

## WHAT IS A CONSPIRACY?

By a USA Judge Irving R. Kaufman, from a posting by the JOHN BIRCH SOCIETY, a right wing Christian organisation in the USA on the INTERNET.

The exact circumstances of this pronouncement are not widely known, and rulings like this can be taken and applied widely beyond the case at hand.

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“The 'aggregation of numbers' acting in secret to carry out unlawful acts does indeed multiply the danger, making it far more formidable. What is a conspiracy?”

Judge Kaufman asked, and then answered,

"A conspiracy may be defined as a combination of two or more persons, by concerted action, to accomplish a criminal and unlawful purpose... or some purpose not in itself unlawful or criminal, by criminal or unlawful means...

(added example – to kidnap a child and take him/her overseas by one parent is illegal – to recover the child may occur by illegal means – thus restoration of a prior legal position, him/her to the legal custodial parent is illegal, but would probably not be reversed.

"However," he pointed out, "it is not necessary in order to constitute a conspiracy that two or more persons should meet together and enter into an explicit or formal agreement for an unlawful scheme, or that they should directly, by words or in writing, state what the unlawful scheme was to be, and the details of the plan or means by which the unlawful scheme was to be made effective.”

Kaufman explained:

"It is sufficient if two or more persons, in any manner, or through any contrivance, impliedly or tacitly, come to a mutual understanding to accomplish a common and unlawful design, knowing its object, and that one or more of them commit an overt act “

in furtherance of the conspiracy. In other words, where an unlawful end is sought to be effected and two or more persons, actuated by the common purpose of accomplishing that end, knowingly work together in any way in furtherance of the unlawful scheme, every one of said persons becomes a member of the conspiracy, although his part therein be a subordinate one, or be executed at a remote distance from the other conspirators.”

“Notice that it is not necessary that all members of a conspiracy be on the same level, have the same motives, or the same knowledge of all operations, plans, and goals of the conspiracy. In fact, rarely is that the case. There is almost always a hierarchy in conspiracies of any size.

Conspiracies are a fact of human nature, present throughout all of recorded history. Pick up a newspaper in virtually any city on almost any day of the week and you will find a story about a grand jury issuing indictments for conspiracy. Most people have no difficulty understanding and accepting this idea of conspiracy.”

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Sometimes, in spite of compelling evidence, none dare call a situation a 'conspiracy'. The harsh even demonic word 'conspiracy', is sometimes softened in legal proceedings by using other phrases -

'the pursuit of a common objective',  
'an agreement for a common purpose', etc.

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