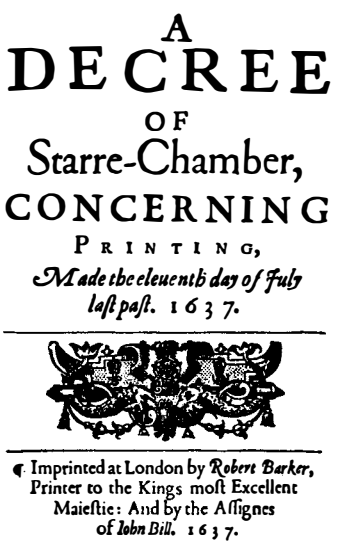
What was the Court of Star Chamber?

From the 1630s to the present day, the term "Star Chamber proceedings" have signified legal proceedings against the subject (or the citizen) in which the individual has none of the constitutional rights which Americans fashioned for themselves in the shaping of their nation. The defendant before the British monarchy's Star Chamber had no right to counsel, no right not to bear witness against himself, and no right to confront and examine his accusers. These rights were not well established in the common law courts of the time, as the trial of Sir Walter Raleigh for treason provides luridly attests.


A
DECREE
OF
Starre-Chamber,
CONCERNING
PRINTING,
Made the eleuenth day of July last past. 1637.

¶ Imprinted at London by *Robert Barker*, Printer to the Kings most Excellent Maieſtie: And by the Aſſignes of *Iohn Bill.* 1637.

The Star Chamber was one of the British "prerogative courts," so-called because they were governed by the royal prerogative, and not controlled by statute and common law. It had formerly served a useful function in enabling the monarchy to centralize state power, as against the centripetal tendency of the "over-mighty subject"—the dukes and earls who sought to be absolute in their own regions and who might well seek to put themselves on the throne.

But when, after the accession of Charles I in 1625, a parliamentary opposition of unprecedented strength and coherence developed against royal policies, Charles and his councilors attempted simply to eliminate it by use of the Star Chamber and similar methods.

Three celebrated cases in Star Chamber were those of John Bastwick, Henry Burton, and William Prynne, all tried for libel in June 1637. Burton, a clergyman, published two sermons against the ceremonies of the established Anglican Church. Bastwick, a physician, wrote against the rule of the church by bishops, as had Prynne. Each was fined £5,000 and ordered to stand in the pillory. Their ears were lopped off, and they were sent to prison for life in a remote castle. These men had done more than commit an offense against the Star Chamber decree of Elizabeth's time against unlicensed printing: they had publicly challenged some of the foundations of the theocratic state.

In 1641, Star Chamber and licensing of the press was abolished—and Bastwick, Burton, and Prynne released—when Parliament got the upper hand. The three men became heroes of the ensuing lawyers' and Puritans' revolution to limit royal power that led to the Venetian-modeled limited monarchy of 1688. But Star Chamber and what it stood for remained a hated memory of the republican movement that forged and fought for the U.S. Constitution, because it trenched upon the sovereignty of reason of the individual mind, and upon the conceptions of justice that flow therefrom.—*David Cherry*

FBI is highlighted by Markman's argument that "there is no element of compulsion—let alone compulsion by the government—when a person not in custody chooses to confide in someone whom he does not believe to be a government agent."

Discrediting the defendant

According to report No. 4, "The Admission of Criminal Histories at Trial," rules limiting the admission of criminal histories at trial should be relaxed in order to allow "admission of the conviction records of defendants and other persons whose conduct or credibility are at issue in a criminal case."

The protections afforded by the "exclusionary rules" are drawn directly from the defenses against Star Chamber treason trials, and were first attacked by Bentham, as noted above. A 20th-century assault was begun with the publication of J. Wigmore's *Evidence,* and continued with the widespread circulation of material written by Julius Stone. This school argues that constitutional justifications for exclusion of evidence which violates "fair notice" in a trial, is a perversion of common law, and should not be respected—especially so with regard to evidence of prior convictions or bad acts.

Explicitly racialist behavioral science theories about the "propensity to crime" of certain personalities are always associated with these polemics, which argue that behaviorist predictive models of human behavior are a legitimate form of trial evidence. The work of the notorious "Behavioral Sciences Support Unit" of the FBI would be greatly enhanced by Markman's proposed elimination of the exclusionary rules.

The use of court proceedings to vilify a political enemy are revived with this reform. Markman proposes to "offer