

A primer on understanding conspiracies

By James Higdon

November 14, 2001—Those of us who spend any amount of time searching for information on the Internet have noticed that the number of conspiracy theories involving US government actions, in a wide variety of areas, have exploded off the charts. This is particularly true in matters evolving from September 11, 2001.

While conspiracy theories surrounding watershed events are not unusual, I believe that the extreme number of theories that we are currently experiencing derive from the fact that we are being provided with so little information from within our national borders that we have a need to answer our own questions. The mainstream press, trying to imbue a frat boy Napoleon with God-like virtue by selling all the stories that Karl Rove wants sold, and giving the press' civic responsibility as government watchdogs a pass, are failing to provide even enough *lies* to sustain us against the few facts that are able to leak out.. The "Fourth Estate," still apparently hampered by a few remaining ethics, has failed to become the efficient propaganda machine necessary to provide the bastard child with royal legitimacy.

I think that these conspiracy theories are a good thing, whether or not they are true. One or two of them may make so much sense, in the face of *available* information, that they may take hold of popular thought and require the government to disprove them. As such, they become the questions the press refuses to ask. I've tried to answer a few of my own questions, and what I've come up with by searching the Internet and foreign news services isn't pretty. But I have to make sense out of the lack of sense that our government is displaying for all the world. Either we are witnessing the most incompetent administration of all time (a strong possibility), or there is some design to this madness.

The specious sound-bite, always provided by the mainstream press to dispel conspiracy theories, is that the conspiracy would have to be so vast that it couldn't possibly remain a secret in the Beltway sieve of leaked information. Join me in upending the misinformation that a conspiracy need be "vast" (at least in regard to specific knowledge of the overall plan) in order to have a major impact on national or world events. Let's start by examining what a conspiracy actually is.

Just a Little Agreement Between Friends

The common law definition of conspiracy is quite simple. *An agreement between two or more persons to do either an unlawful act, or a lawful act by unlawful means.* And frankly, early in common law, neither the act nor the means needed to be *unlawful*, but merely *wrongful*. But for the sake of simplicity in our examination, the crime has developed over the years to where a minimum of two people must reach agreement to either seek a lawful purpose by unlawful means, or an unlawful purpose by any means. The conspirators need not carry out their goal through any spoken

or written contract, but actions alone can imply the agreement between them if their actions suggest that such acts would not have been carried out absent an agreement.

This touches, somewhat, on the reason that we recognize such a crime to begin with. For surely we could simply convict anyone who commits a crime, agreed on with someone else or not, of the crime he actually committed. The problem arises where some of the members of the conspiracy carry out no illegal act whatever, and achieve no benefit from the target crime. They conduct purely legal activity and achieve their benefits from those lawful acts, so that others may benefit from the unlawful result. The law provides that participation in the conspiracy itself is a crime so that the lawful actor, knowingly seeking the occurrence of an unlawful event, will not escape liability.

But if that lawful actor has knowledge that the target result will, or may foreseeably, result in an event that costs lives, shouldn't that person suffer more liability than a simple conviction for conspiracy? The solution is in what is called *vicarious criminal liability*. If a prosecutor can prove that one who acted under the law, but whose actions furthered the unlawful result, that such individual(s) had knowledge of the intended result, and conducted activity accordingly, that person, or persons are *vicariously criminally liable* for all criminal acts committed in the due course of the conspiracy, and can be punished as though they committed the target crimes, or even the reasonably foreseeable crimes, themselves.

Over time, the law has recognized three types of conspiracies. First is the simple conspiracy that we commonly think of where, for instance, two or more get together with the intention of robbing a bank. The second is most often referred to as a "chain link" conspiracy, the best example of which is a series of drug deals, from manufacturer to the street dealer. Each group of individuals go about their function, committing illegal transaction after illegal transaction. Each link is only vicariously criminally liable for the crimes of the other links if they have known of the specific role of each link, as each link carries out its unlawful activity.

When Hillary Clinton talks of a "vast right wing conspiracy" to bring down her husband, the mainstream media calls to mind the first type; discrediting the notion that large numbers of individuals in the courts, in the press, in business, and in politics must have sat in some convention hall somewhere to devise a common plan to attack her husband, and then to have maintained the secret. But, in fact, what the former First Lady was referring to was a third type of conspiracy. Commonly called a "*hub and wheel*," or a "*spoke and wheel*" conspiracy. It is the most intricate, and the most difficult for a prosecutor to prove. It requires a minimum of people in the hub with actual knowledge of the overall plan, as long as the hub has diverse influence over the various spokes. This is the type of conspiracy that is most common in corporate crimes, such as anti-trust, free trade infringements, and SEC violations.

For a clear picture of this, imagine a wagon wheel. The hub, the portion attached to the axle, is an individual or group who devises the overall plan, represented by the rim of the wheel, the portion that meets the ground. In between, and reaching out in all directions, are the spokes. The spokes are essentially the tools, used by the hub, to transport the hub's intentions to the business end, the rim. The hub and wheel conspiracy can be as simple as a wagon wheel, or it can be as complex as the wire mesh of spokes on a Jaguar XKE where, sometimes, even the spokes seem to have spokes. But the principle is the same. Few, if any, of the spokes need act in an unlawful manner, and few, if any, need to have any knowledge of the intentions of the hub. Similar to the chain and link conspiracy,

the spokes are only *vicariously* criminally liable for the actions of the other spokes or the hub, if they have knowledge of the criminal activity of those entities, and the final business of the rim.

For a simple example, let's play out Clinton's "vast right wing conspiracy" to *discredit Bill Clinton's presidency* (the rim), from a suggested hub and a few of the spokes. For the purposes of discussion, let's call Richard Mellon Scaife *the hub*. He is a man with a great deal of control over the press (at least the press he owns), and he has a great deal of political influence (controlling a number of foundations, funding several PACs and many political candidates). He has also been known to own a judge or two in his time, giving him influence over at least a portion of the judiciary.

Carrying this through with some known facts, Scaife (*the hub*) hires some private detectives (*spokes*) to dig up as much dirt on Bill Clinton as possible. It doesn't matter if it's stuff that is provable or even true, just so long as it's difficult to disprove. (It should be noted here that it is always intensely more difficult to prove that something never occurred than to prove something did occur, and this is why our system of justice demands of the prosecution or the plaintiff to prove that the defendant committed an act rather than demanding that the defendant prove that he didn't.) The hub hires "journalists" to write stories for his publications that carry this material, that is not easily disproved, to extremes. Editors are instructed to spend little time cross checking facts in the articles written by the journalists. The hub uses his political influence to bring about congressional hearings, even giving publicized support by having Scaife's media editorials demand investigations as well as the appointment of an independent counsel. That influence, both political and judicial, gets carried over to get Scaife's bought and paid for lawyer, Kenneth Starr, named to head the investigation. It certainly helps that Starr has his own political bone to pick with Bill Clinton. The private investigators continue to feed the "journalists," who feed Scaife's political lackeys and the Grand Inquisitor with endless material to investigate and, subsequently, to feed to grand juries. In the mean time, the political action committees are set into the field, filing lawsuit after lawsuit against the president and his associates. It is all designed to put Clinton, and every person he has shaken hands with, under oath, for the purpose of snaring any or all in a perjury trap, which will ultimately be used as sufficient grounds for impeachment.

This, of course, is somewhat simplistic, but it serves our purpose. We see here a hub (Scaife), and spokes (private investigators, PACs, political lackeys, Ken Starr, journalists and editors, and the judiciary), all working toward the rim (the unlawful purpose of undermining the authority of the President of the United States by the use of defamation). We see, also, that all (except for Scaife and his immediate circle) are conducting lawful activity and benefiting accordingly, that few need even know of the underlying intentions of the others, and that there is only one person, or at least a very few, who understand the workings of the entire wheel. But it is a conspiracy nonetheless. Even though it only has the outward appearance of a "loose cabal," as described by Joe Conason and Gene Lyons in their excellent work, *The Hunting of the President*. Sadly, I believe that this is something more than an analogy, and that the book by Conason and Lyons is the most accurate historical record of the events of the late 1990s.

Allow me to say here that I believe that the phrase "*history is written by the winners*" is too general a statement. *Recent* history is written by the winners. As for the rest, I agree with Lincoln that we cannot escape history. I believe that each and every one of us will be ultimately remembered "in honor, or dishonor, to the latest generation." Ken Starr, for example, will be known by our children, or our children's children, as a petty and vile man—a man out of time, a fifteenth century man

wheeling corrupting influence into the late twentieth century. If there is any doubt, just read his recent comments in the Washington Post, arguing that torture, disappearances, and threats against family are viable, present day police powers, and that we should return to them.

At any rate, the key for any effective *hub* is to recognize the self-interest of his spokes, to manipulate them accordingly, and to allow each spoke only the knowledge that it needs to further those interests. Returning to our analogy for a moment, those working directly for Scaife, and for him by extension (the private investigators, and the journalists/editors) must please their employer to advance their careers and/or their fame. The PACs and political lackeys must find means to continue Scaife foundation contributions to their campaigns and political agendas. The ambitious Mr. Starr, in addition to being only one of two prosecutors to bring about the impeachment of an American president, a president whose politics Starr finds repugnant, must remove the Democrat if his dream of becoming a Supreme Court Justice is to be fulfilled.

Following this reasoning, entire corporate conglomerates can be set in motion as spokes if they can be convinced that their corporate interests are best served by giving support to the hub, whether or not they fully appreciate precisely what they are ultimately supporting. In this manner a “Fourth Estate,” that is primarily owned by a few megacorporations, can relatively quickly be transformed into the officially sanctioned propaganda engine of one who wishes to become a dictator. If you doubt this, I suggest that you examine the history of Adolph Hitler’s relationship with the German press as that country was transformed from a republic, that aspired to democratically achieve justice for all of its citizens to the most oppressive dictatorship the world has ever known, ultimately murdering millions of Europeans.

In a well written series of articles by David Podvin and Carolyn Kay, at www.makethemaccountable.com, Podvin and Kay analyze Jack Welch’s transformation of NBC News into the pursuer of GE corporate interests, completely abandoning public trust as mandated by the Fairness Doctrine, and skewing the 2000 presidential election coverage in order to push the nation toward electing an apparent incompetent illiterate. Further, Podvin and Kay follow the extenuation of the Welch philosophy to the rest of the corporately owned broadcast and print news media.

After outlining the self-interest involved in the mainstream press’ getting Bush elected, Podvin and Kay discount the notion that there is any conspiracy here, but rather a simple matter of corporations seeking dramatic financial gain on their own behalf. But the flaw in the reasoning of Podvin and Kay is that they merely examine spokes and go no further. Part of the Watergate lexicon tells us to “follow the money.” But for an effective hub and wheel conspiracy, much more is required. Often by merely following the money, only the spokes are examined, which never leads the investigators to either the rim or the hub. An investigator must also ask, “What larger environmental change has the profit of the spoke led to?” and “Who has the proper connections to manipulate all of the spokes, and which of those people have greatly profited by the larger change in the environment?”

Convert This Wagon to an XKE

Every week the little emperor, and the Anti-justice Department issue a fresh warning that more Americans are about to be murdered in massive numbers. In answer to this, we are force fed the USA *Patriot* Act. This piece of constitutional sedition, passed by all Republicans and almost all Democrats (that many now admit they never read in full) pretends to attack foreigners who come to

this country with terrorism on their minds. Make no mistake, this act is so loosely worded that, as I write this, Ashcroft could decide, in a heartbeat, that this writing supports a terrorist cause. He could then have me arrested without a warrant, hold me incommunicado, confiscate my property, search all of my personal effects and, now that he has decided that this unconstitutional act gives him the right to monitor conversations between client and legal counsel, deny my Sixth Amendment right to an attorney. All of this can be done—right now—without the slightest measure of judicial oversight. Understand this—he has the power to drop me behind bars for life without legal representation, and thereby the benefit of a fair trial, based on nothing more than my dissent and his response to it.

If you have openly dissented against this illegal administration, you—yes, you—are also in danger. George W. Bush and John Ashcroft, while issuing bogus terror warning after bogus warning, claiming that another massive attack (even involving nuclear weaponry) is just around the corner unless we give them the vast tools to fight terrorism, are putting a loaded gun to the head of every American citizen and brazenly asking, “*What would you rather have—your life or your rights?*” It is now unpatriotic to demand the rights we have fought for and protected for more than 200 years. With this in view, students of history should not fail to apply a comparison to what happened on September 11 with the Reichstag and Nazi Germany.

In this country—in America—people are disappearing from their homes, being held incommunicado without specified duration, without charge, without judicial oversight, and without benefit of counsel. In this country—in America—*political* opponents of the officially sanctioned parties in Washington are being denied their right to travel, and are being put on “watch” lists. In this country—in America—the doors and windows of the Executive branch have been officially closed and silenced to the scrutiny of the people, the courts, and Congress. In this country—in America—the taxes paid by the majority of American citizens are being doled out to a small *elite class* of Americans. In this country—in America—there is an officially sanctioned news service that openly warns its employees to broadcast no news unless it is accompanied by sanctioned government propaganda.

For those of you, like me, who have been looking forward to the presidential election in 2004 to cure the ills of November and December, 2000, are you quite certain that in this country—in America—we will have an election as designed by a democratic society, or will we have only one, officially sanctioned, candidate? In this country—in America—we can no longer presume that “*it couldn’t happen here.*”

Editor’s note: What Mr. Higdon has written is of such importance to all freedom-loving people that we give blanket permission for the reprinting of his article in any publication—print or online—that wishes to do so, as long as credit is given to the author and Online Journal. We also encourage every reader to print it out, make multiple copies and distribute them as widely as possible.

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