IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CABLE NEWS NETWORK, INC., MS NOW CABLE, LLC, POLITICO LLC, ET AL., *Plaintiffs,* v. DONALD J. TRUMP, ET AL., *Defendants.*	Civil Case No. 1:26-cv-03287-TJK **DECLARATION OF AKAYLA GARDNER**

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I, Akayla Gardner, hereby declare as follows:

1. I am over 18 years of age, am competent, and make this declaration based upon my own personal knowledge and experience. I am a Plaintiff in this action, together with my employer, MS NOW Cable, LLC (MS NOW). I make this declaration in support of Plaintiffs' Motion for a Preliminary Injunction. If called to do so, I could and would competently testify to these matters under oath.

2. I am a White House Reporter at MS NOW, a position I have held since August 2025. In that role, I cover the President and the administration, reporting on many of the most significant national and international news stories of the day. Before joining MS NOW, I worked as a White House Correspondent for Bloomberg News. My regular schedule at MS NOW includes weekend shifts. I have worked as a journalist for five years. In that time, I have covered the Biden administration and the second Trump administration.

My White House Hard Pass

3. I held a White House hard pass while I was a White House Correspondent for Bloomberg News, beginning in August 2022. Since joining MS NOW, I have held a White House

hard pass issued to me in September 2025. To obtain that hard pass, I applied through the White House, completed a form providing my personal information—including my Social Security number, date of birth, job title, work email address and telephone number, and residential address—and submitted to a Secret Service background check. Hard passes are subject to periodic renewal and, in my experience, are renewed as a matter of course so long as the holder continues to cover the White House regularly.

4. Until September 19, 2026, my hard pass allowed me to enter the White House complex on short notice and with minimal delay. Each day, upon arrival at the White House, I would show my hard pass at a Secret Service checkpoint, put my belongings through an airport-security-style conveyor belt, tap my badge on a card reader, and enter a four-digit personal identification number. Every Secret Service officer on the complex recognizes the hard pass on sight, and hard pass holders move among the parts of the White House complex open to credentialed journalists without escort.

5. As a practical matter, a hard pass is an essential requirement to work as a White House Reporter for a national news organization such as MS NOW. Without one, I am severely hampered from doing my job.

6. On the morning of September 19, 2026, I learned my hard pass had been deactivated and it was taken from me by a United States Secret Service officer at a White House security screening facility, as I describe in Paragraph 10 below. It was not returned to me until shortly before 2:00 p.m. on September 24, 2026, as I describe in Paragraph 16 below.

My Reliance on Access to the White House

7. The White House is my workplace. MS NOW has journalists at the White House virtually every day. Our White House correspondents rotate through that assignment, and on the

days I am assigned to the White House I report and write from the grounds themselves. Adjacent to the Brady Briefing Room is the "lower press" area, where White House press staff interact with correspondents. The networks' workspaces on the complex, called "booths," are located in the basement behind the Briefing Room; MS NOW's booth is where I do much of my daily work. Steps from the Oval Office is the "upper press" area, which includes the offices of the Press Secretary and the Communications Director; hard pass holders may meet with press staff there by appointment.

8. The access that my hard pass granted cannot be replicated from outside the White House. A reporter who is not in the Brady Briefing Room cannot ask the Press Secretary or other senior administration officials a question or follow up on an answer. A reporter who is not on the grounds cannot approach the White House officials and staff who are available in person but not otherwise reachable, cannot participate in the informal conversations from which much White House reporting develops, and cannot observe what the President and his aides do and say. The material from those exchanges is available only to a reporter who is physically present. And because news at the White House is time-sensitive and often occurs with little or no notice, coverage that must be conducted from outside the gates is slower, less complete, and frequently impossible.

The September 18, 2026 Ban

9. On September 18, 2026, I learned that the President had announced on Truth Social, in a post published at approximately 3:04 p.m. Eastern Time, that he was "banning" MS NOW and others from the White House "effective immediately" "as a result of their constant 'reporting' FAKE NEWS."

10. I was scheduled to work the weekend shift on September 19 and 20, 2026. On the morning of Saturday, September 19, at approximately 8:00 a.m., my producer and I walked together into the entry to the White House grounds. An MS NOW photographer had arrived at the White House ahead of us; at 7:02 a.m., he texted me: "They took my pass and I'm back outside." When my producer and I arrived at the press entrance on the North Lawn, we noticed two media cameras set up at the end of a path designated for hard pass holders, perhaps anticipating our arrival. I flashed my hard pass and was waved through as usual. But when I reached the next screening checkpoint and attempted to scan my hard pass, the reader blinked red. I tried again, and then a third time. The Secret Service officer on scene asked my producer to scan hers. When she did, the reader blinked green and she was allowed through. The officer turned to me and said "ma'am, your badge has been disabled." I asked why, to which he responded that such matters were "above" him. I pointed out that the producer and I work for the same network. He and another officer looked at a computer screen and responded "she's good to go, yours is disabled." Before I left, I asked if I could keep my hard pass. The officer said I could not. When I realized I could not go inside, I left the White House grounds along the same path I had entered.

11. On September 18, 2026, after the President's post, I had reached out to a White House official about the President's announced ban and did not hear back. Later on September 19, 2026, I emailed the White House press office for comment: "My photographer and I had our badges confiscated. Our producer's badge was not confiscated this morning. Does the White House have any comment on what happened this morning?" A spokesperson replied: "Refer you to the president's comments yesterday."

12. Before being turned away from the White House on September 19, 2026, I did not receive a written statement of the reason for the denial outside of the President's post on Truth

Social, an opportunity to contest the denial of access by the White House, or any information about the duration of the ban or how access might be restored.

13. I have since reviewed a letter dated September 22, 2026, sent on behalf of the White House to MS NOW and filed in this action as ECF No. 16-2. I did not write any of the articles identified in the letter.

The Temporary Restraining Order and the White House's Subsequent Conduct

14. At approximately 12:56 a.m. on September 24, 2026, this Court granted Plaintiffs' motion and entered a Temporary Restraining Order (TRO) directing Defendants (other than the President) and their agents to "immediately return, reinstate, and restore" the White House hard passes held by employees of CNN, MS NOW, and POLITICO that were revoked on or about September 18, 2026. ECF No. 24. I learned of the Court's Order shortly after it was entered, at approximately 2:40 a.m.

15. At approximately 2:57 a.m. on September 24, 2026, I submitted a request to the White House Press Office seeking guidance on how to retrieve my hard pass given the Court's Order. I did not receive a response, so I followed up on my request later that morning at 8:35 a.m.

16. On September 24, 2026, shortly before 2:00 p.m. Eastern Time, I went to the Secret Service checkpoint at 17th Street and Pennsylvania Avenue NW to enter the White House complex for work. I showed the Secret Service officers a copy of the TRO and my passport, and the officers searched for my name using an electronic device. The Secret Service officers allowed me through the first two security checkpoints. Once I arrived at the final checkpoint, I was returned my hard pass after showing another officer my passport.

17. At 3:23 p.m., after I had already retrieved my hard pass, I received a reply from the White House Press Office with a link to the declaration filed by Defendants earlier that day. The email contained no other instructions or information.

18. On September 26, 2026, I was on the South Lawn of the White House as President Trump was taking questions from reporters before departing for his trip to Knoxville, Tennessee. During that exchange, the President took one question from me about whether he wanted only news outlets that support him to be a part of the press pool. He responded, "No, no, no. I want real news, not fake news—like you," and pointed at me. He continued by stating: "I want real news. I love an open, free press. What I don't like is the fake press. A group like CNN, few people watching, or MSDNC, which they changed I guess to NOW. But you know why they changed it? Because their ratings are so bad. What I don't like—wait, wait. Quiet. What I—what I don't like is fake news. And they're fake news. 100%. In two years, I doubt they did one good story. And I won the election in a landslide. So, what we don't want is we don't want fake news." I followed up by asking whether he wanted to avoid tough questions, but he did not respond. A video of the exchange, published by the White House's Rapid Response account on September 26, 2026, is available at https://x.com/RapidResponse47/status/2103950577008828906.

The Harm to Me

19. The ban harms me directly. From the morning of September 19, 2026, until my access was restored on September 24, 2026, I was unable to enter the White House complex. During that time, I could not ask questions of senior administration officials, could not work from MS NOW's booth or the press workspaces, could not attend events open to hard pass holders, could not speak in person with White House officials and staff, and could not serve in the pool if

MS NOW were assigned to it. The ban prevented me from doing my job as a White House reporter. For example, on Sunday, September 20, 2026, National Economic Council Director Kevin Hassett appeared live on Fox News from the White House. He often stops to speak with reporters on the grounds after his television appearances. Because my hard pass had been taken, I could not be on the complex to question him about the Federal Reserve's decision on interest rates that week—a decision that affects all Americans. On September 19 and 20, 2026, I was unable to work from MS NOW's booth or to report from MS NOW's live-shot position on the White House grounds, and instead reported from a public street corner across from the White House grounds, at 17th Street and Pennsylvania Avenue NW. As I reported from across the street on September 19, I could hear the U.S. military color guard rehearsing on the grounds for the visit of Chinese President Xi Jinping to the White House the following week—an event I would ordinarily cover from inside the complex and could not under the ban.

20. Absent a preliminary injunction, when the Court's Temporary Restraining Order expires I will be unable to enter the White House to do my job and will miss these critical opportunities to gather and report the news.

21. If the ban resumes, I will again be barred from the White House complex, with no indication when, if ever, my access will be restored. I am currently scheduled to work White House reporting shifts on several days in October 2026, and I expect to receive such assignments regularly while I hold my current position. Each day the ban is in effect, I will be unable to report from the White House, attend briefings and events, speak in person with White House officials and staff, or serve in the pool when MS NOW is assigned to it.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 27th day of September 2026 in Washington, D.C.

Akayla Gardner

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