



By: TA | AP Brief

Judge says CNN, MS NOW and Politico must have White House access restored



A federal judge temporarily blocked President Donald Trump's move to ban three news outlets from the White House grounds, saying that CNN, MS NOW and Politico must have their access restored.

It's the latest development in an escalating showdown between Trump and media outlets whose **coverage he dislikes**.

Trump announced he was banning the outlets Friday, assailing what he called "fake news." More recently, the president has said negative coverage was dangerous for the country.

The outlets argued they were singled out because of the content of their coverage — in other words, viewpoint discrimination — and called the ban a "blatant violation" of the First Amendment.

In an order, U.S. District Judge Timothy Kelly said the media outlets had met the legal thresholds to obtain a temporary restraining order, in effect for 14 days. He said they were likely to succeed in showing that their passes were revoked without due process.

"This is a high bar, but Plaintiffs have met it," he wrote.

Kelly said case law requires that the government have clear standards governing conduct that would lead to revocation of a press pass.

He called the standard of objectionable reporting outlined in letters that the White House sent the outlets days after banning their reporters "so vague it hardly does the trick."

Kelly — whom Trump nominated in 2017 and who ordered a **CNN journalist's access** restored in a similar case in 2018 — heard arguments Wednesday and ended the hearing without ruling.

Temporary restraining orders are typically designed to preserve the status quo pending a closer review of the case by the court.

The White House did not immediately respond

to an email from The Associated Press requesting comment. The three news outlets also did not immediately respond to emails seeking comment.

In an emergency hearing Wednesday, Kelly said his decision must be guided by prior rulings in comparable First Amendment cases, even if the government disagrees with them. His decision noted that the White House argued that previous cases cited had been wrongly decided.

"Maybe," Kelly wrote, "but this Court is bound by D.C. Circuit precedent, full stop."

Kelly also rejected the White House's claim that revoking the press passes was necessary for national security, saying officials did little to back up that notion. "Nothing in the record ... suggests that the revocation of Plaintiffs' hard passes was motivated by national security concerns."

Attorneys debated access to White House and any risk to national security

Theodore Boutrous Jr., attorney for the outlets, had argued about the urgent need for a change, saying there had been irreparable harm to the outlets at a time of momentous news events. "We're at war. We have **world leaders** coming to Washington."

Justice Department attorney Michael Velchik had reiterated the administration's point that the president had the right to choose who gets into the White House.

"Access to the White House is a privilege, not a right," Velchik said.

In arguing that Trump was not engaging in viewpoint discrimination, Velchik said the president had criticized other news organizations even more harshly — such as calling ABC "the worst" — but hadn't banned them.

“The president should be able to take immediate action to protect national security,” Velchik told the court. In response, Boutrous said, “Suddenly it’s a national security case,” arguing that the president brought up that point only after the lawsuit was filed.

Trump “keeps proving our point,” Boutrous said, describing how the president has consistently used negative coverage of him as justification for the ban.