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The American Democratic Tradition

The government of the United States evolved out of a variation of different influences dating back to the 1600's. The English colonists that settled in America during the middle 17th Century designed separate governments which allowed them to live ^{relatively} freely without the ^{constant} influence of a monarch. Consequently, the founding fathers of the United States designed an effective democratic, representative government. The ideals of freedom and liberty are upheld by the paper framework of the government, namely the Constitution and its amendments ^{beginning with} and the Bill of Rights. The freedoms that are guaranteed by the government today are eclectic because they resulted from ^{in variety of} ideas and situations that existed during the colonial period (1650-1783). For example, the English colonists brought to America their rights as Englishmen. The English Magna Carta, Bill of Rights, Habeas Corpus Act, and Locke's theory gave the colonists rights that were directly transferred into the new government in America. The protection of the people against unjust government bred an overall spirit of democracy in the growing country. The voice of democracy spoke through the separate legislatures of the colonies. New England town meetings were the beginnings of direct democracy in which all land-owning ^{heads of households} men participated. Representative democracy began in the form of popular assemblies like the town meetings. Presently, representatives speak for the people and influence the workings of the government to please the people. However, the town meetings and rights as Englishmen would have never rooted themselves in America if the English crown did not practice a policy of salutary neglect. As the English King did not enforce the Navigation Acts, he lost his political control over the colonists, and a novel government grew out of the colonies. Thus, the traditional "rights of Englishmen", ^{Excellent intro.} the popular assemblies, and the British policy of "salutary neglect" interacted together to develop the infrastructure of the United States government as embodied by the Constitution, Bill of Rights, and Declaration of Independence. ^{Thesis}

When English colonists began settling America in 1607, they

brought with them their English ideas, including their conception of human rights. The colonists' perception of their basic rights as members of a nation was a fundamental step toward the U.S. government of today. The rights prescribed by the Magna Carta, Petition of Right, Habeas Corpus Act, Bill of Rights, and John Locke were also written in the U.S. Constitution, Bill of Rights, and Declaration of Independence.

In 1215, the Magna Carta limited the power of the King and acted as an important step toward British democracy. The colonists never had to subdue an absolute monarch. Nevertheless, some ideas of the Magna Carta were vital to the rights of Englishmen. For example, the Magna Carta stated, "the English Church shall be free and shall have its rights entire and its liberties inviolate" (Magna Carta, Marcham, 115-26). Roger Williams, founder of Rhode Island, strongly advocated religious freedom and separation of church and state. (Williams, 349) The leaders of the Puritan colony in Massachusetts rejected Williams ideas because they believed the government should exist to enforce God's laws. (Mather, 225, 236) However, the homogeneous Puritan society did not allow religious freedom. The first amendment of the Constitution employed Williams' ideas. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" (Blum, 857). According to the Magna Carta, "Taxes shall be levied in our kingdom only by the common council of our kingdom" (Magna Carta, Marcham, 115-26). In the present U.S. government, taxes and budgets must be approved by the Congress ("common council") before they can be implemented. In addition, the Magna Carta declared, "No freeman shall be captured or imprisoned or dispossessed or in any way destroyed, nor will we send against him, except by the lawful judgment of his peers or by the law of the land" (Magna Carta, Marcham, 115-26). In other words, a citizen will be protected by the law of the land. To clarify the importance of the law, the Magna Carta explained, "to no one will we deny or delay right or justice" (Magna Carta, Marcham, 115-26). The Bill of Rights also proclaims that people have a right to "be secure in their persons, houses, papers, and effects" (Blum, 857). Present day "right or justice" is guaranteed by the accused right to a "speedy and public trial" (Blum, 857). The rights qualified in the Magna Carta were reaffirmed under Charles I when he signed the Petition of Right (1628). The Petition of Right declared, "no man be compelled to make or

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yield any tax, or such like charge without common consent by act of parliament...that no freeman be imprisoned or detained" (Petition of Right, Marcham, 450-52). The Habeas Corpus Act of 1679 gave an accused person the same rights that Amendment VI gives an accused person today. They both guarantee that in the process of indicting someone, "the true causes of imprisonment" will be certified and "within three days bring or cause to be brought the body of the party so committed or restrained before the judges" (Habeas Corpus Act, Marcham, 557-58). In other words, "the accused shall enjoy the right to a speedy trial...and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him..." (Blum, 857). The Constitution's Bill of Rights "borrowed" many of the same ideas from the English Bill of Rights (1689). Englishmen had the rights "to petition the king", to freely elect members of Parliament, and to be protected from excessive bail, excessive fines, and cruel and unusual punishments. (Bill of Rights, Marcham, 600-601). The American Bill of Rights specifies the same rights in almost the same words. Congress shall not prohibit the right "to petition the Government for a redress of grievances. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted" (Blum, 857). The rights delineated in the British unwritten constitution were almost directly copied into the U.S. Constitution and Bill of Rights.

The Declaration of Independence is another pillar of the present U.S. government that was influenced by English doctrine. Thomas Jefferson borrowed some of John Locke's ideas when he wrote it. Locke asserted, "being all equal and independent, no one ought to harm another in his life, liberty, or possessions...men being by nature all free, equal, and independent" (Locke, Leaflet No. 208). The Declaration of Independence similarly states, "all men are created equal...they are endowed with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" (Blum, 850). In addition, both Locke's philosophy and the Declaration of Independence declare that man forms government to protect his natural rights. The Zenger Trial of 1735 set a precedent of "freedom of speech and the press" which became a part of the first Amendment. Zenger's attorney argued for the "liberty, both of exposing and opposing arbitrary power...by speaking and writing truth" (Rutherford, 76-125). In (conclusion) some of the

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