

The Meaning of Conspiracy Laws

Hamish Sinclair

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Movement people should be familiar with the “conspiracy trial,” Its a favorite government tool to stop a radical movement it can no longer absorb or put to good use. It parallels the “Committee Hearing” but doesn’t get the same publicity.

Conspiracy trials are easy for the government to initiate. They usually deal with planning to break a law, a useful device since it is bound to catch the leaders who are the planners. Leaders have to talk to their constituents in court if the plan is to break the law.

A conspiracy is frequently difficult to prove unless the prosecution has a “plant” or supporting written material to evidence in the case. The prosecutor may get a conviction in a lower court on that kind of evidence. Frequently convictions are reversed in higher courts because of the dubious constitutionality of the methods cops have used to get the facts. Conviction, however, is not the main—aim of the conspiracy prosecution, which is initiated not for justice but against protest. The target is to immobilize leadership, to divert public attention from the movement’s politics to its criminal nature, and to get the movement on the defensive. It takes years of debilitating and expensive proceedings to prove innocence. The administration hopes that by that time the emergency will be over-and the movement too.

The government can afford the court proceedings that radicals seldom can. Politically too, the government is much better off fighting radicals in the courts. The court is the residence of a value system that sustains the establishment. By carefully prepared tradition it is mute to fundamental political debate. On principle the separation of the three branches of government sees to that. The government’s ethics form the basis of court procedure, while the ethics of the radicals are not even discussed.



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