

STOPPING THE CONSOLIDATION OF POWER · RESEARCH & ANALYSIS · ANALYSIS

Tracking retaliatory use of arrests, prosecutions, and investigations by the Trump administration

MARCH 24, 2026 · SHARE

How to tell if the Trump DOJ is enforcing the law or retaliating against political enemies



Our Framework

Since Donald Trump has returned to the presidency, we have seen numerous Department of Justice (DOJ) investigations and prosecutions against his political opponents, often presaged by direct threats from President Trump himself. In a healthy democracy, the justice system must not



be weaponized to punish political opponents, chill dissent, or pretextually achieve political objectives — all hallmarks of the authoritarian playbook. But democracy also requires a justice system in which no one is above the law and prosecutions move forward even in politically significant cases so long as those prosecutions are consistent with the law and nonpartisan criminal enforcement priorities.

In the tracker below, you'll find summaries of retaliatory investigations, arrests, or prosecutions that the Trump administration has pursued since entering office. In determining which prosecutions qualified as retaliatory, we asked three key questions about the investigations. Expand to read more about those questions below:

1. Is there evidence suggesting political interference with the investigations?



2. Is there evidence to support the investigations and are political opponents being treated the same as those similarly situated?



3. Have courts and other legal validators upheld the Justice Department's actions?



Based on these questions, we previously concluded that the federal prosecutions of Trump brought during the last administration were necessary law enforcement efforts. Using them to assess law enforcement investigations and prosecutions of Trump administration political opponents, compels the conclusion that the administration has frequently veered far over the line into political retaliation.

Retaliatory action need not include arrest or prosecution to be damaging. Oftentimes an ongoing investigation that cannot be immediately dismissed is just as punitive as a win in court. Such actions and investigations are certainly broadly chilling to anyone inclined to oppose the administration, which may be the end goal. At the same time, such actions degrade the rule of law and the Department's ability to protect the public from actual crime and other unlawful conduct.

ABOUT THE TRACKER

This tracker applies the three retaliatory assessment questions to some of the Trump administration's arrests, investigations, and prosecutions. In determining which actions qualify, we pay close attention to whether the Administration appears to have understood the subjects as members of the political opposition before taking action against them. The list includes people targeted specifically by federal criminal investigations and other actions and does not include state initiated investigations and prosecutions. It is not exhaustive.

Please contact retaliatory.actions@protectdemocracy.org with any questions.

Retaliatory Actions Tracker

*Total number of cases: 21
(in reverse order of first reported official action)*

Minnesota Church Protest

Nekima Levy Armstrong
Chauntyll Louisa Allen
William Kelly "DaWokeFarmer"
Don Lemon
Jerome Richardson
Jamael Lundy
Trahern Crews
Georgia Fort
Ian Davis Austin

JANUARY 20, 2026: A criminal complaint is filed against Armstrong, Allen, and Kelly for violations of the FACE Act.

JANUARY 22, 2026: Armstrong, Allen, and Kelly are arrested.

JANUARY 29, 2026: Armstrong, Allen, Kelly, and six new defendants, including Don Lemon, are indicted for Conspiracy Against Right of Religious Freedom at Place of Worship and Conspiracy to Injure, Intimidate, and Interfere with Exercise of Right of Religious Freedom at Place of Worship.

JANUARY 30, 2026: Don Lemon is arrested while in Los Angeles and released without bond.

FEBRUARY 13, 2026: Don Lemon pled not guilty.

FEBRUARY 26, 2026: DOJ filed a new indictment and named 30 new defendants.



Minnesota Democrats

Tim Walz, Governor of Minnesota
Jacob Frey, Mayor of Minneapolis
Kaohly Her, Mayor of St. Paul
Keith Ellison, State Attorney General
Mary Moriarty, Hennepin County Attorney

JANUARY 16, 2026: The DOJ reportedly launched a criminal investigation into these Democratic elected officials for allegedly conspiring to impede federal agents.

JANUARY 20, 2026: DOJ reportedly served subpoenas on the five officials.



Former Military Lawmakers

Rep. Jason Crow
Rep. Maggie Goodlander
Rep. Chrissy Houlahan
Sen. Elissa Slotkin
Rep. Chris Deluzio

JANUARY 13, 2026: Sen. Elissa Slotkin announced she was being investigated by federal prosecutors for her participation in a video urging members of the military to disobey illegal orders.

JANUARY 14, 2026: Rep. Jason Crow, Rep. Maggie Goodlander and Rep. Chrissy Houlahan announced they were also under investigation for their participation in the same video.

FEBRUARY 10, 2026: A grand jury refused to indict the lawmakers.

FEBRUARY 24, 2026: U.S. Attorney Jeanine Pirro dropped the investigation into the former military lawmakers.



Jerome Powell

Chair of the Federal Reserve

NOVEMBER 2025: Jeanine Pirro approved a criminal investigation into Mr. Powell and his involvement with and official statements about the central bank's renovation of its headquarters.

JANUARY 11, 2026: The U.S. attorney's office in DC publicly opened a criminal investigation into Mr. Powell.

MARCH 13, 2026: Judge Boasberg quashed the subpoenas issued to the Federal Reserve and related to the investigation into Mr. Powell.



Mark Kelly

Democratic Arizona Senator, former U.S. Navy Captain and NASA astronaut

NOVEMBER 24, 2025: Pentagon announced a review of “serious allegations of misconduct” against Kelly, a retired Navy Captain, pursuant to the Uniform Code of Military Justice. The announcement stated that further actions could include “recall to active duty for court-martial proceedings or administrative measures” and referenced 18 U.S.C. 2387, which it described as prohibiting “actions intended to interfere with the loyalty, morale, or good order and discipline of the armed forces.”

JANUARY 5, 2026: Pete Hegseth announced that the military has begun taking administrative action against Mr. Kelly, including a censure letter and a retirement grade determination proceeding.

JANUARY 12, 2026: Mr. Kelly filed a lawsuit and Motion for TRO against Pete Hegseth and the Department of Defense alleging violations of the the First Amendment, the Speech or Debate Clause, the separation of powers, due process, 10 U.S.C. § 1370, and the Administrative Procedure Act.

JANUARY 16, 2026: A judge converted the Motion for Temporary Restraining Order to a Motion for Preliminary Injunction and Stay under 5 U.S.C. § 705 and set a hearing for January 28, 2026.

JANUARY 20, 2026: On behalf of Former Service Secretaries, Retired Senior Military Officers, and Vet Voice Foundation, Protect Democracy filed an amicus brief in Support of Plaintiffs Motion for a Preliminary Injunction and Stay Under 5 U.S.C. § 705

FEBRUARY 12, 2026: Judge Leon granted Mr. Kelly’s Motion for Preliminary Injunction.

FEBRUARY 24, 2026: Pete Hegseth appealed the district court’s decision.



Kat Abughazaleh

Democratic Congressional Candidate

OCTOBER 23, 2025: Indicted for forcibly impeding, intimidating, and interfering with an officer of the United States.

MARCH 13, 2026: Defendants filed a Motion to Compel discovery related to selective prosecution.

MARCH 19, 2026: Prosecutors reportedly agreed to produce evidence in response to the Motion to Compel.



John Bolton

Former National Security Advisor

AUGUST 22, 2025: FBI searched John Bolton's home.

OCTOBER 16, 2025: John Bolton indicted for Transmission of National Defense Information and Retention of National Defense Information.

OCTOBER 17, 2025: John Bolton pled not guilty at arraignment.



Lisa Cook

Federal Reserve Governor

AUGUST 20, 2025: U.S. Federal Finance Agency Director alleged she committed mortgage fraud, via a post on X.

AUGUST 25, 2025: President Trump purported to fire her.

SEPTEMBER 4, 2025: DOJ opened a criminal investigation.



Adam Schiff

California Senator and Former Chair of the House Intelligence Committee

AUGUST 5, 2025: The DOJ launched an investigation around alleged mortgage fraud.

AUGUST 13, 2025: Trump publicly called on the DOJ to investigate Schiff for his work investigating Trump previously.



James Comey

Former F.B.I Director

JULY 8, 2025 (Reported): The F.B.I. launched an investigation apparently arising out of Comey and John O. Brennan's respective roles in the investigation of Russian interference in the 2016 election.

SEPTEMBER 26, 2025: Indicted and charged with making a false statement to Congress and obstruction of an investigative proceeding before Congress.

OCTOBER 9, 2025: Comey pled not guilty at arraignment; trial is set for January 5, 2026.

OCTOBER 20, 2025: Comey filed a Motion to Dismiss Based on Vindictive and Selective Prosecution and Motion to Dismiss based on Unlawful Appointment.

OCTOBER 28, 2025: Protect Democracy filed an Amicus Brief in support of Mr. Comey.

NOVEMBER 21, 2025: Comey filed a Motion to Dismiss based on Grand Jury Violations.

NOVEMBER 24, 2025: Senior District Judge Cameron McGowan Currie dismissed the indictment based on unlawful appointment of Lindsey Halligan.

MARCH 19, 2026: The U.S. Attorney's office in Miami subpoenaed Comey related to an alleged "grand conspiracy" case.



John O. Brennan

Former C.I.A Director

JULY 8, 2025 (Reported): The F.B.I. launched an investigation apparently arising out of James Comey and Brennan's respective roles in the investigation of Russian interference in the 2016 election.

DECEMBER 22, 2025: Brennan accused DOJ of "irregular activity" during their grand jury investigation.



Brad Lander

NYC Comptroller

JUNE 17, 2025: Forcibly arrested by federal agents while escorting a defendant out of immigration court for allegedly assaulting law enforcement and impeding a federal officer. No charges filed.

SEPTEMBER 18, 2025: Arrested by federal agents while attempting to conduct congressional oversight of ICE holding center. Charged with a misdemeanor.



Alex Padilla

Democratic California Senator

JUNE 12, 2025: Forcibly removed from Homeland Security Secretary Kristi Noem's press conference. No charges filed.



David Huerta

SEIU California President

JUNE 6, 2025: Detained by federal officers while protesting an immigration raid.

OCTOBER 17, 2025: Felony charge was downgraded to a misdemeanor.

NOVEMBER 25, 2025: Pled not guilty to the misdemeanor charge.



Letitia James

New York Attorney General

MAY 18, 2025: The FBI publicly confirmed an investigation around alleged mortgage fraud.

AUGUST 8, 2025: The DOJ issued two subpoenas as a part of a criminal investigation into her activity as Attorney General prosecuting Trump and the NRA.

OCTOBER 9, 2025: Ms. James was indicted for bank fraud and making false statements to a financial institution.

OCTOBER 24, 2025: Ms. James filed a Motion to Dismiss the Indictment Based on Unlawful Appointment and Enjoin the Prosecution.

NOVEMBER 7, 2025: Ms. James filed a Motion to Dismiss Indictment for Vindictive and Selective Prosecution.

NOVEMBER 13, 2025: Protect Democracy filed an Amicus Brief in support of Ms. James.

NOVEMBER 24, 2025: Senior District Judge Cameron McGowan Currie dismissed the indictment based on the unlawful appointment of Lindsey Halligan.



LaMonica McIver

United States Representative

MAY 9, 2025: Arrested by federal officers

JUNE 10, 2025: Indicted for allegedly impeding and interfering with federal officers.

AUGUST 15, 2025: Rep. McIver filed a Motion to Dismiss Based on Selective Enforcement and Vindictive Prosecution.

NOVEMBER 13, 2025: A judge denied Rep. Mclver's Motion to Dismiss on two counts, but allowed one count to proceed.

DECEMBER 29, 2025: Rep. Mclver filed an Appeal with the Third Circuit.

JANUARY 5, 2026: A judge denied the last count of Rep. Mclver's Motion to Dismiss.



Ras Baraka

Newark Mayor; Democratic Candidate for Governor of New Jersey

MAY 9, 2025: Arrested and detained by federal agents for trespassing.

MAY 19, 2025: Charges dropped.



Honorable Hannah Dugan

Milwaukee County Circuit Court Judge

APRIL 25, 2025: Arrested by the FBI and indicted for allegedly concealing an individual to prevent arrest and obstruction.

DECEMBER 19, 2025: Found guilty of felony obstruction and not guilty of concealing an individual to prevent arrest.

JANUARY 3, 2026: Judge Dugan resigned as a Milwaukee County Circuit Court judge.



Chris Krebs

Former Director of the Cybersecurity and Infrastructure Security Agency at DHS

APRIL 9, 2025: President Trump issued an Executive Order directing agency investigations of Krebs.



Miles Taylor

Former Chief of Staff of DHS

APRIL 9, 2025: President Trump issued an Executive Order directing agency investigations of Taylor.



Kilmar Abrego Garcia

MARCH 15, 2025: Deported in violation of immigration court order after an administrative error.

JUNE 6, 2025: Returned and indicted the same day for conspiracy to commit human trafficking.

JUNE 23, 2025: TN and MD courts ordered his release and prohibited deportation after release.

AUGUST 22, 2025: Released and returned to Maryland.

AUGUST 25, 2025: Detained by ICE during a court mandated check-in and threatened with deportation to Uganda.

SEPTEMBER 5, 2025: ICE threatened deportation to Eswatini.

OCTOBER 3, 2025: Judge ruled in favor of Abrego-Garcia and granted discovery on the basis of potential vindictive prosecution.

OCTOBER 27, 2025: Judge Crenshaw issued an Order requiring the Department of Justice and Department of Homeland Security Officials to refrain from making prejudicial statements.

DECEMBER 11, 2025: A federal judge granted Mr. Abrego Garcia's petition for writ for habeas corpus.

DECEMBER 12, 2025: A federal judge entered a temporary restraining order enjoining ICE from detaining Mr. Abrego Garcia.



Last Updated: 3/24/2026

Amicus Briefs

Join Us.

Building a stronger, more resilient democracy is possible, but we can't do it alone. Become part of the fight today.

Donate



f in

Protect Democracy United is a registered 501(c)(4) social welfare organization. Protect Democracy Project is a registered 501(c)(3) charitable organization. Learn about the difference here.

[Privacy Policy / Terms of Use](#)

© PROTECT DEMOCRACY UNITED. ALL RIGHTS RESERVED. 2026