AND WHAT CHANGED IN THE CROSSING

Near-verbatim — except at one word.

MAGNA CARTA CH. 29 (1297)

*"...nor we will not pass upon him nor condemn him, but by lawful judgment of his peers, **&c.**"*

As William Penn recited it at his trial, 1670. Howell's *State Trials*, vol. 6, p. 951

NEW YORK, 1683 · MASSACHUSETTS, 1692

*"...nor shall be passed upon adjudged or condemned But by the Law-full Judgment of his peers and by **the Law of this province.**"*

NY Charter of Liberties and Privileges, Oct. 1683, ¶13 · and Province of Massachusetts Bay, 13 Oct. 1692, ch. 11, art. 1

"The law of the land" becomes "the law of **this province**." The colonists did not import the charter as a limit on their own legislatures — they rewrote it to mean *our* enacted law. Ryan Williams, 120 *Yale L.J.* 408, 435 (2010).

AND THE OTHER ONE · WHAT IT IS, AND WHY IT BELONGS IN THIS WORK

A constitution that has run for centuries without ever being a text.

Five nations — later six — and a Grand Council of **fifty titleholders**, each nominated by a clan mother, holding office for life, deciding by agreement rather than majority. Functioning before Europeans colonised its territory, and still meeting at Onondaga. Every clause of that sentence is uncontested.

WHY IT MATTERS HERE

It is a living case

Constitutional research mostly studies dead framers through paper. This is an order you can watch WORK — the best evidence we have on how a constitution survives centuries.

IT HAS OUR PROBLEMS

In a different form

Who says what the constitution contains? What counts as authentic text? Those are American questions too — answered here with no document to appeal to.

THE HARD CASE

It absorbed a sixth nation

The Tuscarora joined in 1722. No new seats, no amendment — fifty titles stayed fifty and it held. Try that with Article V.

DID IT SHAPE THE CONSTITUTION? · THE SHORT, HONEST ANSWER

DOCUMENTED

Real and substantial

Franklin PRINTED thirteen Indian treaties for Pennsylvania between 1736 and 1762 — twenty-six years of setting Haudenosaunee speeches in type. In 1744 Canasatego told the colonies to unite as the Five Nations had. Franklin invoked that in 1751.

DISPUTED

And seriously so

Rakove: the records of the 1787 debates "contain no significant references to the Iroquois." Tooker: "little in this system of governance the Founding Fathers might have been expected to copy." Grinde and Johansen argue the other side, in print, still.

AND THE FAMOUS QUOTE IS WRONG

1988

"Explicitly modeled upon" is **S. Con. Res. 76** — which the House never passed. The one that became law, H. Con. Res. 331, says "influenced by." A concurrent resolution is the sense of Congress, not a finding of history.

Worth holding onto anyway: the Grand Council has met at Onondaga since before Europeans colonised this continent and meets there still, its fifty titleholders chosen by clan mothers, deciding by agreement rather than majority. That is uncontested, and it is our common history whether or not it reached Philadelphia.

THE OATH STILL BEING SWORN · AND WHO IT IS SWORN TO

Every one of them swears to a document, not to a person.

ENLISTMENT · 10 U.S.C. § 502

*"...that I will **support and defend the Constitution of the United States** against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President..."*

OFFICERS · 5 U.S.C. § 3331

*"...that I will support and defend the Constitution... that I take this obligation **freely, without any mental reservation or purpose of evasion**..."*

No promise to obey anyone. Not the President — who is the one person the statute exempts from taking it.

We opened with a king being bound by a document. This is a citizen binding themselves to the document that binds the king — and the brave men and women who stood up did it in these words. Note what they swore to protect: not a government, not a territory. *Persons*.

WHAT SURVIVED, AND WHAT IT WAS ABOUT

Magna Carta is a document about land. The part still standing is about a person.

WHAT IT WAS MOSTLY ABOUT

Property

Feudal levies, inheritance fees, wardship of heiresses, the royal forests, scutage. Most of the 63 clauses are now dead letter.

WHAT IS STILL LAW

A person

Ch. 29 of 1225 — no free man seized, imprisoned or dispossessed save by lawful judgment; to no one will we deny or delay right or justice.

AND WHAT WAS CUT

The money clauses

Consent to taxation — clauses 12 and 14 — deleted from every reissue. The property protections did not last. The person protection did.

More than land and money and resources, people — and the respect of people — are the foundation of all governance.

THE PENNY KNIGHTS

The smallest coin, and the last one we will ever make.

12 NOVEMBER 2025

The final strike

The U.S. Mint struck the last circulating one-cent coin in Philadelphia, ending a 232-year run. It cost 3.69¢ to make a 1¢ coin. **Still legal tender** — discontinued, not demonetised.

2 AUGUST 1909

The first real face

The Lincoln cent was the first circulating U.S. coin to carry a real person, for the centennial of his birth. Designed by **Victor David Brenner**, who emigrated from Lithuania at nineteen.

THE SILHOUETTE

Everyone under the law

An outline, not a portrait — and Brady's reading is that it stands for every American under the protections of the Constitution and the natural rule of law.

Which makes it a good token for an oath that costs nothing to carry and everything to keep. When an injustice reaches a child or an elderly person, we should be able to SEE it — and an evolving government adjusts. That is the discussion, not a conclusion.

TONIGHT'S ASK

We are recruiting production volunteers.

Everything in this deck existed because somebody carried it — copied it, printed it, argued about it, got parts of it wrong, and kept going. That is production work. It is unglamorous and it is the entire mechanism by which a tradition survives contact with the next generation.

RECORDING

Meetings go on the record

Capture, edit, publish. The archive is live and it is how a planning meeting becomes something the next one can build on.

RESEARCH

Sourcing, like tonight

Every claim in this deck was chased to an author, a year and a page. That is a learnable skill and we need more people doing it.

WRITING & PUBLISHING

Primers and briefs

Turning what a meeting decided into something a stranger can read and use.

Sign up at **longhouse.institute/get-involved**. Volunteer only — nothing here is sold, and there is no membership tier.

NEXT

Thursday, October 1.

Tonight was planning. The next one is decisions — and what we decide comes from what we put on the table tonight.

longhouse.institute/get-involved