

PRESIDENT'S PERSPECTIVE

MILES S. WINDER III

Marking the 800th Anniversary of Magna Carta



The first time I get to author a president's message to the members of the New Jersey State Bar Association it is about a keystone document of the American Democracy—Magna Carta.

What an incredible honor.

This issue of *New Jersey Lawyer Magazine* is dedicated to Magna Carta. It draws on the expertise of

both local and worldwide scholars on the document.

This cadre is led by Steven Richman, the erudite incoming president of the New Jersey State Bar Foundation and vice-chair of the American Bar Association's section on international law.

You might ask how it is a document that is about to celebrate its 800th birthday has relevance to an overworked New Jersey lawyer in 2015.

Magna Carta stands as an unmatched symbol of freedom against oppression. Yes, there are parts of the document that go on about early 13th-century taxes and fishing nets. But they are not the point. The document was transcribed in 1215 when most people could not read or write.

The true heart of the document, from my point of view, is the section that grants liberties to English freemen.

In my opinion, the singularly important clause in the document says, "No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, nor will we proceed with force against him, 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."

Yet that is not the only part of Magna Carta that is important. Principles such as:

- trial by jury,
- individual liberty,
- freedom of the individual, and
- habeas corpus all originated in Magna Carta.

Before 1215, the king could pretty much do as he pleased and his subjects had no recourse.

The men who were our founders knew the principles set forth in Magna Carta and used them not only to free us from the tyranny of George III, but also created the 'American Experiment' in the form of our Constitution, and later the Bill of Rights.

Some commentators have argued that Magna Carta is obsolete and is only hauled out and dusted off in times of crisis, but I believe that once these principles were established, they remain engrained in the minds of the people and in that way the law must serve as a bulwark against tyranny. Once freedom is experienced, it will always stay in the minds of those who have tasted it.

Clearly, Magna Carta is an enduring symbol of freedom.

In an incrementally smaller way, you can act to preserve the freedom that we enjoy and to make certain that justice continues to be available to each of our citizens by becoming involved in the New Jersey State Bar Association.

The NJSBA is committed to promoting access to the justice system, fairness in its administration and the independence and integrity of the judicial branch. This is accomplished by our hardworking members pursuing the goals of our mission statement every day.

You can be a part of this by participating in the committees of the association. I encourage and challenge you to get involved. Email me at mswinder@gmail.com or president@njsba.com to tell me how you would like to be involved in the bar association. ☺