

We the People of the
United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, and promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Article I
Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Section 2. The Senate and the House of Representatives shall be composed of members chosen every second year by the people of the several States, and are entitled to a compensation for their services, to be determined by law, and paid out of the public money.

INDICTMENT



United States v. Lemon

A Forensic Legal Deconstruction

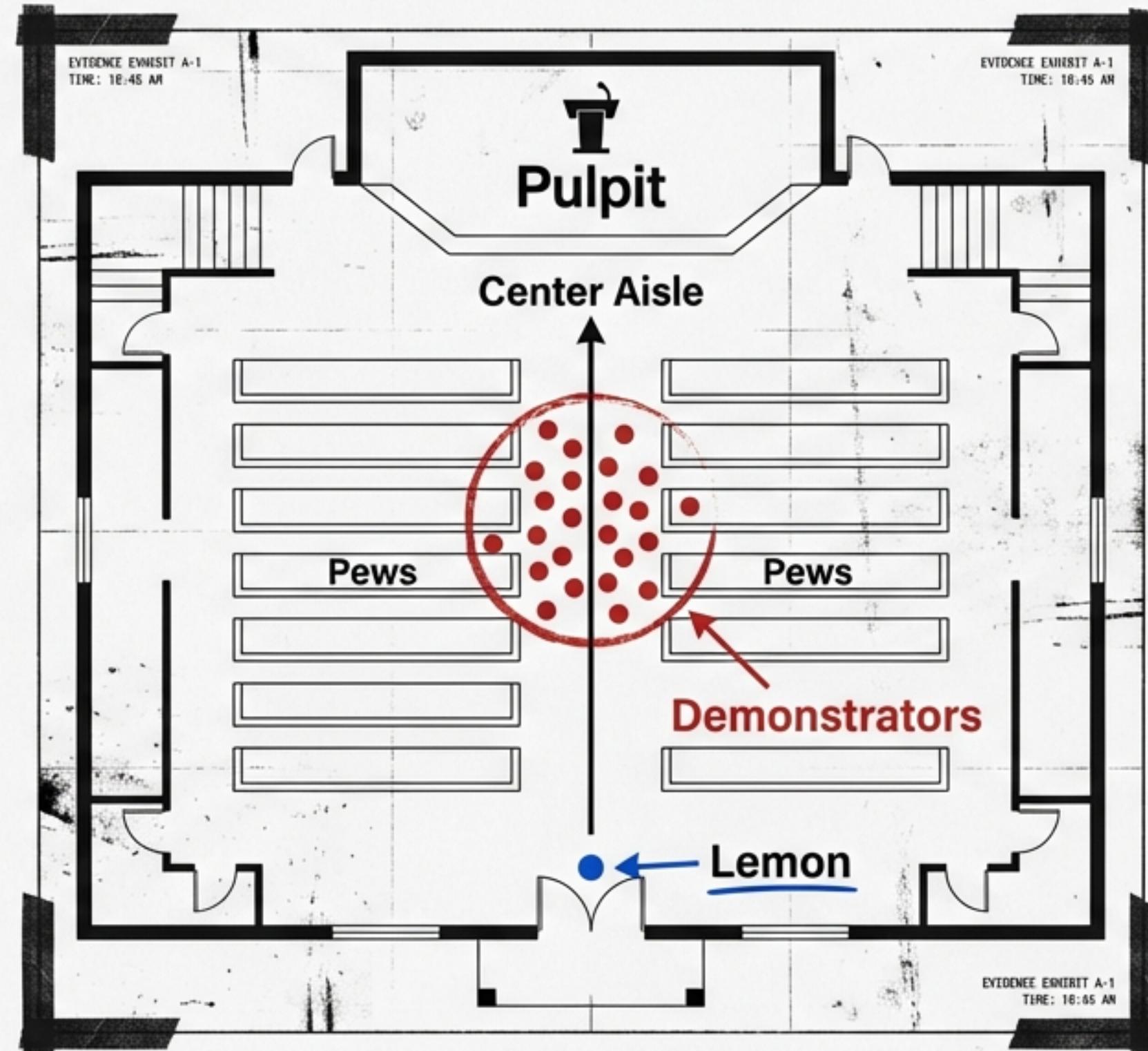
Analyzing the Collision of Press
Freedom, Conspiracy Law, and the
FACE Act (January 2026)

Abstract: On January 30, 2026, journalist Don Lemon was arrested by federal agents. The charges: Conspiracy against rights (18 U.S.C. § 241) and obstruction of religious worship (FACE Act). This deck analyzes the constitutional friction points, applying the IRAC method to determine where newsgathering ends and criminal participation begins.

The Fact Pattern: The Incident at Cities Church

The Protest Helvetica Now Display

- **Date:** January 18, 2026
- **Event:** "ICE Out" protest targeting a pastor/ICE official.
- **Conduct:** Demonstrators occupied the main aisle, disrupted service with chants, refused to leave.



The Journalist Helvetica Now Display

- **Entry:** Entered with the group.
- **Activity:** Filmed demonstrators and congregants; interviewed participants.
- **Allegation:** Indictment claims "physical obstruction" of congregants and "surrounding" the pastor.
- **Note:** Lemon did not chant but remained after dispersal order.

Forensic Editorial

The Pre-Act: Reporting or Co-Conspiracy?

[09:15 AM] Meeting in Parking Lot.
Instructions given for "resistance."

[09:30 AM] **Lemon** to **Livestream**: "I
cannot tell you where we are going."

[09:45 AM] *Audio muffled as mic is
adjusted away from planning circle*

[10:05 AM] **Lemon** to **Co-defendant**:
"Don't give anything away."

The Legal Pivot: Does
knowledge of a crime +
concealing the location
= participation in the
conspiracy?

The Charges: Statutory Elements

The Indictment

18 U.S.C. § 248 (FACE Act)

Prohibition: Use of force, threat of force, or **physical obstruction** to intentionally injure, intimidate, or interfere with any person exercising the First Amendment right of **religious freedom** at a place of worship.

Physical Obstruction = Rendering passage unreasonably difficult.

18 U.S.C. § 241 (Conspiracy)

Prohibition: Conspiracy to injure, oppress, threaten, or intimidate any person in the free exercise of any right secured by the Constitution.

Felony charge; up to 10 years imprisonment.

Issue I: The ‘General Applicability’ Doctrine

Does the Press have special immunity?

“

Journalists have no special immunity from the application of general laws; they are subject to the same civic duties as other citizens.

— Branzburg v. Hayes (1972)

”

“

The press is not exempt from generally applicable laws simply because the violation occurred during newsgathering.

— Cohen v. Cowles Media Co. (1991)

”

Prosecution Theory: A press pass is not a shield against Trespass or FACE Act violations.

Issue II: Trespass & The *Dietemann* Standard

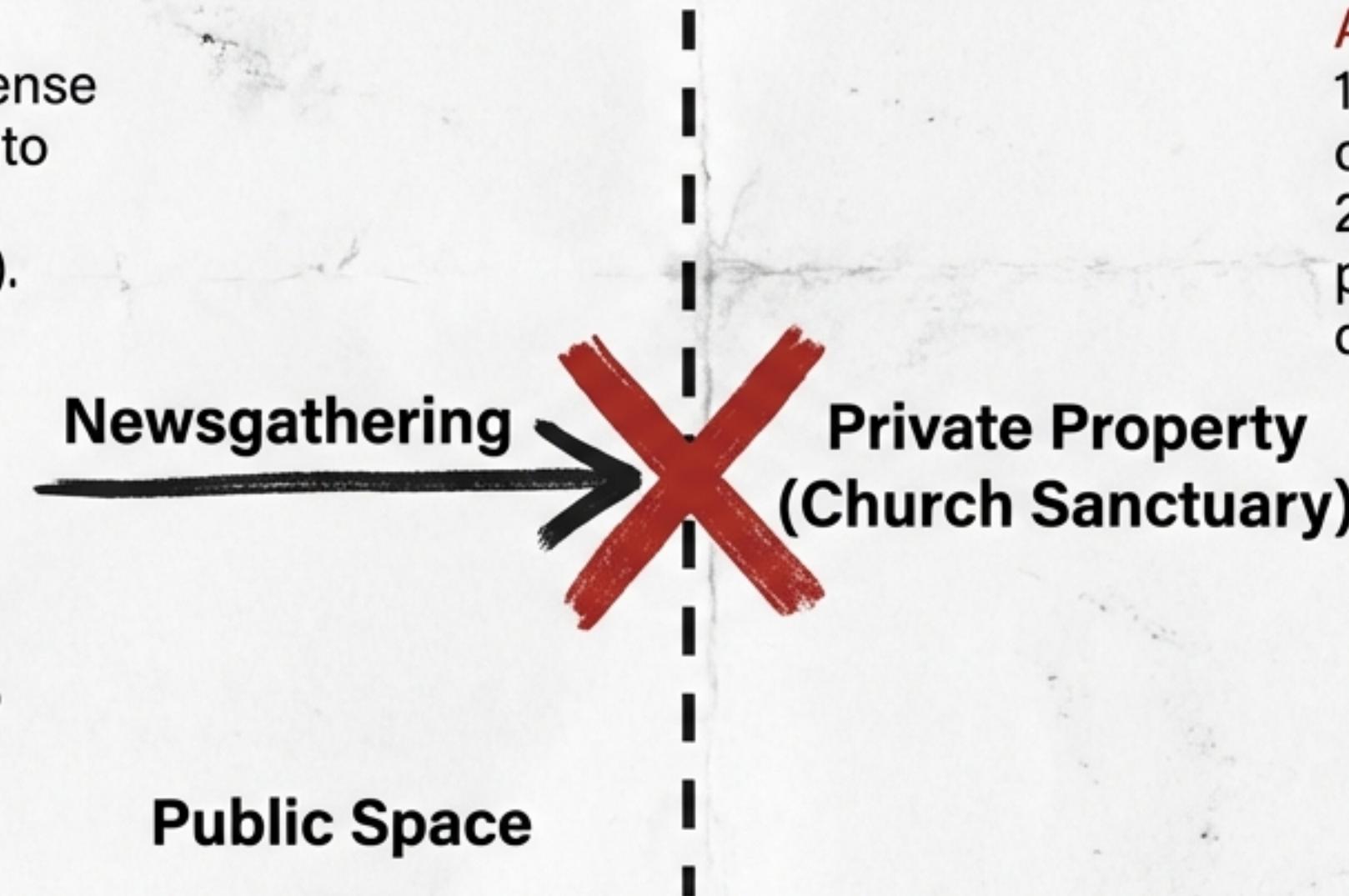
Property Boundary

The Rule: The First Amendment is not a license to trespass or intrude into private precincts (*Dietemann v. Time, Inc.*).

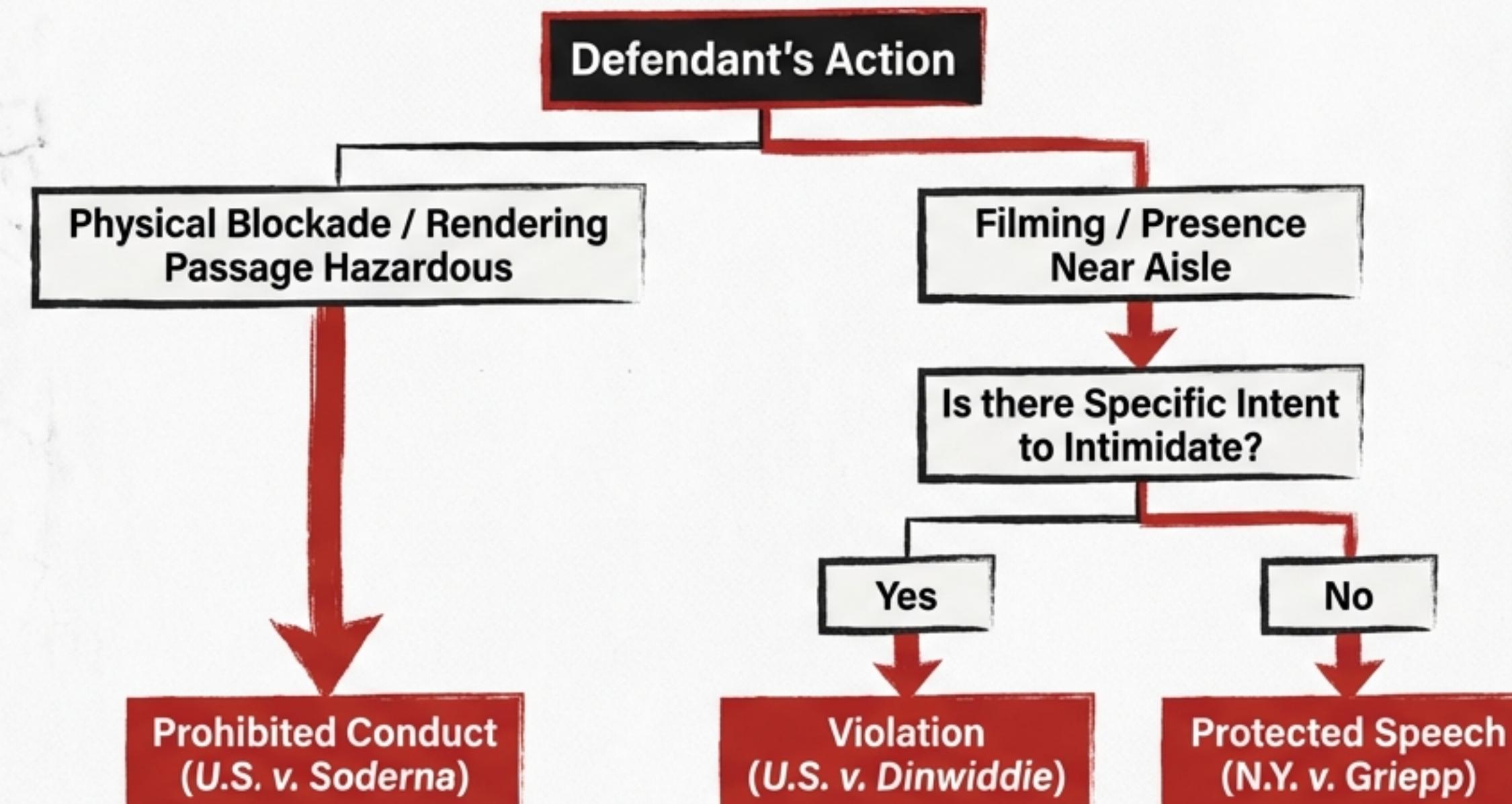
Key Precedent: *Miller v. NBC* (No right to enter private property even to document a crisis).

Application:

1. Did the church revoke consent? (Yes).
2. Did he enter a non-public area? (Yes, for disruption, not worship).

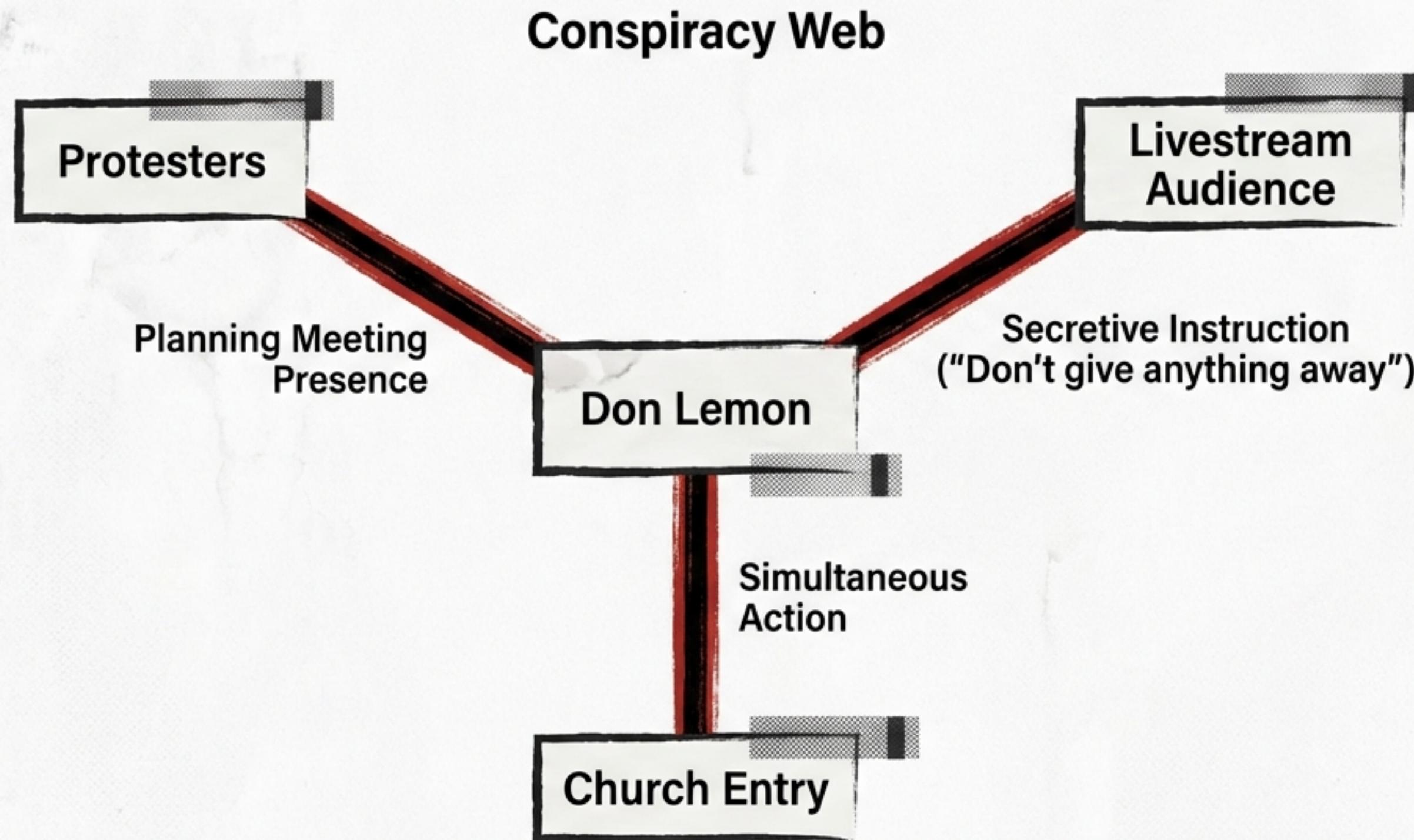


Issue III: The FACE Act — Obstruction vs. Presence



The Gray Area: DOJ argues Lemon “occupied” the aisle.
Defense argues he stood near it to film.

Issue IV: Conspiracy Against Rights (§ 241)



The Rule: Requires a "knowing agreement" and "specific intent" to injure/oppress rights.

Critical Question: Did Lemon agree to *facilitate* the disruption, or merely to *document* it?

The “Observer vs. Participant” Spectrum



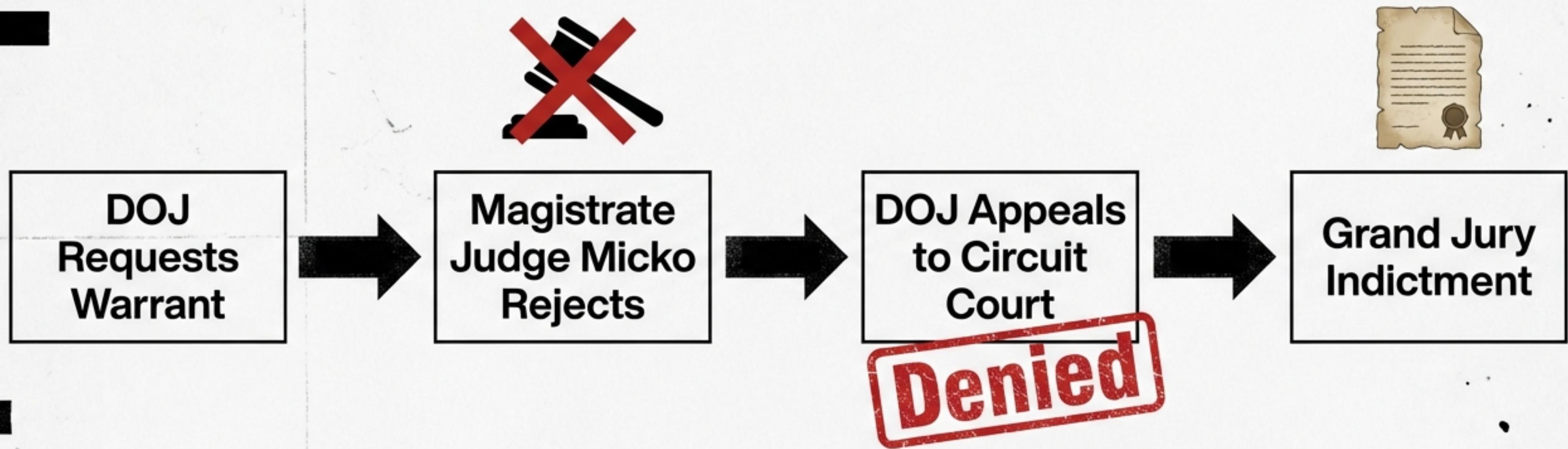
The Shift: From “Riding Along” to “Driving the Getaway Car”.

The Defense: First Amendment Safe Harbor

18 U.S.C. § 248(d)(1): Nothing in this section shall be construed to prohibit any expressive conduct (including peaceful picketing) or other peaceful demonstration protected from legal prohibition by the First Amendment.

- Neutrality: Lemon was a solo journalist, not a group member.
- Lack of Intent: Purpose was to “shine a light,” not oppress.
- Judicial Skepticism: Magistrate Judge initially rejected warrant for lack of probable cause.

Procedural Posture: The Magistrate vs. The DOJ



Significance: It is extremely rare for a Magistrate to block federal charges. Highlights evidentiary weakness regarding Criminal Intent.

Comparative Case Study

U.S. v. Marshall (2023)



Fact: Livestream used to signal “rush the doors now.”



Role: Coordinating the blockade.



Outcome: Conviction Upheld.

U.S. v. Lemon (2026)



Fact: Livestream used to document; “Don’t give anything away.”



Role: Protecting the “scoop” (embargo).



Question: Did silence facilitate the raid?

The Delta: Crossing the line from documenting conspiracy to facilitating it.

Policy Implications: The ‘Chilling Effect’



The Whistleblower/Embed Dilemma: If mere presence at a planning meeting + concealing location = Conspiracy... Then journalists embedded with troops or infiltrating radical groups are automatically co-conspirators.

“Could expose American journalists embedded with the military to being charged with war crimes.” — Former Prosecutor Julius Nam

Summary of Legal Theories

Prosecution (The Participant Theory)

- Attended planning meeting.
- Active concealment of target.
- Physically occupied aisle (FACE).
- Refused to disperse (Trespass).

Defense (The Observer Theory)

- Presence is not participation (*Index*).
- Secrecy is standard journalistic embargo.
- Filming is not obstruction (*Griepp*).
- Conduct protected by FACE Safe Harbor.

The Verdict Hinges on Intent



The Final Exam Question:
Did Don Lemon intend to **report** on a crime, or **commit** one?

In the collision between the First Amendment and Conspiracy law, *Mens Rea* is the deciding factor. Journalism is not a get-out-of-jail-free card, but neither is it a confession of conspiracy.