

CNN News Central

01/30/26

8:18:43 a.m.

7 minutes and 17 seconds

SARA SIDNER: Brian, it cannot be overstated. This is a stunning move by the Department of Justice. Going after a journalist, arresting Don Lemon. What do you see has happened here? Because a magistrate judge just last week told them, no, you are not going to lump him in with those who were protesting. He was there as a journalist. What could have changed, A, and B, how do you see this by the administration, what they have just done?

BRIAN STELTER: Right. This is a First Amendment test with multiple dimensions. The First Amendment protects the work of journalists. It also protects the right of worshippers to go to church and be able to peacefully assemble and worship and practice their faith. And the argument that we have heard from Trump officials is that that right to worship was infringed not just by the protesters who walked into that church and started chanting, but also by Don Lemon, because he and his crew members were there. Lemon has said all along that he was there not as an activist, but as a journalist. In fact, he was saying those words and repeating that out loud when he was inside the church. But he clearly knew something was taking place that day with the protesters. He told his viewers on YouTube to stay tuned because there was something about to happen. He was careful not to have his camera crew walk into the church until there was a disruption. And I would urge people to go online, actually watch the YouTube videos, see how it all went down. I think Lemon's reporting from inside the church was very valuable. As a viewer, I learned a lot about how it happened, how it all went down. He interviewed some of the protesters in real time, yes. He also interviewed some of the worshippers, and I thought their comments were really insightful about what they went through, about how troubled, how scared they were by the disruption. At the same time, like I said, you learned a lot from the protesters about why they decided to show up there, believing that one of the pastors at the church also worked for ICE. So, this video on YouTube, this is the real focal point. This video, of course, happened on a Sunday morning. This video was then streaming for everyone to see. And by Monday, the day after that incident, there was a lot of online outrage on the right. Many calls from MAGA loyalists to have Lemon arrested. I think an important part of the story here is the amount of pressure the Justice Department, Pam Bondi and others have been under from the right to arrest Lemon, to take action like this. And as you said, an initial attempt to do so failed in Minnesota. Now we're seeing another attempt to do so. And Lemon did say on his livestream last week he expected the government would keep coming for him. I think I view this in context with Trump administration attempts to target other perceived critics. Think about Letitia James. Think about James Comey. Think about the many cases we've covered in the past year of Trump retribution. Don Lemon is another figure on that list. President Trump has repeatedly attacked Lemon, both when Lemon was an anchor here at CNN, but again, more recently. Trump has made no secret of his disdain for Lemon. And Lemon, of course, has been harshly critical of President Trump for many years as well. So he is a Trump foe and this is another example of the administration targeting a Trump foe. A friend of Lemon's tells me, as Kara just said, he did spend the night in jail. He's still in custody. His friends don't seem to know what the charges are yet. But the pressure from the right to take this action was really, really severe. And you're going to see some people, you know, on

the MAGA right who are going to cheer this. At the same time, many First Amendment groups, many press freedom advocates are going to say this has a real chill because Lemon walked in, yes, with a microphone and a camera to document what happened at the church. And frankly, I think viewers are better off for him having told us what happened in the church that day.

SIDNER: He also spoke to the pastor that day. And we should be clear, committing journalism is not a crime.

STELTER: Yes.

SIDNER: It is not a crime in this country. It is a crime in other countries, but not here. So if all they have is that he went into the church and started interviewing people after the protest entered the church, it will be very interesting to see how they explain that when it comes to the First Amendment, which the President has consistently complained that other peoples and the right has consistently complained that their First Amendment is being crushed, whether it be online or otherwise, by past administrations. It is very, very fascinating to see this happen, but also terrifying to a lot of journalists who are watching this and seeing what happens, especially after this administration also went into a Washington Post reporter's home to take out all of her evidence. She was not the focus of the investigation, but she was someone who was contacting someone who had been giving out information, leaking information. And it's just stunning to see what is happening here with this administration. Now, we do not know at this point in time what the charges are, Brian, but you mentioned the word chilling and I want to get back to that. Do you see this as another step by the administration to scare reporters like yourself, like myself, like others, into being super careful or maybe not even being as critical of the administration?

STELTER: Number one, journalists will not be deterred. We have seen that time and time again in this country, more than a year now since President Trump returned to office, and the reporting continues no matter what. At the Washington Post, that example recently, that FBI raid has been met by legal action by the Post, fighting in court to get that reporter's phone — her phone and her computers back. With Don Lemon, what did he do as soon as there were threats about him? He hired one of the best attorneys in the country when it comes to these kinds of cases. Abe Lowell, who put out the statement this morning, he has been a go-to lawyer. He's a D.C. mega-lawyer. He has been for decades. But he's been a go-to lawyer for people who are perceived to be targets of President Trump. So Lemon has called in reinforcements, so to speak, believing this could and would happen. It is notable that Lemon is an independent journalist, meaning he no longer works for a big media outlet. When he left CNN, he launched a YouTube channel, a Substack, a variety of different platforms on social media to produce videos, some of which are very entertaining, some of which are opinionated, and some are straightforward journalism. And he now has a very big footprint across Instagram, YouTube, and other platforms. So he's an independent journalist, which means he doesn't necessarily have a team of lawyers and others with him at a newsroom to support him in a moment like this. But as I said, he did hire one of the best attorneys on this topic to defend him, expecting that this could happen. You know, this idea of a chilling effect, yes, it is real. There's been a chill in the air for the past 12 months or so when it comes to reporting in the U.S. And yet the work is still being done and by the way, Lemon was not the only person with a camera inside that church. I'm waiting to see if anybody else who was trying to film inside that

church that day may also be targeted. We now wait to see what exactly the charges are, Sara.

SIDNER: Yes, that will tell us a lot about whether this is a retribution issue or there is something else. We will have to see the charges.

(....)

8:36:31 a.m.

1 minute and 6 seconds

JOHN BERMAN: What did he tell you about what it was that he was doing or covering at this church?

ALISYN CAMEROTA: So, he said that he was covering a protest. This is the Saint Paul church. The protesters had reason to believe that the pastor there was an ICE agent. And so, Don, the way Don described it to me, is that he was doing what we do. He was covering a protest. He wasn't conspiring with them. He didn't — he knew that they were going to be protesting something. He wasn't in on their plans, he says beforehand, which is one of the things that the DOJ has suggested. And then, he stayed outside, he says. The protesters went inside the church, and when he realized that the protest was unfolding inside the church, he then went inside. And so, you know, obviously, our legal experts can describe whether that's trespassing on private property. But either way, that's a misdemeanor. And, you know, the idea that Don Lemon as a journalist has now been arrested is just in an entirely different category.

(....)

8:39:04 a.m.

7 minutes and 35 seconds

JOEY JACKSON: [SIGHS] John, I don't know how clear I could be about this, but I think, you know, everyone knows, an eighth grader knows something about the First Amendment. You know, freedom of speech, freedom of the press, freedom to do what you need to do. You know, before getting into the law, just as a person living in this country, we are in such different and bizarre times. This is heartbreaking to see what's happening here in the event someone is going to be arrested, there should be some scintilla of law which supports and sponsors the arrest or gives probable cause. Understand what happened here, John. Understand the dynamic of going to a judge and asking the judge to evaluate, to determine whether there's criminality. A judge saying no, you going to an appeals court and appeals denying that, but you're still moving forward. Where are we right now? And so, if you want to talk about issues relating to law, it starts there. It's our foundational democracy to do what needs to be done, and that entails reporting on things and holding power accountable, not about power, trying to intimidate and otherwise coerce journalists from not doing their job. At the end of the day, this case is going to end up — yes, prediction right now — the same way the James Comey case ended up nowhere, the same way that Letitia James case ended up nowhere. And so, look, if you want to say that somebody physically coerced someone in a church not to engage in that practice, of course,

there's protections for that, because that's not this.

BERMAN: Let me make clear, because the law is fairly clear about what protesters or demonstrators can do in a church. That may very well may be against the law and that may be clear on that end. But a journalist's presence there, covering it, why is that different?

JACKSON: So, John, that's the distinction. And just to be clear, protesters certainly have rights that are very significant, but not —

BERMAN: Necessarily on private property.

JACKSON: — correct. Not necessarily on private property, and not necessarily those that might transgress another person's right to freely worship. That's another right we hold dear. You freely worship whoever you want to, and it's not up to anybody to physically coerce you, intimidate you, harass you, or injure you in doing that. That's not this case. There's a distinction between someone who's protesting and obstructing someone's rights to engage in their religious freedoms than a journalist who's going in. And you know what's particularly alarming about this is we know that, Don, right? We know Don. He's no fan of the President. He's a critic of the President. He said some very inflammatory things very recently. We know on social media about the president. But so what? That's what we do. And so the legal distinction here from a protester impeding, interfering, physically threatening, et cetera., someone's worship to someone's covering that. It's the moon, the sun, the skies. It's totally different.

BERMAN: It's a different ballgame legally.

JACKSON: Yes, it is.

BERMAN: Listen, I think this discussion is going to go on. Joey Jackson, I do appreciate you laying out the framework for what's happened here and how unusual —

JACKSON: It's crazy.

BERMAN: — maybe even unprecedented it is. Appreciate that. Joey. Our thanks to you. Let's go back to Sara in Minneapolis.

SIDNER: All right. Thank you. John. Great conversation there with you and Joey. Joining me now is Doug Kelley. He is a former U.S. assistant attorney in Minnesota, very well known here and respected here in the state and in this city. Doug, thank you so much for being here. I know you did not come on expecting this, but I just want to recap what has just happened. Former colleague, former CNN anchor Don Lemon has been arrested. We are learning that there is another journalist who is an independent journalist well known here in Minneapolis, who has also been arrested after that. They were covering people who had protested first outside and then inside of a church. They entered the church to talk to people, to report on what was going on. And they have now been arrested. Doug, just to get your thoughts on this, after a judge had already told the DOJ, absolutely not, you will not be allowed to arrest Don Lemon. You cannot

you do not have a case here. We are now learning that he has been arrested by the DOJ, linked, we believe, to his reporting from a church. What are your thoughts on what is happening here?

DOUGLAS KELLEY: First of all, Sara, I am not surprised at all. And you should know that the magistrate judge who refused to sign the criminal complaint. His name is Doug Mickle. He is very respected in this district, and I happen to see a photograph where — of the complaint. And he just — just wrote on the complaint “no probable cause.” I’m sure Abbe Lowell will have fun with that. I’m not surprised, because I knew how relentless Trump goes after his enemies and how much Pam Bondi will follow that. I figured that they probably went to the grand jury and submitted an indictment to them because I don’t think they’d want to go to other magistrate judges to get tried another criminal complaint. So, not surprising. And, as Joey Jackson said, the law is breaking down here in Minnesota

SIDNER: Do you see this as a clear move by the Trump administration? Now, we do not have the details of what he’s being charged with, but if it is linked to the church, he’s been very clear about what he was doing there as a reporter. He got a tip. He went there, he covered it. He went into the church. He talked to people. All of the people — he talked to the pastor, he talked to protesters. He talked to the people inside the church who said that they were scared, doing the job of a journalist. Doug, do you think that this is a move by the Trump administration to squash not the first amendment? Only when it comes to people who are critical of the government in place right now.

KELLEY: Oh, absolutely. This is a pattern by the President, and he will keep it up. It — it is — it’s really scary. And it’s part of what our chief justice, whose name is or I mean, excuse me, our chief judge in Minnesota has called out ICE for and said they have disrespected the law and have denied or — or refused to acknowledge many, many federal judge’s orders. And he is a very well respected person. If I were Trump and Pam Bondi, I would be worried about that because he is a very well known conservative. He was a Scalia clerk, and he wrote a very scathing opinion and said, hey, ICE is not a law unto itself, and they have violated the law in many, many ways. And as Joey Jackson said, Sara, when — when things break down, we now have people disappearing, off the streets and we don’t know where they are. The federal judges ordered them to bring them back, and they just disregard the order. So this — this is a bad situation. Don Lemon is just part of what’s going on now to suppress his political — Trump’s political enemies, the media and anybody who would speak out against him.

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9:07:46 a.m.

9 minutes and 20 seconds

SIDNER: Brian Stelter, now that you are learning that there are two journalists who have been taken into custody, one of whom we know well, our colleague and friend Don Lemon, the other who is very well known here as an independent journalist. She also saying that she was taken into custody, Georgia Fort. I saw her just the other day. She was covering the Ilhan Omar incident. What does that tell you about what the Trump administration is doing here? I mean, the First

Amendment is the First Amendment for a reason.

STELTER: A disturbing escalation against reporting in America and I would also put it in the framework of protests. You know, this is part of an ongoing pressure campaign against protests, especially the kind of provocative, anti-Trump protest action that we have seen makes the administration so uncomfortable and, frankly, make some voters very uncomfortable. This is an action, this arrest of Don Lemon, this arrest of this independent journalist who is livestreaming and reporting in Minnesota. This is something that some MAGA loyalists have been demanding. They've been wanting to see it happen. When Trump promised retribution. This is the kind of retribution that some of his voters not all, but some of his voters, wanted to see. And I think that is, for better or for worse, some of the context for what we're seeing this morning you know, the First Amendment is meant to protect both the reporter's right to report, but also a congregation's right to worship. So, legal experts might say this is somewhat complicated, although Lemon said all along he was there as a reporter, not as an activist. And he did a really important job showing people, all of us now who can watch the video, what happened inside that church. I want to back up to that Sunday morning, that intrusion into City's Church was sincerely shocking to many, many millions of Americans, myself included. You know, people, you know, saw that video. They saw Lemon's video, and they were uncomfortable by what happened inside that church. The idea that worship service was disrupted by protesters and that now there's a very interesting debate about whether the protesters were right or whether they were wrong to go into the church. But that is a political debate, and that's a debate about what forms of protest are effective. The Trump administration's moving that political debate into the legal arena and wanting to take it into court and have a court fight. And we know there have been these attempts to arrest some of the protesters last week who were there. And now we have these arrests of these reporters who documented the scene. I'm reminded of what one of Lemon's friends, Jennifer Welch, said to her on a podcast, Lemon — Lemon was talking to Welch, and Welch said to Lemon, "you are a prize for them: an independent, gay, black, happy, successful man. And this is an attempt to intimidate and beat you down." So, that's how Lemon's friends see this situation, this attempt to charge him and now this actual arrest of Lemon. He's in jail in LA now as an attempt to target another Trump foe. And let me also quote Sara, our colleague Larry Madowo, who's based in Nairobi, who covers Africa for CNN. He wrote on X a few minutes ago, "this arrest is a gift to authoritarian governments worldwide who can now justify arresting journalists they don't like, because even America does."

SIDNER: It — that is stark. It is reality. There is, as we have spoken about, the potential of a major chilling effect, although I certainly am not going to shut my mouth. I know that you won't either. There are many journalists that will continue to — to call a spade a spade. But there is a definite, fear here, especially for those who are independent journalists, who are smaller, who don't have an apparatus around them as they are out in the streets, or if they go into, buildings, whether or not they are protected —

STELTER: By the way, Sara if you don't mind me interrupting —

SIDNER: — and whether they have the means. Sure

STELTER: We have heard, by the way, from Pam Bondi moments ago. She says Lemon's arrested. She mentions Georgia Fort. She mentions two other individuals. She says, all arrested in connection with what happened at the church. So, the attorney general now confirming these arrests, she says four people were taken into custody total.

SIDNER: And we know that one person who was arrested, a protester who was a former NAACP president locally here in Akima Levy-Pounds, she was let out. And she is disputing that they went into church without permission. She said they had permission. We will see how this goes forward. But it is a stunning development that now we know at least two journalists have been arrested by the DOJ because of their coverage of a protest. We'll see what happens next. John.

BERMAN: All right. Sarah, Brian, thank you both so much with us now. CNN legal analyst Joey Jackson, counselor, it's hard to have a dispassionate discussion about this because A, I'm a journalist, B we both know, Don, but let's just try to focus on the law here. What protections does a journalist have when covering a protest like this?

JACKSON: I think you have the free protections, John, of the First Amendment and those — that protection means holding power accountable, asking questions, being present, doing your due diligence and doing your job. I think that's what journalists do. That's what journalists, journalists have historically done. And I think it's shifting into a very dangerous place. Look, there's a distinction between a protester and a journalist. And let's be clear, both have protections. Protesters have protections. I'll say it again. They have protections now. Yes, you have the FACE Act. We were talking about that freedom of access to clinics used in reproductive issues, but also used in churches. And what does it say? It says that you're not going to threaten anyone. You're not going to use physical violence against anyone. You're not going to intimidate anyone for exercising their religious freedoms. You're not going to obstruct them from doing that. And to the extent that you do, there are penalties. And those penalties could range from nonviolent, right? Not that anyone wants to spend a day in jail or six months in jail to ten years, depending upon what it happens. But I think we get into a very dangerous place, right? And again, okay, I'll be dispassionate, even though I think this is ridiculous. You have a situation where you have a journalist covering an event. There's a process. That process requires probable cause for an arrest. You go to a magistrate, you ask the magistrate based upon the evidence you have. Hey, we have Don Lemon here. He's covering this event. The magistrate says no. You then push back his Department of Justice. You go to the appellate court, the appellate court, Eighth Circuit says no, it's not enough here, right? Three judges, 2 to 1. They said there's nothing here. But yet you detain him anyway. And so it's unclear as to the legality of the detention.

BERMAN: If you went through a grand jury, that'd be another way, right?

JACKSON: It would. And just to be clear, grand jurors don't decide guilt or innocence. Right. And we were joking about it. Listen, grand jurors, ham sandwich, right? We've heard that. But a grand jury has 23 members, 12 of which can vote a majority, that there's reason to believe that a crime was committed and that a person committed it. That's it. But remember, also, John, that a grand jury is a function of prosecution. What information do you give the grand jury? What law do you instruct to the grand jury? What specifically do you tell them? There's no pushback.

There's no defense attorney, and there's no defendant in there, right. Generally speaking, giving their side of the story.

BERMAN: Right. This tweet from Pam Bondi announcing the arrest, all she said was in connection with the coordinated attack on City's Church in Saint Paul, Minnesota, in connection with the coordinated attack. We are talking about the FACE Act, which does prohibit getting in the way of freedom of worship, right? Okay. This also was private property. A church is private property. So, there are different laws that apply to the protesters. In theory, it may be that what protesters did, I don't know, but it may be that what protesters did was not legal inside that church, but to the same laws apply to someone covering it.

JACKSON: So, understand this. The laws apply to us all. And I think the problem we're having is the selective enforcement of laws, right? And not to get into this, but you don't want to protest the actions as to Renee Good. And was there any illegality? Now we're getting into the, you know, other issues, but you want to deal with this. Wow. But the bottom line is the laws are evenly applied or should be to everyone, but the application, depending upon the nature of what you're doing, can differ. A protester is there for a specific intent. You're voicing whatever objections or opinions you have as to whatever issues in this case, right? ICE and the pastor being ICE and whether or not you like their tactics. Many Americans are disgusted with the tactics, me included. However, saying that is different a protester from you going, John Berman, Don Lemon, or anyone else and simply covering the event.

BERMAN: Covering the event.

JACKSON: When you're covering the event, you're not engaging or involved in protested activities. You're simply broadcasting those activities so that the rest of the country and community could know what's happening and to that extent, to me, we're in a different world when you're applying the FACE Act, Freedom of Access to Clinics, to a journalist who's covering the events of protesters. So, that's the troubling thing. And then, John, it gets further troubling when a judge says, no, an appellate court says no, but you detain someone anyway, and then you allegedly, we don't know, go to a grand jury, which, again, can indict a ham sandwich.

BERMAN: We are going to learn a lot more about all of this in the next few hours, as there will no doubt be a court appearance. We will see the indictment apparently at some point as well. Counselor Joey Jackson, thank you for explaining all the legal details here. Obviously, this is something that is deeply important not just to us, but to — to the country.

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9:24:51 a.m.
5 minutes and 19 seconds

BERMAN: Now, the breaking news this morning. Two journalists, including former CNN anchor Don Lemon, taken into federal custody by agents. It comes after Lemon covered protests inside a church in Saint Paul, Minnesota. He says he was not part of the protest. He was there

covering it as a journalist with us now, Jackie Kucinich, the Washington bureau chief for *The Boston Globe*, and Margaret Talev, senior contributor for Axios. Let me just ask you both. You're both terrific journalists. When you see something like this happen, Jackie, first to you, what's your reaction when you learn that don and another journalist have been taken into custody?

JACKIE KUCINICH: Well, it's certainly disturbing. And part of a pattern that we've seen with this administration and how aggressive they've been with journalists. Certainly, we've seen the seizure of *The Washington Post* reporter's materials. And also now this so you would imagine there's going to be a vigorous legal battle over this. And then the added layer here of the fact that the President has had words about Don Lemon over the past few years. And this is another chapter in the retribution campaign, so really a lot of norms and a lot of things to be examined here.

BERMAN: Journalist Margaret Talev, your thoughts?

MARGARET TALEV: Well, John, obviously we're all waiting to learn more details of this case, which is breaking right now. But as Jackie said, this administration has taken a number of steps since the beginning that are either meant to curb access to mainstream news gathering outlets or punish or intimidate them for coverage they haven't liked. And I think the Jimmy Kimmel story is also instructive, because although there is a difference between mainstream news gathering and, like, late-night shows that talk about the news and the satirical setting, there is a through line and it involves freedom of speech and what voters told us pretty consistently in a lot of polling and focus groups that were done at that time and this isn't just Democratic voters or independent voters. This is many Republican voters as well, is that they do not want any president to significantly curb free speech or the rights of the press, and they don't want to see intimidation against the press, but I — I'm not sure that this is a public relations play on the part of the administration. I think there are other forces at work here. And the question is, what will the courts say?

BERMAN: Obviously it will come down to what the courts say and how they see the freedom of speech and the freedom of journalists to cover events as they happen. You take a step back here, just — just one perspective that just occurred to me. And this is happening as obviously the President's number is on immigration and the border have gone down, down and down. This as the President's focus on the economy is not what voters say they want to see. They say he's not focused on it enough. So, just in the last 12 hours after Tom Homan says they're drawing down in Minneapolis, President Trump says, no, not at all. And then a few hours after that, the Justice Department basically taking, you know, Don Lemon into custody, voters in the polls have been saying the President is not focused on the things they want him to be focused on. So, Jackie, you know, it's hard to imagine how arresting Don Lemon fits in to what voters want to see on the economy.

KUCINICH: Certainly. I mean, he was supposed to give this big speech on the economy, and obviously he kind of veered into other areas this week. So, he hasn't been able to focus on that because frankly, it's not getting better. And the — I mean, we and we haven't even seen what's

going to happen with the Supreme Court and the — the tariff issue. There isn't a lot of good news on that front. So, he is reaching out to other areas. Now, to your point, immigration has been a very strong place for this President. And that too is tanking in the polls because people aren't happy with what they're seeing in Minneapolis. But I don't — I don't know, as Margaret said, that this is a public relations play by the administration. There are some other things going on here.

BERMAN: Yeah. And just finally, Margaret, I have to let you both go, but is this turning the page on Minneapolis the way that one thought the White House was trying to do?

TALEV: Well, actually, I think you're raising a really good point, because the timing, you can't miss the timing. You've got a situation here where the White House is having to dial back, we think, their approach on ICE, and you're looking at the way that you avert a government shutdown that will play out in the coming hours is, with a two-week extension to figure out whether Democrats and Republicans who don't like the ICE policies can convince the White House to memorialize some of these changes that Homan talked about yesterday. So, you know, these things are all happening at the same time. They send messages to different parts of the American electorate. The Don Lemon messaging may actually be popular with some parts of Trump's base who are not comfortable with the fact that ICE may need to reset its actions.

BERMAN: All right, Jackie, thank you both so much for being with us this morning with so much going on.