

CNN's *The Situation Room*

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PAMELA BROWN: Brian, I want to start with you because this is a significant escalation and a moment for our country.

BRIAN STELTER: Yes. A serious escalation and exactly the kind of action the media lawyers feared might come in Trump 2.0. The notion of arresting a reporter for live streaming and covering a protest, this has been high on the list of potential First Amendment threats. This is the kind of thing we have been concerned, what could happen, the kind of authoritarian action by an administration that wants to suppress the press. Now, the government's going to argue it out. They're going to unseal these charges. Lemon's going to be in court. We're going to find out exactly what he has been charged with. The same is true in the case of Georgia Fort who was taken into custody. She's a popular live streamer and journalist in Minnesota who was also taken into custody. Lemon might be seen as a convenient target. For one thing, he's been a long time Trump foe, someone that Trump has attacked many times. For another thing, Lemon's a one man band, an independent journalist now, no longer working for a big media outlet like CNN, but instead live streaming on YouTube and Instagram and other platforms with his own startup media enterprise. And Fort is in a very similar situation, working in Minnesota, gathering the news and sharing it with her own community. So, this is exactly the kind of threat that press freedom groups have feared. And we are seeing widespread condemnation this morning from groups like the Community Prep Journalists and PEN America. Lemon, I mentioned, has been a long time Trump adversary. You know, the President has demeaned him and denigrated him over the years, including when Lemon worked here at CNN. I remember the night that Lemon had to evacuate the CNN studio because there were bomb threats called in trying to threaten his show. We went outside to the street. He used a cell phone. He continued to anchor his show from outside in the cold. And I remember once the all clear was given and he was able to go back inside the building, we walked back inside and Lemon got back to the news. He started covering the news again. That's what he wanted to do. He didn't want to be the story that night, and he probably doesn't want to be the story right now. But Lemon did expect after this church protest that something like this could happen. Trump administration officials made noise about wanting to arrest him. Some MAGA media loyalists demanded the arrest of Lemon, wanting to see him punished. This very much has Trump retribution vibes. But Lemon said on his Instagram and on his YouTube live stream, after the first attempt at charging him failed, that he expected the government would come around and try this again and he decided anyway to go ahead and fly to Los Angeles this week because he was planning to cover the Grammy Awards. He was very excited to be on the red carpet, to be interviewing celebrities this weekend at the Grammys, and that's where he was taken into custody late last night. So, it's an example of Lemon just wanting to work, sometimes covering entertainment, sometimes reporting the news in Minnesota. He didn't want to be the story today. He wanted to be covering the news. But now we wait to see what exactly the charges are, both in his case as well as in the case of Georgia Fort. Pamela?

BROWN: Right. So, Joey, what is the legal standard here and why is it so important this

distinction that Don said when he was there, he was there reporting what was happening as a journalist and not part of the protests?

JOEY JACKSON: Yes, Pamela, good to be with you and Brian. I mean, you know, listen, when people go to religious services, certainly, and no one should dispute the fact that they have a right to worship. However, there certainly is a right to protest as well. And sometimes what laws do is they balance competing rights. Just to be clear, with respect to the law itself, it's called the FACE Act, federally, and it deals with freedom of access to clinics, you know, and facilities. And so what ends up happening is that it protects reproductive freedoms, it protects religious services. But let's be clear about what the law says. It talks about violent, it talks about the threats of violence, it talks about obstruction, you know, in that regard. And I think it's important to note, so just because you're protesting, that's not making it criminal in and of itself, you have to engage in some other activities associated with the protest such that it does impede and such that it is a threat and such that it is a situation where you're interfering with rights. To the core of your question though, Pamela, I think there's a distinction between protesters and analyzing the federal law that way and a person who is merely there to cover the activities that are being engaged in by the protesters. That's a foundational First Amendment right, the freedom of the press, the freedom of speech that we all enjoy. And when you start going and intimidating and arresting journalists from doing that, certainly, it's suppresses speech. Last point, Pamela, and that's this. What's concerning about this is that a magistrate had been — gone to by the Department of Justice to attempt to get a warrant, the magistrate said no, that there was not enough evidence here to do so. What then happened was is they went, that is the Department of Justice, to an appellate court. They said, by a 2-1 ruling, no, there's not enough. But now we still see him being detained. So, we'll see whether they went to a grand jury or not. But it's beyond concerning when we're in a world where journalists can be arrested for reporting activities of protesters.

BROWN: Yes, that's very important legal analysis there. And, you know, Brian, earlier you had mentioned that Attorney General Pam Bondi had said Independent Journalist Georgia Fort was taken into custody. Here's what Georgia posted online earlier today.

[GEORGIA FORT VIDEO]

BROWN: Brian, your reaction?

STELTER: Wow. Wow. I am amazed and impressed by that reporter's experience, by her calm and no nonsense demeanor. Look, she wanted to literally report on her own arrest and tell her followers and listeners and viewers what the government was doing in real time. She was streaming that on Facebook Live. And that really speaks and testifies to her journalistic instinct. I know many CNN viewers, of course, are very familiar with Don Lemon. They're fans of Don. They might not know who Georgia Fort is. Georgia is a longtime journalist, an Emmy Award winner, a former TV and radio host in the Midwest, now an independent journalist who produces content on Instagram and YouTube and other platforms. She has at least 70,000 followers on Instagram. She has a real core audience in Minnesota that learns about these ICE raids and other actions from her. And when these federal agents came knocking, her instinct was to report on it

and show the viewers what was happening. And I'm grateful we were able to see that and know what it was like for her. Every reaction like this from the government provokes a counter-reaction, and I'm very curious to see how the public will react to a video like that, whether they believe that's an American process, something that looks like America to them. Now, PEN America this morning, the free speech group, says this is part of a "growing pattern of government overreach that threatens press freedom." But I know, and I think you know, Pam, journalists are not going to be intimidated by these arrests. If anything, they're going to take it even more seriously to make sure we are documenting what happens at these protests. Yes, within the bounds of the law, but documenting these protests so that everybody else can see what's going on in Minnesota and beyond.

BROWN: What stands out to you, Joey?

JACKSON: I mean, everything stands out to me. What stands out to me is the environment and climate in which we're living. What stands out to me is if factually this is true, that she's simply taping and filming and doing other things associated with being a press member, why an arrest would be warranted? Where is the criminality? What stands out to me is the fact that you had a magistrate say there was nothing to see here. What stands out to me is that you had an appeal by the Justice Department saying the same thing, and then you go to a grand jury. And let's be clear about a grand jury. A grand jury consists of 23 members, a majority, they don't vote guilt or innocence, a majority, right, of the 23, that's 12, determined two things, whether there's reason to believe that a crime was committed and that the subject of that proceeding committed it. However, grand jury proceedings are done by prosecutor. There's nothing from the defense perspective that's in there. There's not a balancing of evidence. So, what I'm concerned about is that grand jury process. What information, if this indictment is true, was given to that a grand jury to evaluate? How were they instructed as to the law that they were to consider? Were any fabrications given to the grand jury? Because I would refuse to believe in 2025, in the United States of America, if a grand jury simply knew and was given information about a journalist at a protest involving a church, that they would be indicted for engaging in illegality associated with the FACE Act, which has to do with freedom access of clinics, right, and you're talking about a journalist who was simply there who was trying to do that. And so I'm just extraordinarily, Pam, concerned about this in all respects.

BROWN: Yes. Let me just jump in on this question, because I'm just reading here what the initial judge said when DOJ went to the judge asking for a warrant, and this was Judge Schiltz. And this judge said in response that Lemon and his producer were not protesters at all. Instead, they were a journalists and his producer. There is no evidence that those two engage in any criminal behavior or conspired to do so. So, clearly, then DOJ went and found another judge to sign off, but like how significant is that, Joey?

JACKSON: I think it's very significant and it's quite frankly very bizarre. To what length will you go? You are judge shopping to determine someone who is going to ultimately side with you. And then, again, in the event, for example, that this you know, Georgia Fort arrest was done by a grand jury, I'm just curious and a defense attorney's attack all the time the procedural mechanism of a grand jury, the information that the grand jury evaluated, what specifically they were told. If

we're in a society now, Pamela, where we're not arresting people predicated upon lawful violations, but just predicated upon hurt feelings or upon things that are said that we don't trust in, believe in, maybe you don't like Don Lemon, right, maybe if you're the President, obviously, he's a critic of the President, you think he shouldn't be a journalist at all? Is that a basis upon which to arrest someone? It's not. And so I just — I think, Pamela, we need to be really, really careful in the world in which we are living in, where we're just seeing the denigration of law and lawlessness, and it's just — it's alarming and shocking, to say the least.

BROWN: And, Brian, I understand you have a development.

STELTER: FBI Director Kash Patel just tweeted about these arrests, repeating some of what Attorney General Pam Bondi said. Patel saying, "early this morning, the FBI and our partners arrested four individuals in connection with the coordinated targeting of Cities Church in Minneapolis." I think that language is really key here. The government's going to portray this as an attack against the church, a coordinated targeting of that church. They're going to argue, it seems, that Lemon and Fort knew in advance what was going to happen and they were there as part of the coordinated attack, at least that's the public language. We'll see what's in the actual legal court filings. But, notably, from Patel and from Bondi, there's this argument about coordination, and it raises this question, right? Lemon was in Minneapolis covering the protests. He did know something seemed to be planned because he told his YouTube viewers to stay tuned and then he drove to the church. Notably, his cameraman did not go inside until there was a skirmish, until you could hear a protester speaking. So, Lemon was aware of the situation, to some degree, it seems, but he was also aware that he was there as a journalist with a microphone trying to talk to people, trying to find out what happened. So, we're going to hear from the government this idea of coordinated targeting and maybe, if it gets to a jury, we'll find out if a jury agrees.

BROWN: All right. Brian Stelter, Joey Jackson, thank you for putting this all into perspective. We appreciate it and we're going to continue to follow this.