

Brown	Gillibrand	Murray
Cantwell	Grassley	Nelson
Cardin	Hatch	Peters
Carper	Heinrich	Portman
Casey	Heitkamp	Reed
Cassidy	Hirono	Reid
Coats	Johnson	Sanders
Collins	Kaine	Schatz
Coons	King	Schumer
Corker	Kirk	Shaheen
Cornyn	Klobuchar	Stabenow
Cotton	Leahy	Tester
Donnelly	Manchin	Tillis
Durbin	Markey	Udall
Ernst	McCaskill	Warner
Feinstein	Menendez	Warren
Flake	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gardner	Murphy	

NAYS—24

Barrasso	Hoeven	Roberts
Blunt	Isakson	Rounds
Boozman	Lankford	Sasse
Capito	McConnell	Scott
Daines	Moran	Sullivan
Enzi	Paul	Thune
Fischer	Perdue	Toomey
Heller	Risch	Wicker

NOT VOTING—14

Boxer	Graham	Rubio
Burr	Inhofe	Sessions
Cochran	Lee	Shelby
Crapo	McCain	Vitter
Cruz	Murkowski	

The nomination was confirmed.

VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gentry O. Smith, of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Iowa.

800TH ANNIVERSARY OF THE
MAGNA CARTA

Mr. GRASSLEY. Eight hundred years ago on this very day, at the field of Runnymede alongside the River Thames in England, King John granted the document that came to be known as the Magna Carta—in our language, the Great Charter. This was the result of negotiations between King John and rebellious barons who objected to what they saw as violations of their customary privileges. By affixing his Great Seal to the document 800 years ago today, the King accepted limits on his power to impose his will on his subjects.

It was a momentous occasion, as evidenced by the fact that four original

copies of the Magna Carta remain carefully preserved, but its significance has grown over time. It is true that the original Magna Carta was only in effect for a couple months before King John then at that time got the Pope to annul it. Subsequent Kings voluntarily reissued the charter as a way of gaining the support of the barons, and portions still retain legal force in England today.

While many of the specific provisions in the Magna Carta dealt with very medieval concerns, such as how heirs and widows of deceased barons should be treated, a couple clauses resonate very strongly to this very day.

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 other 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.

To no one will we sell, to no one deny or delay justice or rightful justice.

In these clauses, you can see the specific right of habeas corpus that was included in the U.S. Constitution as well as a right to speedy trial by jury in the Sixth Amendment. You can also see a reference to property rights. Moreover, what comes through is the overarching theme of the Magna Carta—something very basic to U.S. governance—the rule of law or what John Adams called “a government of laws, and not of men.”

In the 17th century, the Magna Carta was increasingly cited to criticize the King's exercise of arbitrary power in the tug-of-war for supremacy between the English Crown and the Parliament. It became a potent symbol of an inviolable liberties of Englishmen.

For instance, when William Penn was put on trial in England for practicing his Quaker faith, he used the Magna Carta in his defense. He later wrote a commentary on the Magna Carta for a work printed in Philadelphia called “The Excellent Privilege of Liberty and Property Being the Birth-Right of the Free-born Subjects of England,” which contained the first edition of the Magna Carta printed in the New World. In this work, William Penn explained the significance of the English tradition where the ruler is bound by the law, in contrast to countries such as France, where the King was actually the law.

He wrote, again quoting William Penn:

In England the Law is both the measure and the bound of every Subject's duty and allegiance, each man having a Fixed Fundamental right born with him, as to freedom of his person and property in his estate, which he cannot be deprived of, but either by his consent, or some crime, for which the law has imposed such a penalty for forfeiture.

It is in this environment that the English philosopher John Locke developed his theory of natural rights, which was so influential in the drafting of the Declaration of Independence. The natural rights philosophy went a step further than the ancient rights of

Englishmen, positing that the rights are God-given and self-evident and that the very purpose of government is to secure those rights.

However, you can clearly trace the lineage of the notion of limited government and consent of the governed to the Magna Carta. In fact, the original version of the Magna Carta contained a clause limiting the ability of the King to levy certain taxes on the barons without first consulting them. I think you can clearly see that this is an early version of what we say: No taxation without representation.

While that provision did not last, the custom of needing consent for taxation eventually led to the evolution of the parliamentary system and representative government. Still, it is important to note that representative government grew out of even more fundamental principles, such as the rule of law, limited government, and the notion that citizens retain rights that the government may not in any way violate.

Our Founding Fathers thought that representative government was the best way to guard against tyranny and preserve the rights of citizens. But that is not sufficient, because without a strong tradition of respect for the rule of law, even duly-elected governments can descend into tyranny. Now, remember the history of Germany pre-World War II. Hitler came to power as a result of a democratic process and then proceeded to act in the very definition of tyranny.

In more recent times, Vladimir Putin was elected President of Russia and then stifled opposition and consolidated power to himself, essentially putting himself above the law. When Sergei Magnitsky stood up for the rule of law in Russia and exposed corruption at the highest levels in that country, he was imprisoned in appalling conditions, where he died a slow, agonizing death.

By contrast, the 800-year old Anglo-American tradition of the rule of law acts as a crucial safeguard to our liberty—not only that, but it is also an essential foundation for prosperity. An organization called World Justice Project has ranked countries based on various factors that indicate how a strong the rule of law is in that particular country. The countries at the top tend to not only be ones we recognize as very free but also tend to be much more prosperous than countries ranked at the bottom of the rule of law index.

Now, maybe to us in America that makes common sense. I think it is common sense. You are less likely, then, to work hard to generate wealth or invest in a business if you cannot be sure that the law will protect what you worked for. Still, we should not take this 800-year-old document and tradition for granted. It will continue to preserve our liberty and provide for our prosperity only so long as it retains the reverence it has built up over the generations.