

# FROM THE WILLARD TO DANBURY CORRECTIONAL: STEVE BANNON ALLEGEDLY JOINS THE CONSPIRACY

One of Danbury's Federal Correctional Institution's most illustrious residents likely discovered on Wednesday that he had been promoted.

Steve Bannon is now P1, a feature player in Jack Smith's latest description of Trump's conspiracies to steal the election.

By October 2020, P1 a private political advisor who had worked for the defendant's 2016 presidential campaign, began to assist with the defendant's re-election effort. Three days before election day, P1 described the defendant's plan to a private gathering of supporters: "And what Trump's going to do is just declare victory. Right? He's going to declare victory. That doesn't mean he's the winner, he's just going to say he's the winner."<sup>11</sup> After explaining that Biden's supporters favored voting by mail, P1 stated further, "And so they're going to have a natural disadvantage and Trump's going to take advantage of it—that's our strategy. He's going to declare himself a winner."<sup>12</sup>

Bannon's new prominence in Smith's description has been noted by others. NYT noted it in a story on yesterday's front page, cataloging at some length how Bannon's described role in this has changed. WaPo noted it too, though with far less detail than NYT.

But Smith did more than simply talk about Bannon a lot.

He promoted him: right up into the group Smith says entered into a conspiracy with Trump.

At its core, the defendant's scheme was a private criminal effort. In his capacity as a candidate, the defendant used deceit to target every stage of the electoral process, which through the Constitution, ECA, and state laws includes the states' notification to the federal government of the selection of their representative electors based on the popular vote in the state; the meeting of those electors to cast their votes consistent with the popular vote; and Congress's counting of the electors' votes at a certification proceeding. As set forth in detail below, the defendant worked with private co-conspirators including private attorneys CC1 CC2 CC3 and CC5 and private political operatives CC6 and P1. The defendant also relied heavily on private agents, such as his Campaign employees and volunteers, like Campaign Manager P2 Deputy Campaign Manager P3 Senior Campaign Advisor P4 and Campaign operative P5.

A screen cap using red boxes to show that Steve Bannon, referred to as P1, is included among those referred to as "private co-conspirators."

There are Rudy Giuliani (CC1), John Eastman (CC2), Sidney Powell (CC3), Ken Chesebro (CC5), Boris Epshteyn (CC6), and Steve Bannon (P1), listed as "private co-conspirators." By contrast, even Mike Roman (P5), described as a co-conspirator when he was ginning up riots at Michigan's TCF Center, is described in this introductory paragraph as an "agent," along with Bill Stepien (P2), Justin Clark (P3), and Jason Miller (P4).

The distinction may be a legalism. The other P-labeled people mentioned in this paragraph were employed by Trump's campaign, whereas none of the co-conspirators were. To admit the words and actions of those private lawyers and political operatives – the co-conspirators – under a hearsay exception, prosecutors need to persuade Judge Chutkan that they entered into an agreement to commit crimes together. That is, the designation may be about nothing more than making evidence readily admissible without having to call these people as witnesses at some hypothetical trial if SCOTUS ever lets Jack Smith have one.

But it must reflect a change in the way Jack Smith has come to treat Bannon over the last 14 months. The reason why Rudy and the others have "CC" labels, designating them as co-conspirators, is because they did in the original indictment. Those labels were retained

with the superseding indictment to minimize confusion; even with Jeffrey Clark (formerly CC4) removed, Chesebro and Epshteyn retained their old numbers, 5 and 6.

Bannon didn't even make it *into* the superseding indictment.

But he shows up in the Immunity filing at least nine times (where these incidents show up in the January 6 Report I've included links – a number of these details were already known).

1. October 31: "He's gonna declare himself a winner." J6C (Originally sourced to MoJo)
2. November 13: "Trump just fired."
3. December 13: Bannon resumes daily contact.
4. December 14: Alternate electors. J6C
5. January 2: "The Vice President's role is not "ministerial." J6C
6. January 4: Pre-Pence Willard Hotel meeting, from which Rudy calls Trump.
7. January 4: Post-Pence Willard Hotel meeting.
8. January 5: "Fuck his lawyer."
9. January 5: Call with Trump before "All hell is going to break loose." J6C

Prosecutors added a reference to Bannon's explanation of the plan to declare victory on October 31. They described that Bannon knew, in real time, that Trump was going to fire his campaign staff and put Rudy in charge. For some

reason they suggest Bannon fell out of regular contact for a month (remember that immediately after the election, Bannon – not yet pardoned out of his Build the Wall charges – threatened to put Chris Wray’s head on a pike), only to rejoin again on December 13, just as the fake elector plot was getting up and rolling. There were a number of famous comments that appeared on Bannon’s podcast, including the prediction, on January 5, that “All hell is going to break loose” on January 6.

And then there are two meetings on January 4, both before and after the effort to pressure Pence to throw out Joe Biden’s votes. In the meeting prior to that January 4 meeting with Pence, Rudy called Trump while they were meeting at the Willard. Trump was on the phone with the plotters in the Willard Hotel.

The meeting that CC6 had organized so that the defendant and CC2 could enlist Pence to reject Biden’s legitimate electoral votes was scheduled late in the afternoon of January 4.<sup>353</sup> In advance of the meeting, CC1, CC2, CC6 and P1 gathered at the Willard Hotel near the White House, and from there, CC1 called and spoke with the defendant.<sup>354</sup>

The Trump conspiracy has finally reached the Willard Hotel.

To be clear, none of this means Bannon will be charged. The five remaining co-conspirators have been sitting out there for 14 months without being charged (though it doesn’t make sense to charge anyone until you ensure that Trump wouldn’t just pardon them out of their trouble, like he did the last time and already did once with Bannon).

Bannon’s inclusion as a co-conspirator may mean little more than that his communications are of some import to tell this story – perhaps his prediction that Trump would declare victory, perhaps his involvement in Trump’s decision to replace his campaign team with Rudy (remember that Robert Costello was involved in all this, building off the common purpose with the Hunter Biden “laptop”).

But those details could have come in via Boris Epshteyn. They're captured in texts between the two (the delay in including Bannon *could* arise from a delay in reconstructing someone's phone).

Where you'd need Bannon's designation as a co-conspirator in particular is his prediction that, "all hell is going to break loose," after his conversation with Trump.

Still *that* was all available back in August 2023, when this was first indicted. As noted, it was included in the J6C.

Which raises the question of whether Jack Smith has *new* information, perhaps about those two meetings at the Willard, bookending the January 4 attempt to pressure Pence. The filing describes that Rudy, Eastman, Epshteyn, and Bannon attended the meeting beforehand, from which Rudy called Trump; Rudy is not described to have attended the meeting afterwards. But that doesn't rule out someone else attending those meetings, and some possible attendees have entered cooperation agreements in the state conspiracy cases (though Chesebro does not appear to have attended the meetings). Absent someone who attended the meetings cooperating, Smith might have little more from those meetings than business records from the Willard and calendars to prove they were all there (though he did get proffers from Rudy and Epshteyn).

The Federal conspiracy charges against Donald Trump have finally arrived at the Willard Hotel, and they brought along Steve Bannon as a co-conspirator.

Update: Added the screencap showing that Rudy called Trump while the co-conspirators were meeting at the Willard Hotel before the Pence meeting.