



Written by [Veronika Kyrylenko](#) on February 25, 2026

DOJ Drops Case Against Six Democrats Over “Illegal Orders” Video, Say Reports

Federal prosecutors in Washington have quietly dropped their case against six Democratic lawmakers who released a video urging U.S. service members to refuse illegal orders. The decision comes after a grand jury declined earlier this month to bring criminal charges.

Back in November, when the video was released, President Donald Trump accused the lawmakers of engaging in “seditious behavior” and suggested their actions were “punishable by death.”

The development, reported by numerous outlets, brings to a halt a Justice Department effort to pursue charges carrying a potential 10-year prison sentence under [federal statutes](#) barring civilian efforts to incite insubordination within the armed forces. Reports note that prosecutors could pursue the case in another district, but there is no indication they intend to.



powerofforever/iStock/Getty Images Plus

The Video

The investigation centered on a 90-second video released in November by six Democratic members of Congress: Senator Mark Kelly of Arizona, Senator Elissa Slotkin of Michigan, and Representatives Jason Crow of Colorado, Chrissy Houlahan and Chris Deluzio of Pennsylvania, and Maggie Goodlander of New Hampshire.

All six lawmakers are military or intelligence-community veterans.

In the video, the lawmakers reminded service members that under U.S. military law they are obligated to refuse unlawful orders, particularly those that violate domestic statutes.

Deluzio and Crow warned:

Right now, the threats to our Constitution aren’t just coming from abroad, but from right here at home.

Kelly then said, “Our laws are clear: You can refuse illegal orders,” which Slotkin repeated for emphasis. Crow added that military members “must refuse illegal orders.” The others concluded, “no one has to carry out orders that violate the law or our Constitution.”

Also in a clip, the speakers noted:



Written by [Veronika Kyrylenko](#) on February 25, 2026

This administration is pitting our uniformed military and intelligence community professionals against American citizens.

Their remarks came amid public scrutiny over U.S. [military strikes](#) on suspected narco-trafficking vessels off the coast of South America, which have reportedly resulted in more than 130 deaths since September. At the same time, the administration deployed the National Guard in [various states](#) and cities, as well as in [Washington, D.C.](#) That raised alarms about potential violations of the Posse Comitatus Act and triggered multiple high-profile lawsuits.

Under the [Uniform Code of Military Justice](#) (UCMJ), service members have a legal duty not to follow orders that are manifestly illegal. This principle is rooted in both U.S. military doctrine and post-World War II international legal precedent.

Supporters of the video described it as a straightforward restatement of existing law governing the chain of command and the limits of lawful authority.

Administration's Reaction

The video prompted an unusually severe response from Trump, even by his own standards. In several posts on Truth Social, Trump wrote:

This is really bad, and Dangerous to our Country. Their words cannot be allowed to stand.
SEDITIONOUS BEHAVIOR FROM TRAITORS!!! LOCK THEM UP???

A few hours later, he escalated, posting:

SEDITIONOUS BEHAVIOR, punishable by DEATH!

Before publishing his own comments, Trump also reposted messages from other users, including one that read:

HANG THEM GEORGE WASHINGTON WOULD !!

Under [federal law](#), “seditious conspiracy” involves two or more people conspiring to “overthrow,” “put down,” “destroy by force,” “levy war against,” or “oppose by force” the U.S. government. The offense carries a maximum penalty of 20 years in prison, a fine, or both — but not death. By contrast, the UCMJ allows for the death penalty in cases of “sedition” committed by active-duty or certain retired members of the armed forces.

The U.S. Attorney’s Office for the District of Columbia, led by Jeanine Pirro, initiated an investigation into the video in mid-January. Prosecutors [contacted](#) the lawmakers’ attorneys shortly afterward. At the end of January, the lawmakers [said](#) that “the FBI [had] contacted the House and Senate Sergeants at Arms requesting interviews.”

In early February, Pirro’s office sought indictments from a federal grand jury — and failed. *The New York Times* [reported](#):

Prosecutors presenting the case sought to persuade the grand jurors that the lawmakers



Written by [Veronika Kyrylenko](#) on February 25, 2026

had violated a statute that forbids interfering with the loyalty, morale or discipline of the U.S. armed forces.

At the same time, the Pentagon began administrative proceedings aimed at reducing Senator Kelly's military rank. That move could have affected his retirement pay and benefits. A federal judge temporarily [blocked](#) the effort in mid-February after Kelly filed suit against the Department of Defense (DOD).

Grand Jury Rejects Indictment

A grand jury, a panel of citizens that determines whether there is sufficient evidence to bring criminal charges, declined to issue an indictment. Legal experts note that prosecutors secure indictments in the vast majority of cases presented to grand juries.

A former federal prosecutor who previously served in the Washington U.S. Attorney's Office [told Politico](#) that a complete rejection of an indictment request is "stunning":

"The average person doesn't appreciate how stunning" it is for a grand jury to outright reject an indictment... "The rules are skewed so heavily in favor of the prosecutor that it's almost comical. But the public is essentially saying, 'We do not trust you. We are skeptical of you.'"

The New York Times echoed the sentiment. It argued that it was "remarkable" that the grand jury forcefully rejected Mr. Trump's bid to label their expression of dissent as a criminal act warranting prosecution."

No Charges, Lingering Concerns

Following the grand jury's decision, the lawmakers [defended](#) both the substance of the video and their right to deliver it. They also accused the administration of what they called intimidation and politicized investigation.

While the DOJ retains the legal authority to pursue charges in another federal district, multiple outlets reported no indication that prosecutors plan to continue the case.

For now, the failed indictment appears to end a politically charged federal investigation involving members of Congress. The outcome yet again raises questions about the role and scope of the federal law enforcement apparatus. Liberty-minded observers and insiders have long contended that expansive prosecutorial powers have outgrown constitutional limits and are increasingly being used against political opponents while insulating allies.



Subscribe to the New American

Get exclusive digital access to the most informative,
non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



Subscribe

What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.