

The Architecture of Modern Sedition: Administrative Force, Reality Inversion, and the Non-Linear Authoritarian Decay of the American Republic

S P E N C E R S H E W C H O O K H Y S H K A *

“The Party told you to reject the evidence of your eyes and ears. It was their
final, most essential command.”

- George Orwell, 1984

ABSTRACT

The constitutional crisis unfolding in the United States in 2025 cannot be adequately explained by traditional models of authoritarianism. This paper introduces a new analytical framework centred on three original concepts: Reality Inversion, a form of psychological coercion that replaces shared public reality with a falsified one; Administrative Force, the deployment of bureaucratic purges and institutional sabotage as a method of sedition; and the Non-linear, Swarm-Based Authoritarian Mutation, whose actions do not follow the predictable, sequential patterns observed in twentieth-century regimes.

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Drawing on political science, legal scholarship, and recent empirical evidence—including Schedule F implementation, election subversion initiatives, and coordinated disinformation ecosystems—this paper argues that sedition law must evolve to recognize non-physical forms of force. It proposes expanding the legal understanding of “force” to include epistemic coercion and administrative sabotage, and it outlines a framework for interpreting networked, decentralized conspiracies as legitimate targets of sedition prosecution.

This work concludes by proposing an interpretive framework for “force” and “conspiracy” that treats administrative sabotage and epistemic coercion as legally cognizable mechanisms of constitutional subversion. This framework was developed and substantially completed prior to the January 2026 Venezuela military operation and the US Immigration and Customs Enforcement (ICE)-involved shooting in Minneapolis. Both these events occurred as the paper was being finalized and subsequently aligned with mechanisms anticipated in the framework about administrative mechanisms bypassing constitutional powers.

KEYWORDS: *Administrative Force, Reality Inversion, Project 2025, Seditious Conspiracy, 18 USC § 2384, Constitutional Theory, Institutional Decay, Schedule F, Democratic Backsliding, Executive Power, Rule of Law, National Security Law, Twenty-First-Century Force, Legal Risk Architecture, Authoritarianism*

I. INTRODUCTION: A NEW ARCHITECTURE OF SEDITION

The United States in 2025 is experiencing a form of constitutional degradation that defies every conventional framework used to explain democratic backsliding. In the twentieth century, authoritarianism generally followed recognizable patterns: a charismatic leader mobilized mass grievance, delegitimized rivals, suppressed media pluralism, co-opted or terrorized state institutions, and ultimately centralized coercive power through force or the threat of force. These historical models drawn from Nazi and Weimar Germany, fascist Italy, Chile under Pinochet, or various Cold War military juntas were linear, sequential, and publicly legible. They assumed a hierarchical structure of command and a direct relationship between physical force and political takeover.

But the American transformation unfolding from 2016 through the present is not linear, not hierarchical, and not grounded primarily in physical coercion. Instead, the changes accelerating under the reinstated Trump administration in 2025 exhibit what this paper characterizes as a

nonlinear, *Swarm-Based Authoritarian Mutation*: a pattern of constitutional erosion produced through distributed, coordinated action across institutions, driven not primarily by overt force but by administrative sabotage, disinformation ecosystems, and ideological networks whose collective behaviour amounts to a systemic assault on democratic institutions.

This mutation is not purely nonviolent. It can incorporate coordinated physical coercion, including immigration enforcement operations that adopt paramilitary-style tactics. In Chicago, for example, Operation Midway Blitz involved helicopter deployment, door breaching, and flash-bang use, and residents reported that US citizens were zip-tied and held for hours, while the Department of Homeland Security (DHS) circulated edited video of the operation.¹

The funding and capacity to sustain these operations has also expanded sharply. Under H.R. 1, the “One Big Beautiful Bill Act,” Congress appropriated \$45 billion for detention capacity and an additional \$29.85 billion for ICE enforcement operations (FY2025 funds available through September 30, 2029).² This enforcement expansion tracks with the posture promoted by Project 2025, a Heritage Foundation-led transition blueprint.³

Finally, pressure for scale has been reported at the leadership level: *Axios* reported that Stephen Miller and DHS Secretary Kristi Noem pushed ICE leadership toward a target of 3,000 arrests per day.⁴ This paper argues that three interlocking mechanisms define the contemporary American authoritarian shift:

1. Reality Inversion: the intentional replacement of the shared factual world with an engineered, alternative political, and economic

¹ Renee Hickman, Kristina Cooke & Ted Hesson, "US Border Patrol raid sweeps in citizens, families as Chicago crackdown intensifies", *Reuters* (4 October 2025), online: <reuters.com> [perma.cc/5Q9V-GRCF?type=standard]; Melissa Sanchez, "What the Trump Administration's Videos From a Chicago Immigration Raid Don't Show", *ProPublica* (17 November 2025), online: <propublica.org> [perma.cc/65DZ-HPGR].

² US Congress, House, H.R. 1, One Big Beautiful Bill Act, 119th Cong., 1st sess., sec. 90003 and sec. 100052. *An Act to Provide for reconciliation pursuant to title II of H Con Res 14*, Pub L No 119-21, §§ 90003, 100052, 139 Stat 72 at 358, 387 (2025) (This act was passed through the House with the short title “One Big Beautiful Bill Act” but this name was removed by the Senate).

³ The Heritage Foundation, *Mandate for Leadership: The Conservative Promise (Project 2025)* (Washington, DC: The Heritage Foundation, 2023) at 140-43, online (pdf): <static.heritage.org> [perma.cc/T2DC-4JLY].

⁴ Brittany Gibson & Stef W Kight, "Scoop: Stephen Miller, Noem tell ICE to supercharge immigrant arrests", *Axios* (28 May 2025), online: <axios.com> [perma.cc/RM49-CRLF].

reality, producing an epistemic fracture so deep that democratic deliberation becomes near impossible.

2. Administrative Force: the systematic deployment of staffing purges, institutional restructuring, and bureaucratic sabotage, now unfolding in real time under expanded Schedule F directives as a means of disabling constitutional checks and consolidating executive power.
3. The *Swarm-Based Authoritarian Mutation*: a decentralized, networked authoritarian formation that does not follow historical scripts or predictable sequences, but instead exploits structural vulnerabilities wherever they appear, in whichever order circumstances allow.

The argument advanced herein is neither metaphorical nor rhetorical. It is a legal and analytical claim: that Reality Inversion and Administrative Force together constitute non-physical forms of coercive force capable of meeting the threshold of sedition under US law when deployed with the intention of subverting lawful government authority.

In effect, the United States is witnessing a functional and stealthy coup conducted not through conventional violence but through epistemic manipulation and administrative redesign. Traditional sedition doctrine is developed for a world of armed uprisings, militias, and explicit conspiracies. This fails to recognize these modern forms of coercion. Consequently, anti-sedition law has become structurally blind to the most potent tools of contemporary authoritarianism.⁵ These tools that operate not through direct physical domination but through the incapacitation of institutions and the capture of public perception. This paper's contribution is therefore twofold:

1. Theoretical: introducing and defining original concepts; Reality Inversion, Administrative Force, and *Swarm-Based Authoritarian Mutation*, to explain the structural mechanics of modern American authoritarianism.
2. Legal: proposing an expanded interpretation of "force" and "conspiracy" within sedition law to account for non-physical mechanisms of coercion that materially undermine constitutional order.

At stake is more than academic taxonomy. The United States' constitutional architecture was designed to withstand violent usurpation; it

⁵ On the conceptual challenges of identifying nonlinear democratic erosion, see Steven Levitsky & Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018), at 5–10; Timothy Snyder, *On Tyranny: Twenty Lessons from the Twentieth Century* (New York: Tim Duggan Books, 2017).

was not designed to withstand administrative collapse from within, nor the coordinated fragmentation of shared reality among millions of citizens.

Without updated legal frameworks and a revised understanding of what constitutes sedition, democratic institutions remain vulnerable to authoritarian actors who exploit these blind spots. The American crisis is not isomorphic to twentieth-century cases; its mechanism set is different enough to require new analytic categories. Because it is new, it requires new conceptual tools. This paper provides those tools, establishing the foundation upon which future legal and political analysis must build.

While this framework is developed through analysis of the American constitutional context, its implications extend beyond it. The concluding comparative section examines Canadian sedition law through the same analytical lens, demonstrating that the doctrinal blind spots identified here are structural features of advanced constitutional democracies, not uniquely American vulnerabilities.

II. KEY CONCEPTS: REALITY, FORCE, SOVEREIGNTY

Understanding the contemporary American authoritarian mutation requires rethinking several foundational categories of democratic theory and constitutional law. Traditional frameworks were designed for eras in which political domination was exercised through physical coercion, visible hierarchies, and overtly repressive institutions.

The twenty-first century, however, especially the period from 2016 to now, has demonstrated that power can be consolidated through cognitive, administrative, and networked mechanisms that leave no fingerprints in the forms anticipated by classical sedition doctrine. This section defines the conceptual architecture that supports the analysis that follows. These concepts—Reality Inversion, Psychological Force, Administrative Force, and the *Swarm-Based Authoritarian Mutation*—are not merely descriptive; they are analytical tools necessary to understand the mechanisms through which constitutional order is being undermined today.

A. *Reality Inversion*

Reality Inversion refers to the deliberate construction and institutional reinforcement of an alternate political reality that supplants the shared factual world upon which democratic self-governance depends.⁶

⁶ The distinction between propaganda (persuasion-oriented) and reality replacement is

Unlike misinformation, disinformation, or propaganda which are typically aimed at persuasion, Reality Inversion is aimed at replacement. Its goal is not to win an argument but to dissolve the conditions under which argument is possible.

Reality Inversion exhibits four defining characteristics. First, it operates at scale: it is systemic and ubiquitous across media ecosystems, not isolated to a single outlet or episode. Second, it derives authority: official narratives are refracted and legitimized through state actors, media personalities, and institutional channels, giving the alternate reality an appearance of credibility. Third, it produces identity fusion: acceptance of the inverted reality becomes integral to personal and political identity, such that rejecting the narrative feels equivalent to rejecting oneself. Fourth, it generates immunization: contradictory facts are reframed as confirmation of conspiracy, deepening commitment rather than weakening it.

By 2025, Reality Inversion in the United States has become a primary mode of political mobilization. The administration's narratives regarding election legitimacy, immigration, crime waves, and "deep state sabotage" no longer resemble policy disagreements; they are components of a parallel epistemic universe into which millions have been enrolled.⁷

Reality Inversion is not an accidental byproduct of polarization. It is a strategic technology of this governance, used to cultivate a population structurally incapable of challenging authoritarian power.

B. Psychological Force

American sedition law has historically treated "force" as synonymous with physical coercion violence, armed uprisings, or the threat thereof. But in an information dominated society, coercion is increasingly exercised through cognitive channels, not physical ones. This paper introduces the concept of Psychological Force, defined as: State-driven manipulation of

developed in Jason Stanley, *How Propaganda Works* (Princeton, NJ: Princeton University Press, 2015) at 41-79. Stanley identifies "undermining propaganda" that erodes epistemic capacity but does not theorize systemic replacement as a distinct category.

⁷ Emily Berman, "Trump's Manufactured Emergencies: A Playbook for Expanding Authoritarian Power", *Verfassungsblog* (22 August 2025) online: <verfassungsblog.de/perma.cc/9B7W-3XFR>; Jasleen Singh, "The Trump Administration's Campaign to Undermine the Next Election", *Brennan Center for Justice* (3 August 2025) online: <brennancenter.org/perma.cc/E2LY-M6NJ>.

perception, information, or cognitive conditions that impairs the public's ability to exercise democratic agency or recognize lawful authority.⁸

Psychological Force operates through four mechanisms: distorting the public's capacity to distinguish truth from falsehood, undermining trust in institutions, replacing neutral reality with ideologically constructed reality, and engineering emotional conditions (fear, resentment, existential threat) that override rational political judgment.

In this framework, Psychological Force becomes a functional equivalent of traditional coercion. If the public cannot understand events, evaluate claims, or interpret political reality, then their sovereignty is compromised just as surely as if they were physically intimidated. As such, Psychological Force is a crucial component of modern sedition because it prepares a population to accept, support, or participate in unconstitutional acts.

C. Administrative Force

Administrative Force refers to the use of bureaucratic mechanisms—hiring, firing, rule changes, process manipulation, structural reorganizations—to degrade, disable, or capture institutions responsible for maintaining constitutional governance.

Even by early 2025, this concept is no longer theoretical. With the resurrection and massive expansion of Schedule F, the administration has already removed tens of thousands of civil servants.⁹ Having then replaced career experts with ideological loyalists, and restructured agencies so that the executive can bypass internal review mechanisms entirely. Administrative Force is distinct from policy because its purpose is not governance but control, its target is institutional safeguards not social outcomes, and its effect is the erosion of constitutional balance rather than the implementation of ideology.

Examples include reassigning or terminating inspectors general for "insubordination," replacing legal counsel with political operatives, restructuring agencies to centralize authority in the Executive Office,

⁸ On cognitive manipulation as a mechanism of political control, see Cass R Sunstein, *Going to Extremes: How Like Minds Unite and Divide* (Oxford: Oxford University Press, 2009), at 79–110; Zeynep Tufekci, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (New Haven, CT: Yale University Press, 2017), at 228–56.

⁹ Exec Order No 14171, 90 FR 8625 (2025) [EO 14171]; US, Congressional Research Service, *A New Civil Service "Policy/Career" Schedule: Issues for Lawmakers*, (Washington, DC: Library of Congress, 2025), online: <congress.gov> [perma.cc/XRV6-6YSW]; Partnership for Public Service, "Federal Harms Tracker: The Cost to Your Government" (2026) online: <federalharmstracker.org> [perma.cc/4Z8E-PEXM].

purging national security analysts whose reports contradict political narratives, and freezing or hollowing out departments that function as constitutional checks, including Department of Justice (DOJ) career staff, Office of Management and Budget procedure units, and DHS oversight functions.

Administrative Force is therefore best understood as a weaponized form of the institutional redesign method of staging a coup, achieved through administrative procedure rather than kinetic violence.

D. Networked or “Swarm” Authoritarianism

Traditional authoritarian models presume a strongman leader at the apex of a rigid hierarchy, disciplined messaging emanating from that centre, and an internal security apparatus enforcing compliance. However, the United States’ authoritarian drift operates through what this paper terms “Swarm Authoritarianism,” a decentralized ecosystem of actors whose behaviour aligns because of shared incentives, not explicit coordination. The swarm encompasses media figures, influencers, state-level officials, think tanks such as the Heritage Foundation (who authored Project 2025), political appointees, local power brokers, partisan bureaucrats, and extremist online communities.

Each pursues their own goals, but collectively they produce an authoritarian outcome greater than the sum of its parts. The defining features of Swarm Authoritarianism are: emergence, whereby coherent strategy appears from decentralized actions without central direction; deniability, as no single person can be held responsible for coordination; post-truth indifference, wherein as institutional guardrails fall, the swarm evolves to a point where maintaining a consistent “Big Lie” becomes unnecessary as the goal shifts from deceiving the public to simply overwhelming them (and when reality is completely shattered, the “caring” required to maintain a cohesive narrative vanishes, replaced by raw assertion of power); adaptability, as the swarm shifts tactics based on real-time cultural feedback; and persistence, as networks regenerate even when individual actors fall.

This model more accurately describes the American context than any version of classical dictatorship. It is also the reason the authoritarian shift has been so difficult for courts, journalists, and scholars to articulate or confront: the threat is everywhere and nowhere simultaneously.¹⁰

¹⁰ On networked political formations and emergent coordination, see Tufekci, *supra* note 8 at 84–117. Tufekci analyzes protest movements. This paper extends the network model to authoritarian consolidation.

III. REALITY INVERSION AS PSYCHOLOGICAL FORCE

Modern democratic systems assume a population capable of accessing shared facts, evaluating political claims, and making informed decisions in a epistemic environment. When this environment is deliberately fractured by state actors, democratic sovereignty collapses, not through violence, but through cognitive incapacitation. This section argues that Reality Inversion is not merely propaganda, but a coercive technology that functions as a form of Psychological Force under a modernized sedition framework. By late 2025, Reality Inversion has become one of the most powerful tools of the American executive. It is the precondition for the administrative sabotage that follows. Without it, authoritarian policies would be rejected. With it, the public demands the authoritarianism being built around them.

A. From Propaganda to Inversion: A Structural Shift

Propaganda attempts to shape opinion. Reality Inversion replaces the underlying reality itself. The Trump administration's post-2020 ecosystem demonstrated the early form: false claims about election fraud became an alternate reality for millions.¹¹ But by 2025, the ecosystem has matured. Instead of simply denying outcomes, the state now deploys parallel institutions of truth (including executive-created "election integrity task forces" issuing contradictory data and DHS "public safety bulletins" amplifying partisan narratives), controlled media pipelines operating through *Fox*, *OANN*, and *Newsmax* in explicit collaboration with administration spokespeople, algorithmic radicalization on platforms where inverted narratives are reinforced through engagement loops, and identity-based narratives in which loyalty to Trump and "America First" becomes a personal identity marker.

The purpose is not persuasion. It is replacement of the public's cognitive operating system. Where older regimes required censorship, the modern American model bypasses it entirely: once an alternate reality is successfully installed, contradictory facts simply no longer register as meaningful.

¹¹ US, *Final Report of the Select Committee to Investigate the January 6th Attack on the United States Capitol*, HR Rep No 117-663 (Washington, DC: US Government Publishing Office, 2022) at 584-627 (documenting coordination of election fraud narratives across media and political networks).

B. *The Five Stage Mechanism of Inversion*

Reality Inversion unfolds through a predictable five stage process. Each stage deepens the public's dependence on the inverted reality and increases their vulnerability to authoritarian control.

Stage 1: Delegitimizing Traditional Authorities

The administration systematically portrays courts, intelligence agencies, mainstream media, scientific institutions, and civil service agencies as corrupt, partisan, or controlled by "deep state" enemies. This delegitimization is not episodic; it is continuous, forming the bedrock of the inverted worldview.¹²

Stage 2: Construction of an Alternate Authority Structure

Into the void left by delegitimized institutions, the administration inserts loyalist epistemic authorities: partisan "investigators," ideologically aligned think tanks such as Heritage, White House media surrogates, influencers with direct access to administration messaging, and executive-commissioned "reports" that contradict professional analysis. These structures perform the function of public institutions without any of the constraints of professional ethics, review processes, or factual standards.

Stage 3: Emotional Simplification of Reality

Reality Inversion is emotionally engineered. Narratives are compressed into stark binaries: "patriots" versus "traitors," "citizens" versus "invaders," "truth-tellers" versus "deep state operatives," "victims" versus "tyrants." This reduces the cognitive load on believers and provides an emotionally satisfying and therefore self-sustaining framework.

Stage 4: Identity Fusion

The inverted reality becomes entrenched when adherence to it fuses with personal and group identity. Once someone's political beliefs and self-concept merge, contradictory facts feel like personal attacks.

Loyalty to the narrative becomes inseparable from loyalty to the movement, the leader, the imagined nation, and ultimately the self. Identity fusion explains why, in 2025, large segments of the population interpret any criticism of Trump or the administration as a direct existential threat.

¹² On systematic delegitimization of democratic institutions as a prelude to authoritarian consolidation, see Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & Company, 1951) at 323-88.

Stage 5: Immunization Against Contradiction

Finally, the population becomes inoculated against correction. Contradictory evidence is interpreted not as correction but as further confirmation: proof of conspiracy, deep state manipulation, media suppression, or foreign interference.

This is how Reality Inversion becomes self healing. Once the loop is closed, truth ceases to function as a limiting factor in governance. The administration can make any claim, enact any policy, and justify any purge within the inverted world.

C. Why Reality Inversion Qualifies as “Force” Under Modern Sedition Theory

The classical definition of “force” in sedition law presumes physical coercion: uprising, militia action, attempts to seize facilities. But Reality Inversion demonstrates that cognitive coercion can achieve the same or greater effect. Democratic sovereignty requires three preconditions: shared factual reality, freedom of cognition, and the ability to evaluate lawful authority. Reality Inversion systematically undermines all three. If people cannot access shared facts, they cannot engage in democratic deliberation. If their cognition is manipulated at scale, their consent is no longer meaningful. If they cannot recognize lawful authority, they cannot defend constitutional order.

In other words: Reality Inversion disables the public’s ability to exercise sovereignty. This is the functional equivalent of force. Thus, under a modernized doctrine, Reality Inversion must therefore be recognized as a coercive act, a precondition for administrative sedition, and a direct attack on constitutional order.

D. Reality Inversion as the “First Strike” of Administrative Coups

Historically, authoritarian regimes compelled the public to accept manufactured realities through overt censorship and state control of information. In the contemporary American context, however, “Reality Inversion” infiltrates the public consciousness well before the initiation of a formal administrative purge. As a mechanism of Psychological Force within modern sedition theory, Reality Inversion prepares a faction of the public to accept authoritarian restructuring, convinces them that oversight agencies are illegitimate, categorically denies empirical evidence that contradicts the narrative, demonizes media organizations that report contrary facts, reframes purges as “restoring democracy,” justifies the

removal of dissenters as "neutralizing deep state operatives," and mobilizes civilian support for unconstitutional actions.

It is the psychological airstrike that clears the field for Administrative Force, a forced overstimulation of the public through chaotic events, ensuring that efforts to combat constitutionally destructive plans are rendered structurally redundant and fragmented. This systemic exhaustion is the crux of how these measures are devised.

IV. ADMINISTRATIVE PURGES AS A FORM OF SEDITION

If Reality Inversion is the cognitive precondition for authoritarian drift, Administrative Force is its operational core. In the modern American context, sedition does not begin with militias, barricades, or seizures of federal buildings. It begins with the strategic capture, purging, and reconfiguration of the administrative state from within.

For the purposes of this analysis, "Modernized Force" refers to a coordinated use of governmental, administrative, informational, or coercive state mechanisms that operate to compel, intimidate, or neutralize constitutional actors, thereby unlawfully altering the functioning of the United States government without requiring kinetic violence. Reality Inversion is not merely rhetorical context; it is the enabling condition that makes Administrative Force politically and institutionally feasible. By degrading shared factual reality and recoding oversight as illegitimate, Reality Inversion functions as a permission structure: it immunizes a critical faction of the public against institutional alarm signals and reframes bureaucratic sabotage as "restoration." Once that epistemic immunization is in place, administrative purges no longer register as unconstitutional capture; they register as justified correction.

Administrative Force then operationalizes that conditioned consent through personnel reclassification, chain-of-command restructuring, enforcement asymmetries, and the neutralization of internal oversight. Actions that can disable lawful authority without requiring kinetic violence.

Finally, swarm alignment sustains the process: distributed actors across media, advocacy networks, and institutional nodes reinforce the same directional outcomes without needing a single command centre. The result is a modern mode of sedition in which psychological conditioning clears the field, administrative machinery executes the capture, and networked alignment maintains momentum despite exposure, contradiction, or public backlash.

This section argues that the Trump administration's post-2025 actions constitute a new category of constitutional offense: the use of administrative machinery to disable lawful authority itself. That is sedition; not metaphorically, but functionally and legally under any constitution designed to preserve separation of powers.¹³

A. Why Classical Sedition Doctrine Fails in 2025

US sedition law was drafted for a world where threats came from the outside: rebel factions, insurgents, paramilitary groups, foreign agents. The law presumes sedition involves physical force, violence, or overt conspiratorial action. But modern authoritarianism does not require violence; it requires structural incapacitation.¹⁴ The executive does not storm the judiciary; it nullifies it through appointments and stripping of jurisdiction. It does not abolish oversight; it reclassifies oversight officials and fires them. It does not seize the DOJ at the outset; it restructures chains of command so that institutional independence becomes impossible, removing the firewall between the White House and the Department of Justice's criminal enforcement functions.

Thus, the old legal model is outdated. Modern sedition occurs not through violent overthrow, but through administrative redesign. A coup is carried out with HR forms, classification changes, and executive orders. As established above, Reality Inversion functions as Psychological Force by conditioning the public to accept institutional sabotage as legitimate. Administrative Force then operationalizes that conditioned permission structure through purges, reclassification, and structural capture. This is why my concept of Administrative Force is not only novel, but urgently necessary. Importantly, intent need not be demonstrated through explicit admissions or violent acts.

In constitutional and criminal jurisprudence alike, intent may be inferred from patterned conduct, foreseeable effects, and the systematic

¹³ The concept of "administrative force" as distinct from policy implementation draws on separation of powers doctrine. See generally James Madison, "The Federalist 51: The Structure of the Government Must furnish the Proper Checks and Balances Between the Different Departments" (1788) (establishing the foundational principle that institutional checks require structural independence).

¹⁴ 18 USC § 2384 on seditious conspiracy was enacted in 1948, codifying earlier sedition provisions from the Espionage Act of 1917 and the Smith Act of 1940, all drafted with external threats or armed rebellion as the primary concern (see Charles International Law, "Sedition in the United States: History, Comparison, and Constitutional Challenges" (24 September 2025), online: <[charlesinternationallaw.com](https://charlesinternationallaw.com/perma.cc/4RNS-4RTV)> [perma.cc/4RNS-4RTV]).

alignment of actions toward a prohibited outcome. Where administrative actions consistently and predictably disable independent institutions while consolidating executive control, intent is established through structure rather than confession.

The following criteria operationalize what swarm alignment looks like in observable terms. A pattern is indicative of swarm alignment (as distinct from ordinary coalition politics) when most of the following are present:

Rapid convergence: distinct actors adopt the same framing or target within a short window, without an identifiable coordination channel.

Role differentiation: separate nodes perform complementary functions (narrative legitimization, legal shielding, administrative execution), producing a combined institutional effect.

Directional consistency with narrative flexibility: specific claims shift or contradict, yet the thrust remains stable (delegitimize oversight, neutralize checks, consolidate executive control).

Targeted institutional selection: actions cluster on oversight and constraint mechanisms (Inspectors General, civil service protections, independent enforcement capacity) rather than ordinary policy outputs.

Resilience to exposure: credible rebuttal, fact-checking, or scandal does not produce meaningful de-alignment; the system absorbs shocks and continues advancing.

B. Mechanisms of Administrative Force (2024–2025 Operational Reality)

While Schedule F was a theoretical threat in 2020, it is operational reality in 2025. Below is the expanded list of mechanisms the administration now uses to disable constitutional checks and balances.

Schedule F Expansion → Mass Firing of Civil Servants: By February 2025, the administration implemented an expanded Schedule F reclassification, affecting tens of thousands of career civil servants across DOJ, DHS, State, CIA, and regulatory bodies.¹⁵ Consequences included the removal of nonpartisan experts, installation of ideologically loyal replacements, destruction of institutional memory, and collapse of neutral oversight frameworks. This was not “policy.” This was neutralizing the permanent government, the very structure designed to protect the Republic from factional capture.

Politicization of the Department of Justice: By mid-2025, DOJ leadership had been reorganized so that career prosecutors lost independent

¹⁵ EO 14171, *supra* note 9; Congressional Research Service, *supra* note 9.

charging authority, investigations of political allies were halted, investigations of political opponents were prioritized, and federal judges critical of the administration were targeted rhetorically and procedurally.¹⁶ This is Administrative Force applied to the legal system itself: a controlled DOJ cannot check the executive, therefore, the executive becomes lawless.

Weaponization of Inspectors General & Oversight Bodies: Historically, Inspectors General (IGs) have provided internal checks on executive misconduct. In 2025, multiple IG offices were eliminated or consolidated, remaining IGs were instructed to report through political appointees, whistleblower protections were weakened, and internal reports were suppressed.¹⁷ This destroys the feedback loop required to expose abuse. It legalizes wrongdoing by eliminating the mechanism that defines wrongdoing.

DHS & CBP Reconfigured into Tools of Executive Enforcement: Perhaps the most alarming 2025 development: DHS intelligence units shifted toward monitoring "domestic extremism," a category redefined to include political dissent, while US Customs and Border Protection (CBP) and ICE received expanded discretionary enforcement powers at borders and ports of entry, and administrative detention powers were widened.¹⁸ This turns agencies originally built for homeland security into instruments of domestic political control.

Emergency Powers Invoked to Override Statutory Constraints: The administration has used emergency declarations to bypass procurement

¹⁶ Liz Mineo, "How independent is the Justice Department now? Alarm is 'off the charts', says journalist who surveyed former federal officials", *The Harvard Gazette* (24 October 2025), online: <news.harvard.edu> [perma.cc/LVW4-T2QH] (this article describes a lecture by Emily Bazelon, titled "Has Independence Ended for the Justice Department?" which took place in October, 2025); William Roberts, "US presidency: weaponised Department of Justice investigations prompt concerns over independence", *International Bar Association* (9 December 2025), online: <ibanet.org> [perma.cc/7NFC-6G4D]; Aaron Blake, "The Trump DOJ's slow-motion Saturday Night Massacre", *CNN Politics* (16 October 2025), online: <cnn.com> [https://perma.cc/CV7Z-HTS7?type=standard].

¹⁷ US Department of Homeland Security, Press Release, "ICE Launches Operation Midway Blitz in Honour of Katie Abraham to Target Criminal Illegal Aliens Terrorizing Americans in Sanctuary Illinois" (8 September 2025), online: <dhs.gov> [perma.cc/9EE5-Q8LR]; "President Trump's firing of inspectors general threatens government accountability and efficiency", *Partnership for Public Service* (21 October 2025), online: <ourpublicservice.org> [perma.cc/M9MA-WY2G].

¹⁸ Donell Harvin, "How the United States Is Undoing the Post-9/11 Security Architecture That Has Kept It Safe", *Just Security* (11 September 2025), online: <justsecurity.org> [perma.cc/L8DS-37N5].

rules, redirect military funding, suspend regulatory procedures, and reassign federal employees without due process. While technically legal in form, these actions conjunctively are seditious in function; they undermine Congress's constitutional control over federal structure.

Intentional Bureaucratic Dysregulation: This intentional bureaucratic dysregulation operates by leaving agencies understaffed, appointing leaders hostile to their agency's mission, imposing contradictory directives, and freezing budgets to ensure noncompliance.

This creates deliberate dysfunction so that agencies cannot fulfill statutory mandates. When the law cannot be executed, the executive becomes the law.

1. Case study: Emergency Military Operations Through Administrative Redesignation: The Venezuela Case

As this paper was being finalized in early January 2026, the administration conducted what Secretary of War Pete Hegseth described as a "large-scale strike" against Venezuela, resulting in the capture of President Nicolás Maduro and his transport to US custody.¹⁹ In a press conference hours later, President Trump stated that the United States would "run the country" during what he termed a "judicious transition."²⁰ This operation provides real-time validation of the administrative mechanisms theorized throughout this paper. Even if subsequent disclosures were to alter the factual record, the legal mechanism analyzed here remains the same: administrative redesignation substituted for constitutional authorization.

The Constitutional and International Legal Framework: The operation presents acute constitutional and international law questions. Under Article I, Section 8 of the US *Constitution*, Congress holds the power to declare war.²¹ The War Powers Resolution permits presidential use of armed forces only when Congress has declared war, where there is specific statutory authorization, or in response to attack on the United States or its

¹⁹ Jennifer Jacobs et al, "Trump says U.S. is 'in charge' of Venezuela, Maduro jailed in New York after U.S. military operation", *CBS News* (5 January 2026), online: <cbsnews.com> [perma.cc/L4JA-UUWD]; Richard Hall, "Trump Says U.S. Has Captured Venezuelan President Following 'Large-Scale' Strikes", *TIME* (3 January 2026), online: <time.com> [perma.cc/VR7Y-ZMEX].

²⁰ Edited by Curtis Yee et al, "Venezuela's Nicolás Maduro arrives in New York after capture by US forces", *AP News* (3 January 2026), online: <apnews.com> [perma.cc/M8CR-AJ32]; Ted Johnson, "Donald Trump Says U.S. Will 'Run' Venezuela Until A 'Safe, Proper And Judicious Transition'", *Deadline* (3 January 2026), online: <deadline.com> [perma.cc/3G8V-QSHD].

²¹ US Const art I, § 8, cl 11.

forces.²² None of these conditions applied. Venezuela had not attacked the United States, Congress had not authorized military action, and no declaration of war existed.

Under international law, the *UN Charter's* Article 2§4 prohibits "the threat or use of force against the territorial integrity or political independence of any state."²³ The use of military force to remove a head of state and announce direct governance of another nation constitutes what *UN General Assembly Resolution 3314* defines as aggression, specifically, "invasion or attack by the armed forces of a State of the territory of another State" and "military occupation, however temporary".²⁴ The *Rome Statute* codifies such actions as the crime of aggression when they constitute "a manifest violation of the Charter of the United Nations".²⁵

The Administrative Redesignation Mechanism: Rather than seeking congressional authorization for military action against a sovereign state, the administration employed a multi-layered administrative redesignation strategy.

The Foreign Terrorist Organization (FTO) designation: The designation of Venezuelan entities allowed the executive to invoke counter-terrorism statutory frameworks rather than war powers procedures. Secretary of State Marco Rubio stated in July 2025 that Maduro was "NOT the President of Venezuela" but rather "the head of the Cartel de Los Soles, a narco-terror organization."²⁶ This administrative classification redefined a recognized head of state as a terrorist leader, purportedly authorizing action under different legal authorities.

The invocation of a 2020 narco-terrorism indictment was used to reframe military invasion as law enforcement. Senator Tom Cotton articulated this theory explicitly, saying that Congress doesn't need to be notified every time the executive branch is making an arrest.²⁷ Under this

²² 50 USC § 1541(c) (1973).

²³ 26 June 1945, Can TS 1945 No 7, art 2§4.

²⁴ *Definition of Aggression*, UNGA, 29th Sess, UN Doc A/9631 (1974) GA Res 3314(XXIV), art 3(a), (e).

²⁵ *Rome Statute of the International Criminal Court*, UNICC, 17 July 1998, 2187 UNTS 3, art 8 bis.

²⁶ Victor Loh, "U.S. attacks Venezuela, captures Maduro and his wife; AG Bondi says charge includes 'Narco-Terrorism'", CNBC (3 January 2026), online: <[cnbc.com](https://www.cnbc.com/perma.cc/67DJ-V6PV)> [perma.cc/67DJ-V6PV] (quoting Rubio's July 2025 statement reposted following the operation).

²⁷ Staff, "Cotton, Crawford applaud Venezuela invasion, Maduro arrest", *Talk Business &*

logic, regime change accomplished through military force becomes an administrative arrest warrant execution, exempt from War Powers Resolution requirements. The administration utilized strategic timing during congressional recess, ensuring major operations concluded before legislative oversight mechanisms could engage, and presented Congress with accomplished facts rather than proposed actions requiring authorization. This was threat narrative construction to manufacture emergency justification. The administration claimed Venezuela was producing fentanyl destined for the United States and facilitating uranium transfers to Hamas and Hezbollah. However, Drug Enforcement Administration intelligence consistently identifies Mexico and China, not Venezuela, as primary fentanyl sources.²⁸ No substantiated evidence has been presented for uranium transfer claims. These narratives functioned to generate perceived emergency authorization for actions that would otherwise require explicit congressional approval.

i. Administrative Force at the Kinetic Threshold

The Venezuela operation demonstrates Administrative Force operating at what might be termed the kinetic threshold: the point at which bureaucratic mechanisms are deployed not merely to disable domestic oversight but to circumvent constitutional constraints on the use of military force itself. The redesignation strategy—sovereign government to terrorist organization, military invasion to arrest execution, regime change to transitional governance—exemplifies one of the paper's core theses: administrative reclassification can substitute for constitutional process.

This represents Reality Inversion in foreign policy form: the legal category is replaced, not merely contested. What international and constitutional law would classify as invasion, occupation, and regime change is administratively relabeled as counter-terrorism enforcement. Once the redesignation is accepted within the executive branch and by aligned legislative actors, constitutional constraints become structurally irrelevant. The question is no longer whether Congress authorized war, because administratively, this is not classified as war.

Politics (3 January 2026), online: <talkbusiness.net> [perma.cc/TM3T-9SQK] (reporting on Senator Tom Cotton's interview with Fox News).

²⁸ Drug Enforcement Administration reporting consistently identifies Mexico and China as primary fentanyl production sources. See Drug Enforcement Administration, *2020 National Drug Threat Assessment* (Washington, DC: US Department of Justice, 2021) at 7, 12, 14–18, online <dea.gov> [perma.cc/T9NS-5UQU]; Drug Enforcement Administration, *National Drug Threat Assessment 2024* (Washington, DC: US Department of Justice, 2024) at 20, 23, online: <dea.gov> [perma.cc/9RUN-C28Q].

The operation also validates the swarm coordination model. The State Department (Rubio) provided narrative justification, the Department of Justice (Bondi) provided legal framing through the indictment, the Department of Defense (Hegseth) executed operations, and key congressional figures (Cotton) provided post-hoc legitimation by endorsing the law enforcement characterization. Each actor operated within their institutional domain without requiring centralized conspiracy yet produced a systematically aligned outcome: regime change conducted outside constitutional war powers procedures.

ii. Implications for Constitutional Order

If administrative redesignation can authorize the use of military force to overthrow foreign governments and install direct US governance without congressional approval, then Article I war powers have been functionally nullified. The War Powers Resolution becomes a procedural formality that can be circumvented through classification choices. Constitutional constraints on executive military action are reduced to questions of which administrative label is applied.

The operation occurred as this paper was being completed, providing empirical validation of the theoretical framework developed over the preceding year. The mechanisms predicted— administrative redesignation, swarm coordination, Reality Inversion through threat narrative construction, and strategic timing to bypass oversight—manifested precisely as theorized, but at a scale and with consequences that exceed initial projections. This suggests the framework captures not merely current practices but a structural logic that, absent effective constraint, will continue to expand in scope and intensity.

2. Case Study: Administrative Force at the Lethal Threshold: The Minneapolis Killing

On January 7, 2026, an ICE agent shot and killed Renee Nicole Good, a 37-year-old US citizen and mother, in south Minneapolis during what was, according to federal officials, an immigration-related operation.²⁹ Good was not the target of the operation, according to local and federal officials. She

²⁹ Juliana Kim & Alana Wise, “Democratic leaders respond to fatal ICE shooting in Minneapolis”, *NPR* (8 January 2026), online: <npr.org> [perma.cc/UZ8K-NPY3]; Tim Stelloh, Minyvonne Burke & Selina Guevara, “Woman fatally shot by ICE officer remembered as ‘one of the kindest people’”, *NBC News* (7 January 2026), online: <nbcnews.com> [perma.cc/DH53-88SG].

was, according to the Minneapolis City Council, "out caring for her neighbors"³⁰ when she was killed.

The killing occurred in the context of what ICE described as the largest immigration operation in US history, with over 2,000 federal agents deployed to the Twin Cities area.³¹ This deployment followed a viral video from a right-wing influencer making unsubstantiated claims about Somali-run day care centres.³²

i. Dueling Realities: The Immediate Narrative Split

Within hours of the shooting, two completely incompatible accounts emerged, demonstrating Reality Inversion in real-time:

Federal Government Narrative: Secretary Noem called it "an act of domestic terrorism" and stated the officer fired defensive shots.³³ President Trump posted video claiming Good "violently, willfully, and viciously ran over"³⁴ the officer

Local Officials Accounts: Minneapolis Mayor Jacob Frey, after viewing video evidence, stated: "they are already trying to spin this as an action of self-defence. Having seen the video myself, I want to tell everybody directly. That is bull—" ³⁵ Minneapolis Police Chief Brian O'Hara said there was "nothing to indicate that this woman was the target of any law enforcement investigation."³⁶

³⁰ Stelloh, Burke & Guevara, *supra* note 29.

³¹ Stephanie Hogan, "Why Minneapolis has become such a flashpoint amid Ice deployments", *CBC News* (27 January 2026), online: <cbc.ca> [perma.cc/D5DS-PCV7].

³² Tim Evans & Renee Hickman, "US immigration agent fatally shoots woman in Minneapolis, mayor disputes government claim of self-defense", *Reuters* (8 January 2026), online: <reuters.com> [perma.cc/9UP8-B7XA]; Nick Schiffrin & Jonah Anderson, "Federal agents probe fraud allegations targeting Somali child care providers in Minnesota", *PBS News* (30 December 2025), online: <pbs.org> [perma.cc/Z599-R7ND].

³³ Kim & Wise, *supra* note 29.

³⁴ Holmes Lybrand, "DHS said a woman attempted to run over ICE officers before being shot in Minneapolis. Here's what videos show", *CNN* (8 January 2026), online: <cnn.com> [perma.cc/S38Z-S62L].

³⁵ "Minnesota ICE Shooting Press Conference" (8 January 2026) under heading "Mayor Jacob Frey (00:00), online: <rev.com> [perma.cc/5X4C-BE4M] [expletive censored].

³⁶ Staff, "Renee Macklin Good shot and killed by ICE agent, eyewitnesses say she posed 'no threat'", *MPR News* (7 January 2026) under heading "12:49 p.m. | Frey calls ICE shooting in self-defense a 'garbage narrative'", online: <mprnews.org> [perma.cc/RTX6-35LZ].

Video evidence shows an ICE officer approaching Good's stopped vehicle, attempting to open the door. As the vehicle begins to move, a third officer with his gun drawn crosses in front of the car as it moves away from the agents. That officer, who appears to be knocked backward but not hit, opens fire on the vehicle.³⁷ Good was shot in the head. Her spouse was filmed at the scene, crying near the vehicle.

This Is Not Use of Force. This Is Administrative Force at the Lethal Threshold. The killing of Renee Good was enabled by several structural factors. First, expanded enforcement discretion occurred as HR 1 appropriated \$45 billion for detention and \$29.85 billion for ICE operations, creating massive operational capacity with minimal oversight mechanisms. This was compounded by the removal of institutional checks, as Schedule F purges and the politicization of oversight bodies mean there is no neutral internal review system that would normally constrain the use of lethal force. Furthermore, the operational context without accountability allowed ICE to deploy 2,000+ agents to Minneapolis based on an unverified viral video, creating a militarized enforcement environment without the accountability structures that govern police operations. Finally, the administration secured immunity through administrative classification; by framing the operation as "immigration enforcement" rather than law enforcement, ICE operates outside the accountability structures that would apply to local police conducting the same actions.

Chief O'Hara made this explicit: "I do not know the exact circumstances of the shooting, but I would tell you, in any professional law enforcement agency in the country ... it's obviously very concerning whenever there's a shooting into a vehicle of someone who's not armed."³⁸ He noted that most law enforcement agencies in the country have trained very intensely to try and minimize the risk" of using deadly force in such circumstances.³⁹ But ICE is no longer operating as a "professional law enforcement agency." It is operating as an instrument of executive power, insulated from the professional standards, training protocols, and accountability mechanisms that constrain other agencies.

³⁷ Kerem Inal et al, "Minneapolis ICE Shooting: A minute-by-minute timeline of how Renee Nicole Good died", *ABC News* (9 January 2026), under headings 9:37:08 a.m.-9:37:13 a.m., online: <abcnews.com> [perma.cc/66C5-8ZBR].

³⁸ Minyvonne Burke, Julia Ainsley & Suzanne Gamboa, "After fatal ICE shooting, DHS and Minnesota officials share contrasting accounts", *NBC News* (8 January 2026), online: <nbcnews.com> [https://perma.cc/M56R-W6AU].

³⁹ *Ibid.*

ii. Reality Inversion as Pre-Authorization for Lethal Force

The federal response to Good's killing demonstrates how Reality Inversion functions to pre-authorize state violence and immunize it against accountability. Within hours, the victim was redesignated from "US citizen caring for neighbors" to "domestic terrorist," the killing was reframed from "shooting unarmed woman in head" to "defensive action against vehicle attack," local officials' eyewitness-based accounts were dismissed as political opposition, and video evidence was selectively edited and amplified by the President to support the inverted narrative. This is the same five-stage mechanism identified in Section III.B, operating at lethal speed:

Delegitimizing Authority: Local officials and eyewitnesses are dismissed as politically motivated or unreliable.

Alternate Authority: Federal officials and presidential statements become the only "legitimate" source of truth, despite contradicting video evidence and local law enforcement assessment.

Emotional Simplification: Good is immediately recoded as "attacker," "terrorist," "rioter" in federal statements, eliminating moral complexity.

Identity Fusion: Supporting the agent becomes supporting "law enforcement," supporting "ICE," supporting "Trump," supporting "America." Questioning the killing becomes attacking all of these.

Immunization: Any evidence contradicting the federal narrative gets reinterpreted as proof of "anti-ICE bias," "political spinning," or "defending criminals."

Mayor Frey's statement captures this perfectly: "What they are doing is not to provide safety in America. What they are doing is causing chaos and distrust," Frey said, calling on the immigration agents to leave.⁴⁰ "They're ripping families apart. They're sowing chaos on our streets. And in this case, quite literally killing people."⁴¹

iii. The Investigative Purge: Administrative Seizure of Evidence

On January 8, 2026, less than 24 hours after the killing, the "Administrative Force" mechanism moved from the street to the docket. The FBI and the US Attorney's Office officially "reversed course"⁴² on a joint

⁴⁰ "Minnesota ICE Shooting Press Conference," *supra* note 35 under heading "Mayor Jacob Frey (00:00)".

⁴¹ *Ibid.*

⁴² Paul Walsh & Jeff Day, "FBI pushes Minnesota investigators aside in ICE shooting probe; Ellison calls move 'a stupid thing'", *The Spokesman-Review* (8 January 2026), online: <[spokesman.com](https://spokesman.com/perma.cc/4RZY-LKUY)> [perma.cc/4RZY-LKUY].

investigation, notifying the Minnesota Bureau of Criminal Apprehension (BCA) that the federal government would take sole control of the probe.⁴³

This move effectively has decapitated the state's ability to provide oversight. BCA Superintendent Drew Evans stated that the agency, under constraint, had "reluctantly withdrawn" because the FBI cut off their access to case materials and scene evidence, investigative interviews, and neutral forensic analysis.⁴⁴ This is not a routine jurisdictional dispute. It is the Administrative Seizure of Truth. By removing the independent state investigators (BCA) and replacing them with a federal agency (FBI) whose leadership has been redesigned through Schedule F and political loyalty, the executive branch has ensured that legal determination can never be reliably sought.⁴⁵ As Minnesota Attorney General Keith Ellison noted, this "pushing aside" of local investigators is a deliberate attempt to immunize federal agents from state law.⁴⁶

iv. The Constitutional Injury

When administrative mechanisms create conditions where federal agents can deploy lethal force against unarmed US citizens, face no immediate accountability, have their actions instantly legitimized by cabinet officials and the President regardless of evidence, and operate outside the professional standards that constrain other law enforcement, then due process has been nullified functionally, if not formally. This is not governance. This is the exercise of sovereign violence without sovereign constraint. It is Administrative Force manifesting as the power to kill with operational impunity.

The killing occurred less than one mile from where George Floyd was murdered by Minneapolis police in 2020. But there is a critical difference: Derek Chauvin was arrested, charged, tried, and convicted.⁴⁷ The institutional accountability mechanisms functioned, however imperfectly. For Renee Good's killing, those mechanisms do not exist. There is no local jurisdiction with arrest authority over federal agents. Internal ICE review has been gutted by politicization. The FBI investigation will occur in a DOJ

⁴³ "Minnesota officials say they can't access evidence after fatal ICE shooting and FBI won't work jointly on investigation", *PBS News* (8 January 2026), online: <[pbs.org](https://pbs.org/perma.cc/5L9V-U3WF)> [perma.cc/5L9V-U3WF].

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Walsh & Day, *supra* note 42.

⁴⁷ Staff, "Timeline: What happened in Minnesota after police murdered George Floyd", *MPR News* (22 May 2025), online: <[mprnews.org](https://mprnews.org/perma.cc/BW5S-4B78)> [perma.cc/BW5S-4B78].

that has been systematically restructured to serve executive priorities rather than neutral enforcement. The constitutional safeguards exist formally. They are inoperative functionally.⁴⁸

Destruction of the "Dual Sovereignty" Check: Traditionally, if a federal agent commits a crime on state soil, the state has a sovereign right to investigate.⁴⁹ By administratively seizing the evidence, the federal government has nullified the Tenth Amendment's power to police its own territory. This is Swarm-Based Alignment in action: ICE kills, the US Attorney blocks, and the FBI buries.

v. The Swarm Response

The coordinated federal response demonstrates swarm alignment: DHS (Noem) immediately framed the killing as justified self-defence and "domestic terrorism";⁵⁰ the White House (Trump) amplified selectively edited video supporting the federal narrative;⁵¹ federal prosecutors moved to control any investigation through a politicized DOJ;⁵² allied media immediately adopted the "vehicle attack" framing;⁵³ and Congressional Republicans remained silent, providing tacit authorization.

No single actor issued orders. Yet within hours, the narrative converged: Good was an attacker, the agent acted in self-defence, local officials are politically motivated, and questioning this is anti-law enforcement. This is swarm coordination producing systematic alignment that pre-authorizes future killings. If this shooting is legitimized, the next one becomes easier. And the next.

vi. Why This Qualifies as Sedition Under a Modernized Doctrine

⁴⁸ See *Bivens v Six Unknown Fed Narcotics Agents*, 403 US 388 (1971) (on civil remedy); *In re Neagle*, 135 US 1 (1890) (on criminal immunity); *Idaho v Horiuchi*, 253 F (3d) 359 (9th Cir 2001) (on the Supremacy Clause protection for lethal force).

⁴⁹ *Gamble v United States*, 587 US 678 at 692 (2019) (describing the "dual-sovereignty" doctrine).

⁵⁰ "WATCH: Noem defends fatal ICE Shooting of Minneapolis woman in remarks to reporters", *PBS News* (7 January 2026), online: <pbs.org> [perma.cc/ZZ4C-Q3U2]; Mark Gollom, "The White House is defending fatal ICE shooting of Minneapolis woman. But what are the rules of engagement?", *CBC News* (9 January 2026), online: <cbc.ca> [perma.cc/2QFV-ZEWB].

⁵¹ Kathrin Wesolowski, "Fact check: Trump claim about Minneapolis ICE shooting false", *DW* (9 January 2026), online: <dw.com> [perma.cc/556D-RBG2].

⁵² Walsh & Day, *supra* note 42.

⁵³ Natalie Stechyson, "Blaming 'wine moms' for ICE protests is an old tactic with a new target", *CBC News* (15 January 2026), online: <cbc.ca> [perma.cc/H6M3-E5KT].

The killing of Renee Good is not merely a use-of-force incident gone wrong. It is the predictable outcome of administrative mechanisms designed to disable accountability. It demonstrates Administrative Force operating at the lethal threshold, under the framework proposed in Section IV.C.1:

Element 1 (Conspiracy): The deployment of 2,000 agents to Minneapolis,⁵⁴ the expansion of enforcement discretion without accountability mechanisms, and the immediate coordination to legitimize the killing demonstrate systematic alignment toward a prohibited outcome: the ability to exercise lethal force without constitutional constraint.⁵⁵

Element 2 (Force): A US citizen was killed by federal agents operating outside normal accountability structures. This is kinetic force enabled by Administrative Force: the prior removal of institutional checks that would have prevented or at minimum constrained this action.

Element 3 (Object): The systematic removal of accountability mechanisms for federal enforcement operations prevents execution of constitutional guarantees of due process. When federal agents can kill citizens without meaningful prospect of accountability, the Fifth Amendment's guarantee that no person shall "be deprived of life, liberty, or property, without due process of law" has been nullified in practice.⁵⁶

Element 4 (Intent): Intent is demonstrated through the pattern: massive enforcement expansion, removal of oversight, political protection of agents regardless of conduct, and immediate narrative coordination to legitimize the killing. A rational actor seeking to operate within constitutional constraints would not systematically remove the mechanisms that enforce those constraints.

vii. Conclusion

On January 7, 2026, Renee Nicole Good, a 37-year-old US citizen and mother, was killed by a federal agent in Minneapolis. She was not armed. She was not a target. She was caring for her neighbours.⁵⁷ She is dead because Administrative Force created an operational environment where federal agents operate with functional impunity, and Reality Inversion created a political environment where millions will defend that killing despite video evidence to the contrary.

⁵⁴ Hogan, *supra* note 31.

⁵⁵ Congressional Research Service, *supra* note 9.

⁵⁶ US Const amend V.

⁵⁷ Sarah Shamim, "Who was Renee Nicole Good, the woman killed in ICE Minneapolis shooting?", *Al Jazeera* (8 January 2026), online: <[aljazeera.com](https://www.aljazeera.com)> [perma.cc/Y8CM-43NB].

This is what sedition looks like in 2026: not militias storming buildings, but administrative mechanisms that make constitutional guarantees operationally irrelevant, enforced by agents who can kill without institutional constraint, legitimized by coordinated information operations that replace observable reality with fabricated justification.

The *Constitution* promises that no person shall be deprived of life without due process of law. Renee Good's killing demonstrates that this guarantee has been functionally nullified through Administrative Force. Not suspended. Not abolished. Nullified through administrative redesign that leaves the formal guarantee intact while destroying its operational meaning.

That is the endpoint of Administrative Force. That is why it must be recognized as sedition.

C. Why These Actions Constitute Sedition

Under my modernized theoretical framework: This framework does not criminalize policy disagreement or aggressive governance. Policy choices, even controversial ones, remain lawful where they operate within constitutional constraints and preserve the functional independence of co-equal institutions. Administrative Force becomes seditious only when it is deployed to disable the mechanisms that constrain executive power itself, thereby converting lawful authority into factional control. Sedition is any coordinated use of force which is: physical, psychological, or administrative, intended to disable constitutional order.

1. Statutory Analysis: Administrative Force Under 18 USC § 2384

The federal seditious conspiracy statute provides:

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.⁵⁸

The statute establishes four elements, each of which Administrative Force satisfies under a modernized interpretation.

⁵⁸ 18 USC § 2384, *supra* note 14; AN ACT to revise, codify, and enact into positive law, Title 18 of the United States Code, entitled "Crimes and Criminal Procedure", Pub L No 80-722, 62 Stat 683 (1948) (codified as amended at 18 USC § 2384) [Act to Codify Title 18].

i. Element 1: Conspiracy

Traditional conspiracy doctrine requires agreement toward an unlawful objective. The swarm-based authoritarian model complicates this requirement because coordination emerges through aligned incentives rather than explicit orders. But conspiracy law has never demanded written contracts or recorded conversations. Courts routinely infer agreement from circumstantial evidence: parallel conduct, mutually reinforcing actions, and systematic alignment toward a prohibited goal.⁵⁹ The pattern documented in Section IV.B satisfies this standard. Schedule F purges, DOJ politicization, IG neutralization, and emergency power expansion do not occur in isolation. They form a coherent system, one that is better explained by coordinated intent than by independent policy choices that just happen to converge on institutional disablement. The absence of a smoking-gun email does not negate conspiracy when the structural alignment is this comprehensive.

ii. Element 2: Force (The Doctrinal Hinge)

The statute requires "force" in three contexts: to overthrow or destroy government, to oppose authority, and to prevent, hinder, or delay execution of law. Historically, "force" has been interpreted to mean armed violence: militias, insurrections, physical seizures.⁶⁰ This interpretation made sense in an era when threats to constitutional order were expected to arrive through barricades and bullets. However, the statutory text itself does not limit "force" to kinetic violence. It requires force sufficient to oppose authority, prevent execution of law, and hinder government function. Administrative Force achieves precisely these effects. Consider what the statute prohibits functionally:

Opposing authority: removing inspectors general and career officials who hold statutory oversight authority is opposition by administrative redesign.⁶¹ The authority is not resisted; it is erased.

⁵⁹ *United States v Feldman*, 936 F (3d) 1288 at 1305 (11th Cir 2019); *United States v Azmat*, 805 F (3d) 1018 at 1035.

⁶⁰ See *United States v Rahman*, 189 F (3d) 88 at 116–17 (2d Cir 1999) [*Rahman*] (analyzing the "force" requirement in seditious conspiracy and conspiracy to levy war against United States); *United States v Rhodes*, 610 F (3d) 29 (DC Cir 2022) (interpreting "force" in § 2384 to include armed coordination and breach of Capitol building); *United States v Nordean*, 2023 US Lexis 77588 (DC Cir) [*Nordean*] (Proud Boys case applying similar standard). *Rahman* remains the leading appellate interpretation of §2384's force requirement.

⁶¹ Congressional Research Service, *supra* note 9.

Preventing execution of law: defunding enforcement divisions,⁶² restructuring chains of command to bypass statutory roles, and appointing agency heads hostile to their statutory mandates all prevent law from being executed.⁶³ The statute remains on the books. The mechanism for enforcement is dismantled.

Hindering government function: purging institutional memory,⁶⁴ replacing neutral expertise with ideological loyalty,⁶⁵ and inducing deliberate dysfunction through contradictory directives which hinder government function as effectively as any physical obstruction. The question is not whether these actions produce force equivalent effects. They demonstrably do. The question is whether "force" in the statute should be confined to nineteenth-century methods when twenty-first-century mechanisms achieve the same constitutional injury.

Constitutional doctrine has evolved to meet technological and structural change before. The Fourth Amendment's protection against "unreasonable searches" now encompasses electronic surveillance. The First Amendment's application to "speech" now includes digital expression. "Force" under sedition law must similarly adapt to recognize that constitutional order can be overthrown through administrative capture just as effectively as through armed rebellion.

The Supreme Court has repeatedly recognized that constitutional protections must adapt to technological and structural change. In *Katz v United States*, the Court held that Fourth Amendment "search" doctrine must evolve beyond physical trespass to encompass electronic surveillance.⁶⁶ In *Reno v ACLU*, the Court extended First Amendment speech protections to digital communication.⁶⁷ The principle is consistent: where new mechanisms achieve the same constitutional injury as historical methods, doctrine must expand to recognize them. Administrative capture achieves

⁶² Suzanne Monyak, "DOJ Terminates Staff at Peacemakers, Access to Justice Units", *Bloomberg Law* (1 October 2025), online: <news.bloomberglaw.com> [perma.cc/JQW4-QY6L].

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ Chris Peper & Kathryn Dunn Tenpas, "Assessing President Trump's second-term staffing record", (27 January 2026), online: <brookings.edu> [perma.cc/AGL9-LEAR].

⁶⁶ 389 US 347 at 351–53 (1967) (holding that Fourth Amendment protects "people, not places" and extends to electronic surveillance despite absence of physical trespass).

⁶⁷ 521 US 844 at 870 (1997) (extending First Amendment protections to internet communication as a new medium of expression).

the same injury to constitutional order as armed rebellion. With the disabling of lawful authority, sedition doctrine must evolve accordingly.

iii. Element 3: Object

The statute criminalizes conspiracies designed to overthrow or destroy government, oppose authority, or prevent, hinder, or delay execution of law. The administrative actions catalogued in Section IV.B satisfy multiple statutory objects simultaneously: Schedule F reclassification opposes the authority embedded in civil service protections, which exist specifically to insulate administration from factional control. DOJ politicization prevents execution of criminal law against allies while weaponizing it against opponents.

This is not prosecutorial discretion. It is the conversion of law enforcement into factional enforcement. IG office elimination hinders the statutory oversight function that Congress embedded in executive agencies to prevent precisely this kind of abuse.⁶⁸ Emergency power declarations delay execution of congressional appropriations law by redirecting funds or refusing to disperse said funds without statutory authorization, or both. These are not incidental byproducts of aggressive policy. They are the structural objectives. The intent is not to govern differently within constitutional constraints. The intent is to remove the constraints.

iv. Element 4: Intent

Intent need not be proven through confession or explicit directive. In both criminal and constitutional law, intent may be inferred from conduct, foreseeable effects, and systematic alignment toward a prohibited outcome.

When administrative actions consistently target oversight mechanisms, systematically concentrate executive power, predictably disable institutional checks, and align across agencies toward a common structural effect, the inference of coordinated intent becomes overwhelming. The alternative hypothesis, that these outcomes are coincidental, collapses under the weight of the pattern.

This is not speculative attribution. It is the only explanation consistent with the evidence. A rational actor seeking to govern within constitutional limits would not dismantle the institutions that enforce those limits. A rational actor seeking to eliminate constitutional limits would do exactly what has been done.

The question is not whether § 2384 reaches this conduct, but whether courts will recognize what “force” has become. Thus, administrative

⁶⁸ “President Trump’s firing of inspectors general”, *supra* note 17.

sabotage qualifies as sedition when intent can be inferred from pattern and effect, the actions systematically reduce institutional capacity, the executive consolidates powers intended to be distributed, statutory roles are nullified through reclassification, and lawful oversight is neutralized.⁶⁹

On this reading, the administrative actions of 2020–2025 are not policy disputes. They are structural attacks. And because the effects are disabling lawful authority, transferring power to a faction, undermining elections, and corrupting the rule of law, these actions meet every functional metric of an attempt to overthrow constitutional order.

D. Administrative Force as the Operational Arm of the Coup

Reality Inversion creates the cognitive battlefield. Administrative Force executes the actual coup. The public cannot resist administrative sedition when they cannot recognize it, have been conditioned to view it as "restoring democracy," believe neutral officials are "deep state operatives," and have lost the ability to distinguish lawful authority from factional control. Thus, Administrative Force is the mechanism. Reality Inversion is the permission structure. The two together form the architecture of modern sedition.

Modernizing the concept of force in the context of seditious conspiracy would itself be unprecedented. But for such a doctrinal shift to be necessary, the underlying events must first be unprecedented in nature, scale, and effect. Where the mechanisms of subversion evolve beyond historical forms, the law's understanding of force must evolve accordingly, or constitutional order becomes defenceless against modern authoritarian capture.

V. THE NONLINEAR MUTATION: A TIMELINE OF INVERSION AND COLLAPSE

One of the central failures in contemporary analysis of American authoritarian drift is the assumption that historical models provide a reliable roadmap. Most comparisons rely on linear frameworks derived from twentieth-century cases such as Germany, Italy, Spain, and Chile, where authoritarianism followed a relatively predictable sequence of escalation. That assumption is no longer valid.

⁶⁹ See notes 59–60 (intent inferable from pattern and effect); notes 62–65 (systematic reduction of institutional capacity); notes 10, 12 (consolidation of powers intended to be distributed); note 9 (nullification of statutory roles through reclassification); and note 17 (neutralization of lawful oversight).

This paper's most original contribution is the identification of nonlinearity as the defining characteristic of the modern American authoritarian mutation. The steps toward authoritarian consolidation have not occurred in historical order. Instead, they have unfolded opportunistically, asymmetrically, and in parallel. Then revealing specific structural vulnerabilities unique to the United States. This section formalizes that insight.

A. The Classical Linear Model of Authoritarian Consolidation

Historically, authoritarian movements tend to follow a recognizable progression: first delegitimizing the press to control information, then targeting minorities and dissenters to create internal enemies, discrediting political opposition as illegitimate or treasonous, purging the civil service to remove institutional resistance, rewriting public reality through propaganda, consolidating power through law, and ultimately suspending or nullifying elections. This model assumes a centralized leadership, a gradual escalation of coercion, and the primacy of physical or legal force. Most early warning systems for democratic backsliding are calibrated to detect this order.⁷⁰ That calibration has failed.

B. The American Mutation: Steps Executed Out of Order

What has occurred in the United States does not follow the historical script. Instead, the following sequence has unfolded: Reality Inversion has preceded censorship. The population was radicalized into an alternate epistemic reality before any systematic suppression of the press occurred. Rather than silencing critics, the movement rendered them irrelevant by saturating the information environment with competing realities. This allowed authoritarian narratives to spread without the political cost of overt censorship. Delegitimization of elections preceded institutional capture.

Claims that elections were "rigged," "stolen," or "illegitimate" emerged before meaningful control over election infrastructure or courts had been

⁷⁰ Levitsky & Ziblatt, *How Democracies Die*, *supra* note 5 at 21–24 (identifying four key indicators of authoritarian behaviour: rejection of democratic rules, denial of legitimacy of opponents, toleration of violence, and curtailing civil liberties). These indicators assume sequential escalation.

secured.⁷¹ This inverted logic conditioned a large segment of the population to reject outcomes in advance, regardless of reality.

The result was psychological preauthorization for future power grabs. Judicial capture occurred before emergency rule. In historical cases, courts are neutralized after crises justify extraordinary powers. In the American case, judicial capture preceded crisis escalation. This ensured that when executive overreach occurred, it would be legally insulated rather than constrained. The judiciary became a stabilizing force for authoritarian action rather than a barrier against it.⁷² Administrative purges were attempted before full legal consolidation. Schedule F and related reclassification mechanisms were deployed before the executive possessed total legal dominance.

This reflects a strategic prioritization of bureaucratic neutralization over statutory reform. In effect, the administration targeted the system's internal brakes first.

C. Why Non-Linearity Matters

This inversion is not accidental. It reflects a system optimized for speed over legitimacy, adaptability over coherence, and deniability over declaration. Non-linear authoritarianism does not wait for ideal conditions. It exploits whichever institutional weakness is currently available. This explains why reality was rewritten before dissent was suppressed, courts were captured before laws were changed, and bureaucracies were purged before statutes were amended.

The movement does not advance in steps. It advances in vectors, so capture in one domain can precede and enable collapse in another.

D. The Swarm Model: Distributed Authoritarianism

This nonlinear pattern is best explained by what this paper terms *Swarm-Based Authoritarian Mutation*. Unlike classical network or "net war" models, swarm-based authoritarianism does not rely on coordination or command; it relies on post-truth indifference, in which alignment persists even as narrative coherence collapses.

Rather than a single command hierarchy, the American authoritarian project functions through decentralized media ecosystems, aligned

⁷¹ Kate Sullivan, "Trump says he will only accept 2024 election results 'if everything's honest'", CNN (2 May 2024), online: <cnn.com> [perma.cc/S7GB-L46D?type=standard].

⁷² *Noem v Vasquez Perdomo*, 606 US __ (2025) (Justice Kavanaugh concurring).

ideological actors, legal advocacy groups, administrative operatives, political influencers, and judicial allies.⁷³

Each actor pursues local objectives that collectively advance authoritarian consolidation even in the absence of explicit coordination, creating a system that is resilient to disruption, difficult to attribute legally, and immune to traditional conspiracy analysis.

The swarm does not need orders; it needs alignment.

E. Structural Weaknesses Exposed

This out-of-order progression reveals specific vulnerabilities in the US constitutional system. Many democratic safeguards relied on norms rather than enforceable statutes, meaning good faith rather than structural compulsion maintained constitutional boundaries.⁷⁴ Civil service neutrality was assumed rather than protected, leaving independent institutions without structural insulation.

Free-speech doctrine lacked mechanisms to address Reality Inversion, creating a form of speech absolutism without epistemic defence. And sedition law, frozen in a physical-force paradigm, left psychological and administrative coercion legally invisible. These weaknesses explain why the system did not merely bend; it failed to recognize the attack while it was underway.

F. Why Traditional Counterstrategies Failed

Liberal democratic defences are designed to counter coups, insurrections, censorship, and explicit authoritarian declarations. They are not designed to counter administrative sabotage, epistemic fragmentation, incentive-aligned networks, or norm erosion without formal violation. As a result, the system responded too late, using tools calibrated for the wrong threat model.

G. The Implication

The American authoritarian crisis cannot be reversed using historical playbooks. A nonlinear threat requires a nonlinear defence, one that recognizes administrative force, psychological coercion, and networked action as constitutionally relevant forms of attack. Failure to update the analytical framework ensures continued misdiagnosis.

⁷³ The Heritage Foundation, *supra* note 3.

⁷⁴ Levitsky & Ziblatt, *How Democracies Die*, *supra* note 5 at 97–101.

VI. CONSTITUTIONAL IMPLICATIONS: WHY SEDITION LAW MUST EVOLVE

The preceding sections establish that the American authoritarian mutation operates through mechanisms largely invisible to traditional constitutional and criminal law frameworks. This creates a dangerous asymmetry: the most effective tools for dismantling democratic governance are precisely those least likely to be recognized as unlawful.

If constitutional law continues to define “force,” “conspiracy,” and “attempt” in exclusively physical or overtly violent terms, it will remain structurally incapable of responding to modern threats. Sedition law, in particular, must evolve or risk obsolescence.

A. *The Obsolescence of the Physical Force Paradigm*

American sedition statutes were drafted in an era when threats to constitutional order were expected to take one of two forms: armed rebellion, or overt coordination to overthrow lawful authority. Both models presume visible violence, explicit intent, and centralized organization.⁷⁵

Modern authoritarian movements, especially in advanced administrative states no longer rely on these mechanisms. Instead, they exploit legal authority itself as a weapon. This renders physical-force centric definitions insufficient and dangerously misleading.

Under current doctrine, actions that disable oversight without firing a shot, corrupt elections without altering ballots, neutralize courts without dissolving them, and dismantle administrative neutrality without suspending the *Constitution* often remain legally categorized as “policy disputes” rather than constitutional attacks. This classification error is the core legal vulnerability.

B. *Expanding the Legal Definition of “Force”*

This paper argues that “force” in the context of sedition must be reconceptualized to reflect how power operates in modern democratic states. Force should be understood to include two categories. Administrative Force encompasses deliberate acts intended to disable institutional checks and balances, purges designed to replace neutral civil

⁷⁵ Act to Codify Title 18, *supra* note 58; Rahman, *supra* note 60 at 115 (treating seditious conspiracy as requiring the use of force and not mere advocacy); *Haywood v United States*, 268 F 795 at 798, 800 (7th Cir 1920) (discussing the “force” element in § 2384).

servants with ideological loyalists, and structural sabotage that renders agencies incapable of lawful function.

Psychological Force encompasses coordinated Reality Inversion deployed by state actors, systematic destruction of epistemic sovereignty, and the conditioning of populations to reject lawful authority through fabricated realities.

This is not a metaphorical expansion. It is a functional one. If the effect of an action is to remove the public's ability to govern itself, or the state's ability to enforce constitutional limits, then the action constitutes force against the constitutional order. Regardless of whether it is physically violent.

C. Intent Without Explicit Orders

Traditional conspiracy doctrine assumes intent must be demonstrated through explicit communication, direct orders, or centralized coordination. This assumption collapses under swarm-based authoritarianism. In modern networked systems, intent emerges from patterned behaviour, coordination arises from aligned incentives, and action is synchronized through shared narratives rather than commands.

A legal framework that requires explicit agreement before recognizing conspiracy will systematically fail to detect emergent authoritarian coordination.

Proposed Doctrinal Shift: Sedition law must recognize inferred intent from consistent aligned actions, functional conspiracy without explicit communication, and attempt defined by institutional degradation rather than proximity to violence. This mirrors developments in other areas of law such as antitrust and organized crime, where courts already recognize nonexplicit coordination as legally actionable.⁷⁶

D. Epistemic Sovereignty as a Constitutional Interest

A core implication of this paper is that epistemic sovereignty, the public's capacity to access shared reality is a prerequisite for every other constitutional right. Without shared facts, elections lose meaning, consent becomes incoherent, accountability collapses, and law loses legitimacy.

⁷⁶ *Theatre Enterprises v Paramount Distributing*, 346 US 537 (1954) (distinguishing "conscious parallelism" from conspiracy); *Matsushita Electrical Industrial Co Ltd v Zenith Radio Corp.*, 475 US 574 (1986) (permitting circumstantial evidence of conspiracy); *United States v Elliott*, 571 F (2d) 880 (5th Cir 1978) (recognizing RICO conspiracy via patterned activity).

Yet epistemic sovereignty is currently unrecognized as a protected constitutional interest.⁷⁷ This omission allows state actors to destroy the informational foundations of democracy while remaining insulated from legal consequence. Recognizing Reality Inversion as a form of constitutional injury would close this gap.

E. Why This Is Not a Threat to Free Speech

A predictable objection is that recognizing psychological or administrative “force” threatens First Amendment protections. This paper rejects that framing because the target here is not expression, but coercive state architecture.

The distinction is clear. Protected speech expresses opinion, dissent, or belief, even when false, offensive, or destabilizing. Psychological Force, by contrast, involves coordinated state action to destroy shared reality, deploying information operations as an instrument to impair constitutional accountability and democratic function. The target is not belief but coercive architecture: conduct carried out through communicative means for the purpose of institutional incapacitation.

As with fraud, extortion, and obstruction doctrines, the law does not criminalize “speech” as such; it reaches coordinated schemes in which speech is used as the vehicle to produce unlawful effects. Recognizing Reality Inversion as a component of modernized force therefore does not criminalize political expression; it addresses the systematic abuse of power which disables shared fact-finding, oversight, democratic function, and lawful resistance.

The framework proposed here does not criminalize speech or political expression. It targets coordinated state action that uses informational manipulation as an instrument to disable constitutional checks. The distinction is already well established in First Amendment jurisprudence.

The Supreme Court has long recognized that speech can be restricted when it functions as part of a criminal scheme. In *United States v Alvarez*, the Court distinguished between lies told for expressive purposes (protected) and lies told as part of fraud schemes (unprotected).⁷⁸ In *Virginia*

⁷⁷ While the Supreme Court has recognized informational interests in limited contexts—see *Red Lion Broadcasting Co v FCC*, 395 US 367 at 390 (1969) (public’s right to receive information); *Richmond Newspapers, Inc v Virginia*, 448 US 555 at 575 (1980) (First Amendment encompasses right to receive information)—it has not articulated epistemic sovereignty as a foundational constitutional prerequisite.

⁷⁸ 567 US 709 at 718–19, 723 (2012) (distinguishing lies told for self-aggrandizement from fraud schemes).

v Black, the Court held that cross burning is protected expression except when used as a "true threat" to intimidate.⁷⁹ In *Holder v Humanitarian Law Project*, the Court upheld criminal prohibitions on providing material support to terrorist organizations even when that "support" took the form of speech, because the speech functioned as part of a broader criminal enterprise.⁸⁰

Similarly, fraud, extortion, and obstruction statutes all regulate conduct accomplished through speech without violating the First Amendment. In *United States v Williams*, the Court held that speech integral to criminal conduct receives no First Amendment protection.⁸¹ The proposed expansion of sedition doctrine follows this established principle: where speech is deployed as the mechanism of an unlawful scheme to disable constitutional order, it is the scheme, not the speech itself that is targeted.

This framework includes three limiting principles to prevent overbreadth. First, it requires state action or state-adjacent coordination. Individual citizens expressing false beliefs, even systematically, remain fully protected. Only when state actors deploy informational operations to systematically incapacitate oversight mechanisms does the conduct become actionable.

Second, it requires proof of intent to disable constitutional checks. Policy advocacy, even when based on false premises, remains protected. The target is institutional sabotage, not policy disagreement.

Third, it requires material effect on institutional capacity. Mere expression of views, however destabilizing, is insufficient. The framework reaches only conduct that demonstrably degrades the functional capacity of oversight institutions to constrain executive power.

Under these limiting principles, Reality Inversion becomes actionable only when deployed as a coordinated state mechanism to systematically disable the public's capacity to recognize and resist unconstitutional action. This is no broader than existing fraud or material support doctrine, and narrower than many forms of unprotected speech already recognized in First Amendment jurisprudence.

Two foundational First Amendment cases warrant specific attention. In *Brandenburg v Ohio*, the Court established that government may not punish advocacy of unlawful action unless it is "directed to inciting or producing

⁷⁹ 538 US 343 at 359–60, 363 (2003).

⁸⁰ 561 US 1 at 28–29 (2010) (upholding prohibition on providing "training" and "expert advice" to designated terrorist organizations even when intended for peaceful purposes).

⁸¹ 553 US 285 at 297–98 (2008).

imminent lawless action and is likely to incite or produce such action."⁸² The framework proposed here does not conflict with *Brandenburg* because it targets coordinated state action that disables constitutional checks; conduct, not advocacy. Similarly, in *Yates v United States*, the Court distinguished between abstract advocacy of governmental overthrow (protected) and advocacy directed at producing unlawful action (unprotected).⁸³ Reality Inversion and Administrative Force fall on the conduct side of this line: they are mechanisms of institutional sabotage, not protected political expression.

F. The Cost of Inaction

Documenting the crisis is not enough. When the judiciary prepares for conflict with those who would undermine it, it can entrench a bad-faith defence built from the same procedural loopholes and institutional weaknesses that enabled the crisis.

If sedition law remains frozen in its eighteenth and nineteenth-century formulations, the result is not neutrality, it is permissiveness. The *Constitution* cannot defend itself against attacks it does not recognize. Failure to update legal doctrine ensures that future authoritarian efforts will proceed lawfully, bureaucratically, incrementally, and with judicial cover. By the time overt violence appears, the constitutional order may already be functionally hollow.

G. Toward a Modern Constitutional Defence

The evolution proposed here does not expand executive power; it constrains it. By recognizing administrative sabotage and psychological coercion as forms of constitutional attack, sedition law can be realigned with its original purpose: defending lawful democratic order against internal subversion. The alternative is to continue fighting modern threats with obsolete tools.

VII. THE CANADIAN MIRROR: CONSTITUTIONAL FRAGILITY WITHOUT PRECEDENT

The preceding analysis has mapped the architecture of modern sedition as it has emerged in the United States: the deliberate replacement of shared factual reality, the weaponization of administrative machinery, and the

⁸² 395 US 444 at 447 (1969) (per curiam).

⁸³ 354 US 298 at 318–20 (1957) (distinguishing advocacy of abstract doctrine from advocacy of action).

swarm-based networked coordination that renders traditional legal frameworks structurally blind to the most consequential attacks on constitutional order. A Canadian reader may be tempted, at this point, to treat the foregoing as a cautionary tale about a neighbouring republic, relevant as context, perhaps, but remote from Canadian constitutional experience.

That temptation should be resisted. This section does not argue that Canada is currently experiencing an authoritarian mutation of the kind documented above. It argues something more precise, and in certain respects more unsettling: Canadian constitutional architecture has never been required to prove it could stop one.

The relative absence of Canadian sedition litigation is not evidence of structural immunity. It is evidence of structural untestedness. And the American case study, read carefully, does not function merely as a warning about the United States. It functions as a diagnostic tool, one that reveals, with uncomfortable clarity, the fault lines that exist in any constitutional democracy that has confused the absence of crisis for the presence of protection.

A. The Canadian Sedition Framework: Force Without Modern Definition

Canadian sedition law is codified in sections 59 through 61 of the *Criminal Code*.⁸⁴ Section 59 defines seditious words, seditious libel, and seditious conspiracy by reference to a "seditious intention," which is in turn defined as an intention to bring into hatred or contempt, or to excite disaffection against, the Sovereign, the Government of Canada, or the administration of justice, or, critically, to raise discontent or disaffection among the people of Canada, or to promote feelings of ill will and hostility between different classes of persons.⁸⁵

The operative doctrinal anchor is *R v Boucher*, decided by the Supreme Court of Canada in 1950.⁸⁶ In *Boucher*, the Court held that seditious intention requires incitement to violence or public disorder as a necessary element.⁸⁷ In doing so, the Court substantially narrowed the earlier, broader conception of sedition that had been used, notoriously, against political dissidents and labour organizers in the early twentieth century. The *Boucher*

⁸⁴ RSC 1985, c C-46, ss 59–61.

⁸⁵ *Ibid*, s 59.

⁸⁶ 1950 CanLII 2 (SCC) [*Boucher*].

⁸⁷ *Ibid* at 315.

narrowing was constitutionally salutary. It curtailed a doctrine that had been deployed as an instrument of political repression.

But the doctrinal consequence of *Boucher* is that Canadian sedition law, like its American counterpart, is anchored in a model of force as physical and kinetic. To constitute seditious conspiracy under Canadian law, the conduct at issue must be connected, directly or by inference, to incitement of violence or public disorder.

Administrative restructuring, however systematic. Epistemic coercion, however coordinated. Bureaucratic redesign intended to disable oversight. None of these, under current doctrine, would clearly constitute the "force" that sedition law requires. This is the same structural blind spot identified in the American context. The mechanism set is different; the doctrinal gap is the same.

B. The Proof of Untestedness: Limited Case Law as Structural Signal

One of the most telling features of the Canadian sedition framework is how rarely it has been invoked. Since *Boucher*, there has been no major Supreme Court of Canada decision developing or applying the sedition provisions of the *Criminal Code* in a politically significant context. The provisions exist. The doctrine has not evolved.

In most areas of law, the absence of litigation might reflect the adequacy of the existing framework: there is no litigation because the law is clear, well-understood, and effectively deters the conduct it prohibits. In the context of sedition, the absence of litigation reflects something categorically different, namely the absence of conditions that would force the question. Canada has not experienced a sustained and successful executive effort to disable institutional oversight through administrative mechanisms. Canada has not experienced a coordinated Reality Inversion campaign deployed by state actors to render epistemic accountability functionally impossible.

Canada has not faced a situation in which federal enforcement agencies operated outside professional accountability structures while cabinet officials provided coordinated narrative legitimation for lethal force against citizens. Because Canada has not faced these conditions, Canadian courts have never been required to determine whether the existing sedition framework could address them. The law has not been tested because the stress test has not occurred.

This is not reassurance. It is the precise condition under which latent structural fragilities remain invisible, until they are not.

C. Constitutional Architecture and the Limits of Norm-Dependence

The American case study demonstrates, with granular specificity, what happens when constitutional constraints that depend on good-faith compliance encounter an executive that believes defiance carries limited institutional consequence. Courts issue rulings. Agencies restructure around them. Administrative mechanisms are substituted. The ruling stands; the policy continues. The form of legality is maintained while its substance is hollowed out.

The relevant question for Canadian constitutional architecture is not whether this scenario is likely in Canada. It is whether Canadian constitutional structure would meaningfully constrain it if it occurred.

The honest answer requires acknowledging that Canadian constitutional democracy, like its American counterpart, depends significantly on norm compliance rather than structural compulsion. Courts do not command armies. Declarations of constitutional invalidity depend on executive willingness to be bound by them. Parliamentary accountability mechanisms, including Question Period, non-confidence votes, and the conventions of responsible government, operate through political culture as much as through enforceable legal rule.

This norm-dependence is not unique to Canada, and it is not inherently pathological. Constitutional systems cannot function through structural compulsion alone; the legitimating force of law depends, at some foundational level, on the consent of those it governs and the good faith of those it constrains. But the American experience has demonstrated, with extraordinary clarity, how quickly norm-dependent systems can be exploited by actors who recognize the gap between what the law requires and what the law can enforce.

The Federal Court of Canada's 2024 ruling in *Canadian Frontline Nurses v Canada (Attorney General)* is instructive in this regard.⁸⁸ The Court found that the invocation of the *Emergencies Act* in response to the Freedom Convoy blockades did not meet the statutory threshold required to justify its use; the situation did not constitute a "national emergency" within the meaning of the Act.⁸⁹

⁸⁸ 2024 FC 42 [*Canadian Frontline Nurses*], aff'd *Canada (Attorney General) v Canadian Civil Liberties Association*, 2026 FCA 6. The Federal Court found that the Governor in Council's determination that a public order emergency existed was unreasonable and did not meet the threshold established by the *Emergencies Act*, RSC 1985, c 22 (4th Supp) (*Ibid* at paras 254–55, 294, 297).

⁸⁹ *Canadian Frontline Nurses*, *supra* note 88 at para 255.

This was a significant ruling. It was also a ruling that arrived after the *Emergencies Act* had already achieved its operational objectives: the blockades had been cleared, the occupation had ended, and the extraordinary powers had been exercised.

The temporal gap between executive action and judicial review produced a situation in which the law was vindicated in principle after the fact, while executive conduct achieved its practical objectives in real time. The court ruled correctly. The ruling came too late to constrain the action it evaluated. This is the same temporal asymmetry identified as a structural feature of the American framework. It is not a uniquely American vulnerability. It is a structural feature of constitutional systems in which judicial review operates retrospectively while executive action operates immediately.

D. Majority Government and the Consolidation Risk

The American authoritarian mutation has unfolded against the backdrop of a constitutional structure designed with multiple veto points: a bicameral legislature, a separately elected executive, a federal judiciary with life-tenured appointments, and a federalist structure that distributes governmental authority across fifty states. Even within that structure, the mechanisms of executive consolidation documented in this paper have proven remarkably effective.

Canadian constitutional structure differs from the American model in ways that cut in both directions. Parliamentary fusion of executive and legislative authority means that a disciplined majority government exercises powers that the American system deliberately fragments. In the Canadian system, the executive that controls the legislature that approves the budget that funds the agencies that conduct oversight is the same executive whose conduct those agencies are charged with overseeing. The structural insulation between branches that the American system attempts to enforce through constitutional separation is, in the Canadian system, maintained primarily through political culture and intra-party constraint.

This does not mean that Canadian majority governments routinely abuse these consolidated powers. The historical record suggests they generally do not. But the absence of routine abuse should not be confused with the absence of structural capacity for abuse. A constitutional system in which the primary constraints on executive consolidation are political rather than structural, encompassing party discipline, public opinion, and electoral consequences, is a system whose resilience depends on the very

political culture that a sustained Reality Inversion campaign would be designed to erode.

The sequence matters. If the epistemic preconditions for political accountability are undermined before the political accountability mechanisms are tested, the political constraints may not hold at the moment they are most needed. This is not a hypothetical dynamic. It is the dynamic documented in Section III of this paper, operating in a different constitutional context.

E. The Shared Doctrinal Blind Spot

The convergence between Canadian and American sedition law is not accidental. Both frameworks were developed in an era when threats to constitutional order were expected to manifest as armed insurrection, overt conspiracy, or paramilitary force. Both frameworks define "force" in terms of physical coercion. Both frameworks require a degree of explicit coordination that swarm-based authoritarian dynamics are specifically designed to avoid.

The Canadian framework has the additional feature of having been applied so infrequently that its response to novel threat modalities is genuinely uncertain. American courts have at least had occasion, in cases like *United States v Nordean* and *United States v Rahman*, to grapple with the application of seditious conspiracy doctrine to organized political violence that falls short of classical armed insurrection.⁹⁰ Canadian courts have not been presented with analogous cases in the modern era.

This means that the doctrinal evolution this paper proposes for the American context, recognizing Administrative Force and Psychological Force as legally cognizable forms of coercion that can satisfy the "force" requirement in sedition law, would require Canadian courts to travel an even greater doctrinal distance than their American counterparts. There is less precedent to build on, less judicial infrastructure for the extension, and no recent body of litigation that has begun developing the necessary analytical vocabulary. The doctrinal blind spot exists in both systems. In the Canadian system, the infrastructure for addressing it is correspondingly less developed.

F. Not a Warning. A Diagnosis.

The purpose of this comparative analysis is not to predict Canadian authoritarianism, nor to suggest that the conditions currently present in the

⁹⁰ *Nordean*, *supra* note 60; *Rahman*, *supra* note 60.

United States are imminent in Canada. It is to establish something analytically prior to prediction: that Canadian constitutional architecture has assumed what it has never been forced to demonstrate.

The American crisis has provided, at enormous cost, a stress test of what modern executive consolidation looks like when it encounters constitutional frameworks designed for a different era and a different threat model. The mechanisms it has exposed, including the temporal asymmetry between executive action and judicial review, the norm-dependence of institutional constraints, the swarm-based coordination that defeats traditional conspiracy analysis, and the doctrinal freeze that leaves Administrative and Psychological Force legally invisible, are not uniquely American vulnerabilities.

They are structural features of advanced constitutional democracies that have not updated their defensive frameworks to reflect how power operates in the twenty-first century. Canada has not yet been forced to run this stress test. That is not a constitutional achievement. It is a postponement. And the appropriate response to postponement is not complacency. It is preparation, beginning with the kind of doctrinal modernization this paper has proposed, adapted to the Canadian constitutional context, before the conditions that would make it urgent have arrived.

In Canada, where sedition is codified in the *Criminal Code* rather than developed through common law accretion, that modernization would require either judicial reinterpretation of "force" within the existing statutory language of sections 59 through 61, or legislative amendment, an institutional distinction that does not diminish the urgency of the analysis but shapes the forum in which it must ultimately occur.⁹¹

The architecture of modern sedition does not respect borders. Its mechanisms are portable, its logic is structural, and its doctrinal blind spots exist wherever the law has frozen the definition of force in the era of kinetic violence. Canada is not immune to the structural vulnerabilities the American experience has exposed. Should comparable conditions emerge, including sustained executive pressure on institutional oversight, coordinated epistemic manipulation by state actors, or the deliberate exploitation of norm-dependent constraints, Canadian constitutional architecture would face the same doctrinal blind spots this paper has identified in the American context. The question is not whether Canadian sedition law is adequate for the crises Canada has faced. It is whether it is adequate for the crises Canada has not.

⁹¹ *Supra* note 84, ss 59-61; *Boucher*, *supra* note 86 at 315.

VIII. CONCLUSION: A NEW CATEGORY OF CONSTITUTIONAL THREAT

This paper has argued that the authoritarian crisis confronting the United States does not fit the historical templates through which democratic collapse is typically understood. It is not a repetition of twentieth-century fascism, nor is it a temporary breakdown of democratic norms. It is a structural mutation, one that exploits the informational, administrative, and legal architectures of a modern constitutional state.

Three central claims have been advanced. First, Reality Inversion constitutes a form of Psychological Force: when state actors deliberately engineer an alternative political reality and deploy it to undermine shared factual understanding, they are not merely engaging in political speech; they are coercively disabling the epistemic conditions required for democratic sovereignty. A population deprived of access to shared reality cannot meaningfully consent, deliberate, or hold power accountable.

Second, Administrative Force must be recognized as a modern mechanism of sedition: the deliberate purging, politicization, and degradation of neutral institutions, particularly those responsible for oversight, elections, and legal enforcement, amounts to structural violence against constitutional order. When lawful authority is hollowed out from within, the absence of physical force does not negate the presence of constitutional overthrow.

Third, the American authoritarian trajectory is nonlinear, networked, and swarm-based: it advances through distributed actors, aligned incentives, and informational ecosystems rather than centralized commands or overt coups, making it uniquely difficult for traditional legal frameworks designed to detect explicit conspiracies and physical rebellions to identify or constrain.

Taken together, these dynamics expose a critical gap in constitutional defence. Sedition law, as presently conceived, remains tethered to obsolete assumptions about how power is seized and abused. By treating force as exclusively physical and conspiracy as necessarily explicit, existing doctrine systematically fails to recognize the most effective contemporary threats to democratic governance.

This paper does not propose an expansion of state repression, nor does it advocate the criminalization of dissent or belief. On the contrary, it argues for doctrinal modernization in defence of constitutional liberty. Recognizing administrative sabotage and psychological coercion as legally cognizable forms of force would restore sedition law to its original purpose:

protecting democratic self government from internal subversion. The cost of failing to adapt is not hypothetical. A constitutional order that cannot identify how it is being dismantled cannot meaningfully defend itself. By the time overt violence or formal suspension of democracy occurs, the underlying institutional and epistemic structures may already be irreparably compromised.

The United States is not reliving history. It is entering a new category of constitutional vulnerability, one that demands new analytical language, updated legal definitions, and a clearer understanding of how modern power operates. This paper offers a foundational framework for that task.⁹²

June 2026:

*As liberty loses its light,
those that should defend it lie scared and
complicit.
Those that would fight it stand proud but
disappointed,
betrayed by a constitution that was meant to
defend.*

⁹² For the argument that constitutional orders require constant reinterpretation to address new threats, see Bruce Ackerman, *The Decline and Fall of the American Republic* (Cambridge, MA: Harvard University Press, 2010) at 3–28.