

Common Law and Statutory Conspiracy Comparative Legal Analysis

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Abstract

In crime laws, it can be defined as a contract or agreement between two or more individuals for committing a crime in the future. (18 U.S.C. § 371; *Ocasio v. United States*, 2016) One of the main conspiracies which were found at the start of the 19th century was the Burr conspiracy and it will be discussed as a conspiracy of crime against the state of Texas. The courts of many states are refreshing their laws against conspiracy and many other minor acts of criminals in which it is suspected that the community could be disturbed, spoiled, and damaged at higher levels. From that time until now, the main elements of conspiracy would be the specific intention, a contract, or promise between two or more individuals for an engagement in a crime to be attempted in the future.

Keywords: conspiracy, Burr, Law.

Introduction

Conspiracy is one of the dangerous inchoate crimes that is planned and implemented properly with the complete commitment to maximum possible damage or the completion of the goals. In crime laws, it can be defined as a contract or some agreement between two or more two individuals for committing a crime in the future. In many [states of the United States](#), the law is not applicable to individuals who are just planning the crime to commit. Implementing laws and declaring those individuals as criminals for their elimination from the community only happens when they act upon their strategies and plans. The number of participants who are about to be involved in the crime could not be counted, this could be the murder of an important individual, a great robbery from a bank, or a kidnapping. One of the main conspiracies which were found at the start of the 19th century was the Burr conspiracy and it will be discussed as a conspiracy of crime against the state of Texas. The main aim of the paper is to discuss the history of the common English law on conspiracy as well as the current statute of different states of the United States and compare the situation of the past and the present.

Discussion

Common law does not define how much conspiracy crime can be vast and destructive. In the United States, many states have confirmed that they will investigate the conspiracy if found and will take

some proper action against the crime that didn't occur. The crime of conspiracy has the capability of growing to infinite dimensions. It can accommodate any situation and can be criminalized only if the threat to the community is severe and very high. The courts of many states are refreshing their laws against conspiracy and many other minor acts of criminals in which it is suspected that the community could be disturbed, spoiled, and damaged at higher levels.

In the discussion of the Burr Conspiracy, the main aim of Burr was to create a new and independent country in the middle of some areas which would be including Mexico and Texas. His conspiracy was prolonged since the previous president of the United States before President Thomas Jefferson. As President [Thomas Jefferson](#) found the facts to be crystal clear, he ordered Burr arrested, inspected, and treasured immediately. The trial already had destroyed Burr's career but still, the conspiracy was strong so he was not supposed to be left freely.

Elements of Historical Common Law

In history, it is highly seen in the industrial controversy where the passion was seen to be running higher and the class-conscious groups were fighting bitterly. There were a large number of industrial ownerships and boards which were involved in stealing the ways of business overtaking and were also involved in making and developing the conspiracies of different crimes which involved making the strategies to break the chains of others' businesses and overtake his customer bank as well as raw material supplies and so on. These things are allowed in the business but indirectly. If they are directly implemented, they are included in the felonies and crimes of stealing and robbery. From that time until now, the main elements of conspiracy would be the specific intention, a contract, or promise between two or more individuals for an engagement in a crime to be attempted in the future. Also, there is another element of conspiracy in which the individuals are supposed to do unconcealed acts to make additions to the conspiracy. (18 U.S.C. § 371)

Burr was highly committed to his job and had plans to be an independent owner of the land of his own on which no government would have any influence. It was expected that if Burr had continued his activities for a couple of weeks more, the United States would have been divided into two separate nations. Burr's crimes were very high and due to the Spanish crown, he was released from any action. Due to the lack of internal influence and sudden action strategy, Burr was found to be lucky not to be killed for this act and the Spanish Crown took care of him.

Elements of Current Statute

The federal statute has declared the conspiracy as a crime and if two or more individuals are conspiring to commit some felony or offense against the United States or any agency of the United States by any means or for any purpose would be objectified for being involved in the conspiracy. Many jurisdictions don't completely recognize attempted conspiracy and consider attempted

conspiracy a crime or felony. (18 U.S.C. § 371)

It could be found that there is a separate description for the individuals who are involved in the conspiracy. The individuals who are suspected of being involved in a conspiracy of a major attempt of destruction could be turned down until and unless all the clues and sources are abandoned or vanished from them. The individual who is supposed to withdraw himself from the team conspiracy would still be under consideration and captured as a law offense helper. He would find himself withdrawing completely from all kinds of legal actions against him only when an immediate explanation would be given to the officials about the rest of the conspirators so that the officials could take necessary actions. In this way, his disassociation would be confirmed and he would not be counted as the criminal or the conspirator in the legal process. (Legal Information Institute, n.d.)

Comparison of Historical Common Law and Current Statute

In the past, the English common laws were still active for inchoate offenses. The conspiracy is explained through several different examples in which the group of individuals would not be supposed to be murdered if they don't know that the substance they have poured into the tea of an individual is poison unless it is found that they had some personnel intention to conspire that act. The growing of plants and lack of awareness of their illegal approach would also not consider them to be involved in a felony of conspiracy but if they know the illegal part then they would be included in the conspiracy to attempt a crime as they intentionally started the growth of the illegal plants.

In comparison to the modern laws, many amendments and extensions were being made for proper understanding of the cases as well as getting directions to getting a better solution for removing such cases. In the case of Burr, in the modern world, he would be either deported, killed, or imprisoned.

Reasons for Change

The past conspiracy laws evolved through a lengthy and tortuous detailed history into an act that was supposed to be used against any kind of dangerous activity by the group or planning of an act. The twentieth century is the time of the great expansion of the conspiracy laws which were developed against the modernized minds for the crimes, the complex and non-understandable business arrangements, and subversive political activity. The officials highly noticed this time, and it was when the acts and lawmaking had to take a stand in making new arrangements for the new problems raised in society that were not manageable by the present law structures.

Recommendations

Due to a number of problems currently being faced by the modern world, American and English laws are continuously changing. The main purpose of the change is to modernize the laws according to the crime being rationalized now. Burr's case is a little different in that he was supposed to be captured and killed. In the modern world, the way of dealing with the case is polite and the criminal will be subjected to explaining their tragedies and strategies. It is recommended to improve the laws as required and in the case of Burr, the investigation should be properly done for the removal of long-lasting problems.

Conclusion

In a nutshell, it can be explained that conspiracy is one of the biggest crimes that could cause damage to uncountable measures. It should be understood that the state-level or country-level problem creation cannot be forgiven and immediate treason is acted. It is known that implementing justice and announcing the individuals as criminals for their elimination from the community only happens when they act upon their strategies and plans. (*Pinkerton v. United States*, 1946) Burr was a criminal to be acting as a criminal and because of weak laws he was released but in such cases, the individual is deported or a prisoner forever at least.

References

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