

# Criminal Conspiracy and Project 2025

By Ronald J. Botelho

## Introduction

I do not write this as an attorney. I write this as a citizen and a systems analyst who has seen feedback loops break and authoritarian capture metastasize. Trump and his enablers have breached every constitutional fault line. The January 6th insurrection was not an endpoint, but a trigger. Project 2025 is not a policy agenda, but the continuation of the same conspiracy.

## The Issue

Whether Donald Trump and his enablers can be charged under federal conspiracy statutes, including 18 U.S.C. § 371 (Conspiracy to Defraud the United States) and 18 U.S.C. § 2384 (Seditious Conspiracy), for their actions surrounding January 6, 2021, and the ongoing implementation of Project 2025.

## The Rules

- 18 U.S.C. § 371: It is unlawful for two or more persons to conspire to commit any offense against the United States, or to defraud the United States, if one or more do any act to effect the object of the conspiracy. - 18 U.S.C. § 2384: If two or more persons conspire to overthrow, put down, or destroy by force the Government of the United States, or to oppose by force its authority, they are guilty of seditious conspiracy. Precedents: - *Brandenburg v. Ohio* (1969): Speech inciting imminent lawless action is not protected. - *United States v. North* (1990): Demonstrates that even powerful executive officials can be held criminally accountable for conspiracies that subvert lawful government functions. - *United States v. Rhodes* (2022): Seditious conspiracy convictions for the Oath Keepers show how organizing, recruiting, and directing—even without personally breaching the Capitol—meets the statutory threshold.

## The Application

Agreement: Trump did not act alone. He drew from a network of Fox News loyalists, lawyers, and operatives who collectively schemed to overturn the 2020 election. The Eastman memos, Meadows' notes, and Giuliani's communications serve as documentary proof of an agreement to obstruct Congress. Overt Acts: The overt acts are unmistakable: the pressure campaign on Mike Pence, summoning a mob to Washington on January 6, and using media allies to amplify the "stolen election" lie. Intent: Trump's intent was not rhetorical—it was operational. He sought to delay or deny the lawful certification of Joe Biden's victory. That is precisely the kind of "defrauding the United States" the Supreme Court has upheld as criminal. Continuity Through Project 2025: Project 2025 is not a break from January 6 but its codification. It is the administrative blueprint to finish what the mob could not: the destruction of constitutional guardrails. The same actors who fueled January 6 now craft a "policy" platform to hardwire autocracy into law.

## Obstacles

Judicial capture is real. The Supreme Court, dominated by Trumpist sympathizers, may nullify prosecutions. But that is a political obstacle, not a legal one. The law does not cease to exist because judges abandon courage. Statute of limitations? Five years for conspiracy, unless the conspiracy is ongoing. Project 2025 extends the conspiracy beyond January 6, resetting the clock.

## Conclusion

If conspiracy law does not apply to Trump and Project 2025, then it applies to no one. Trump and his enablers agreed, acted, and intended to defraud the United States. The only missing ingredient is the will of prosecutors and the independence of courts. Either we bring conspiracy charges now, or we admit that we no longer live under constitutional rule.

## References

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