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 DAVID VIGILANTE**

DECLARATION OF DAVID VIGILANTE

I, David Vigilante, hereby declare as follows:

1. I am over 18 years of age, am competent, and make this declaration based upon my own personal knowledge, my review of CNN's business records, and information provided to me in the course of my duties by CNN personnel with knowledge of the matters described.

2. I am the Executive Vice President and Head of Legal of Cable News Network, Inc. (CNN), a Plaintiff in this action. 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. In the course of my duties, I am familiar with CNN's White House operations, including its Washington, D.C. bureau, its participation in the White House press pool, the credentials its journalists hold, and the facilities CNN maintains on the White House complex.

CNN and Its Coverage of the White House

3. CNN is a Delaware corporation with its principal place of business in Atlanta, Georgia. CNN is a global 24-hour news organization that owns and operates numerous news networks and services, including the 24-hour CNN channel in the United States, CNN International globally, and CNN en Español. CNN reaches 379 million television households globally. CNN

also operates global digital platforms that provide access to original news coverage and other features, which are available on CNN.com; CNN All Access, CNN's subscription digital service; and numerous other international, regional, and specialized digital platforms. CNN Digital is a top online news destination, routinely registering more than 150 million unique visitors globally each month. CNN launched in June 1980 as the first 24-hour cable news network and has covered every President since Jimmy Carter from inside the White House.

CNN's White House Hard Passes

4. Access to the White House press facilities is controlled through a credential known as a "hard pass," which is issued by the White House Press Office to journalists who regularly cover the White House. The White House Correspondents' Association describes the process for obtaining a hard pass on its website, https://whca.press/covering-the-white-house/. A hard pass enables its holder to enter the White House complex on short notice and with minimal delay.

5. As of September 18, 2026, immediately before the President announced the ban, 40 CNN journalists held valid White House hard passes. Most of those journalists need to be present at the White House routinely to do their jobs. Without a hard pass, a journalist cannot enter the complex on short notice and, as a practical matter, cannot cover the White House on a regular basis.

6. Before September 18, 2026, no President had barred CNN as an organization from the White House. CNN has been part of the White House television pool for 45 years, and journalists from CNN have held hard passes continuously since 1980.

7. CNN maintains a booth in the press workspace adjoining the James S. Brady Press Briefing Room and a standing broadcast position on the North Lawn of the White House, from which CNN correspondents report live. CNN keeps broadcast and transmission equipment at the

White House, and it bears costs associated with maintaining those facilities and reporting from the White House.

8. To my knowledge, between September 18, 2026, and the morning of September 24, 2026, the hard passes held by CNN journalists were disabled and no CNN journalist was granted access to the White House complex, with one exception. On the morning of September 24, 2026, one producer was allowed access and was able to enter the complex when her hard pass worked. We believe this was an administrative oversight, because at the same time CNN journalists were being refused entry and one photojournalist even had his hard pass confiscated. CNN journalists were readmitted to the complex on September 24, 2026, as described below.

CNN's Participation in the White House Press Pool

9. The White House has for decades relied on a "press pool"—a rotating group of journalists who attend an event on behalf of all credentialed journalists and share what they gather with the rest of the press corps. Every journalist who holds a White House credential is a member of the White House press corps; the pool is the small, rotating subset of the press corps that covers the President on a given day when space does not permit the full press corps to attend. For most of what the President does each day, the pool is the only source of independent reporting, video, audio, and photographs available to the press and, through the press, the public. Because the Oval Office, Air Force One, and many other settings in which the President appears cannot accommodate the full White House press corps, the pool is the only press presence in those settings, and it accompanies the President when he travels. On any given day, the pool includes representatives of television, print, radio, and, more recently, digital outlets.

10. The television component of the pool consists of two slots, a primary and a secondary. The primary slot rotates among five networks—ABC, CBS, CNN, Fox News, and

NBC—which share the costs of pool coverage and take turns serving as the primary television network pool organization (i.e., the designated television network pooler) for events and locations where physical space for journalists is limited. When CNN is the designated television network pooler, CNN's crew supplies the video, audio and editorial information of the events involving the President and other White House officials to the other four networks and, through them and through pool distribution arrangements, to news organizations and the public. Among the recipients of the pool material are the more than 1,000 local affiliate television stations across the United States that receive the pool feed through CNN. Those affiliates receive not only CNN's own coverage of the President but also the raw pool feed itself, which they are permitted to use in their own reporting. For many of them, that feed is the only source of video of the President available for their local newscasts. When another network is on duty as the designated television network pooler, that network supplies the video, audio and editorial to CNN and others.

11. When CNN, or any other outlet, serves as the designated television network pooler, it is not there as CNN, but as a proxy for all media. In fact, pool rules and customs prohibit CNN from engaging in any unilateral newsgathering while it is in its pool function. If CNN wishes to conduct its own separate newsgathering at the same event, it must provide its own separate crew apart from the crew that is supporting the pool. When it comes to coverage of press briefings that take place in locations like Air Force One—locations where physical space limitations cannot accommodate the full White House press corps—pool coverage is a necessity; the designated television network pooler serves as a proxy for other television news outlets across the country, including the other four members of the primary television network pool.

12. The five-network primary television network pool functions only if each participating network performs its rotations. If CNN is removed, the pool loses one-fifth of the

crews, equipment and financial resources on which it depends, and the public loses a source of independent video and audio of the President's activities. And because CNN's affiliates receive the pool feed through CNN, removing CNN from the primary television network pool harms local television stations in communities across the country by disrupting their ability to get uninterrupted access to the raw pool feed.

13. On September 18, 2026, the day the President announced the ban, CNN was serving as the designated television network pooler traveling with the Vice President. CNN was the assigned television network pooler for Monday, September 21, 2026, and Tuesday, September 22, 2026, a rotation that included the President's travel to New York City for the United Nations General Assembly and his address to the General Assembly on Tuesday. That assignment was made before the President announced the ban on September 18, 2026, and it was the first primary television network pool rotation CNN was scheduled to perform after the ban was announced. As the assigned television network pooler, CNN was responsible for staffing the in-town pool at the White House on Monday, the pool at Joint Base Andrews, and the out-of-town pool that travels with the President. The in-town pool was responsible for covering the President's activities on the White House campus that day and the President's departure from the South Lawn aboard Marine One at approximately 2:00 p.m. For several of the events on the President's schedule in New York on Monday and Tuesday, the designated television network pooler was expected to be the only television camera present.

14. Despite previously being assigned as the television network pooler for September 21, the White House Office of Communications sent out its daily guidance and press schedule at 10:55 p.m. on September 20 removing CNN from the day's schedule. CNN did not serve as the designated television network pooler on September 21 or September 22, 2026. No other network

took CNN's place. On September 21, 2026, ABC, CBS, CNN, Fox News, and NBC issued a joint statement that "[t]he public has a vital interest in receiving accurate, independent information about its government" and that "[n]o administration should restrict a news organization because it objects to its reporting." The same day, the chair of the primary television network pool, Fox News Washington Bureau Chief Bryan Boughton, advised pool subscribers that "effective today, the TV pool will not be covering events designated as pool coverage of the President" and that "[t]here will be no replacement pool put in place." The White House's schedule for September 21 listed no network as the primary television network pooler. As a result, no television network pool crew covered the President's events that day, and the only video of the President's first event, a ribbon-cutting for a new helipad, was a White House livestream on which his remarks were largely inaudible.

15. CNN bears substantial costs to participate in the pool. The five networks share the cost of maintaining the primary television network pool, and CNN bears 20 percent of that cost. In addition to the cost of its own coverage—crews, equipment, and staffing—CNN pays for all travel required to cover the President on the road.

CNN's Reliance on Access to the White House

16. The ability of CNN's journalists to access the White House on a regular basis is essential to the depth, accuracy, and timeliness of CNN's coverage of the President and the administration. CNN journalists work from the White House complex every day the President is in Washington. Hard-pass access enables CNN journalists to attend the daily press briefing and ask questions of the Press Secretary or the press team and other top officials; to attend events in the Brady Briefing Room, Oval Office, East Room and elsewhere on the grounds that are open to hard-pass holders; to report live from the North Lawn; to speak face to face with White House

officials and staff; to develop and maintain sources; and to report immediately on events as they occur. That access cannot be replicated from outside the White House complex, as Ms. Klein describes in her declaration.

The September 18, 2026 Ban

17. On September 18, 2026, the President announced on Truth Social, in a post published at approximately 3:04 p.m. Eastern Time, that he was "banning" CNN from the White House "effective immediately" "as a result of their constant 'reporting' FAKE NEWS." The post also stated: "Media Outlets shouldn't be able to constantly write or report FICTION and LIES when they're covering the President of the United States, the Trump Administration, or the United States of America. Other Fake News Media Outlets to follow." The post did not identify any CNN report that the President contended was false, any rule that CNN had violated, any standard by which CNN's coverage had been or would be judged, any official responsible for applying such a standard, the scope or duration of the ban or any date on which it would end, or any means by which CNN could respond to or contest it.

18. Prior to the filing of this lawsuit, CNN received no written communication from the President, the White House Press Office, the Office of Communications, the Secret Service, or any other White House official purporting to give notice of the ban. On September 19, 2026, the White House Press Office declined to answer questions from news organizations about the ban and referred them to the President's prior remarks.

19. To my knowledge, no CNN journalist who was turned away on September 19, 2026, received a written statement of the reason for the denial, an opportunity to respond, or any information about the duration of the ban or how access might be restored. The only instruction any of them received was to direct questions to the White House Press Office.

20. When the ban was implemented, CNN's workspace, broadcast positions, cameras, and transmission equipment remained inside the White House complex, and CNN was given no assurance that its personnel would be permitted to enter to operate, maintain, or retrieve them.

The September 22, 2026 White House Press Office Letter

21. At approximately 10:30 p.m. Eastern Time on the night of September 22, 2026, David Chalian, CNN's Washington Bureau Chief, received by email a letter from the White House Press Office. Defendants filed a copy of the White House Press Office letter with their opposition to Plaintiffs' Motion for a Temporary Restraining Order as ECF No. 16-1.

22. The White House Press Office letter identifies four CNN articles: (1) an article by Betsy Klein about plans to rebuild the bunker beneath the White House East Wing, published January 19, 2026; (2) an article by Aaron Blake about the administration's statements concerning a munitions shortfall, published July 27, 2026; (3) an article by Zachary Cohen, Jim Sciutto, and Haley Britzky about the depletion of missile interceptors, published August 4, 2026; and (4) an article by Jessie Yeung about a United Nations report on a United States strike on a school in Iran, published September 18, 2026.

23. Only one of the four articles cited in the White House Press Office letter—the January 2026 article by Ms. Klein—was written by a journalist who held a White House hard pass. As indicated in Ms. Klein's Declaration in support of Plaintiffs' Motion for a Temporary Restraining Order, ECF No. 2-3, the White House accepted Ms. Klein's submission for renewal of her hard pass in June 2026, approximately five months after she wrote the article cited in the White House Press Office letter, and that renewal was made effective when her prior pass expired at the end of August 2026. The hard pass taken from her on September 19, 2026, bore an expiration date of August 31, 2027.

24. The other three articles cited in the White House Press Office letter were written by five CNN journalists, none of whom holds a White House hard pass: Mr. Blake, Mr. Cohen, Mr. Sciutto, Ms. Britzky, and Ms. Yeung. Each of them reports for CNN from outside the White House.

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

25. At approximately 12:56 a.m. Eastern Time on September 24, 2026, the Court entered an Order granting Plaintiffs' Motion for a Temporary Restraining Order and further directing that "Defendants (except for President Trump) and their agents, representatives, and all persons or entities acting in concert with them shall immediately return, reinstate, and restore the White House 'hard pass' press credentials held by employees of CNN, MS NOW, and POLITICO that were revoked on or about September 18, 2026." ECF No. 24 at 8. Notwithstanding the Order, CNN journalists were turned away from the White House throughout the morning of September 24, 2026, and a CNN photojournalist's hard pass was confiscated at the Northwest Gate that morning, as Ms. Klein describes in her declaration. The White House did not begin restoring CNN's hard passes until approximately noon. As of the date of this declaration, it is my understanding that all hard passes held by CNN personnel have been reactivated and the two confiscated hard passes have been returned.

26. On September 23, 2026, the White House solicited names from news organizations for credentials to cover President Xi Jinping's arrival at the White House for the state dinner on September 24, 2026. Prior to the given deadline, CNN submitted the names of reporters, producers, and camera crew, consistent with CNN's standard practice for covering White House events. Approximately one hour before President Xi's scheduled arrival for the state dinner on September

24th, the White House informed CNN that only a photojournalist and audio technician would be permitted to cover the event, excluding CNN's editorial team. Other television networks were permitted to cover the arrival with reporters and producers present. CNN informed the White House that it wanted to cover the event with an editorial presence, but no CNN reporter or producer was permitted to attend.

27. On the evening of September 25, 2026, CNN learned that it would not be permitted to travel aboard Air Force One as the designated television network pooler for the President's trip to Knoxville, Tennessee, on Saturday, September 26, 2026. CNN had been scheduled to serve as the designated television network pooler for that trip. After CNN was barred from traveling aboard Air Force One, the White House's schedule for September 26 did not identify a primary television network pooler to take CNN's place. As a result, no television network pooler accompanied the President on Air Force One on September 26. CNN received no official communication from anyone at the White House providing any reason why it was barred from traveling aboard Air Force One on September 26.

28. CNN is currently scheduled to serve as the designated television network pooler on October 1, 2026.

The Harm to CNN

29. If the ban is permitted to go back into effect when the Temporary Restraining Order expires, CNN will be unable to attend the daily press briefing, report from its broadcast positions on the grounds, attend events open to hard-pass holders, and serve in the primary television network pool or travel with the President. CNN was unable to do any of those things from the afternoon of September 18, 2026 until approximately noon on September 24, 2026. Since the ban was announced, CNN also has been prevented from performing its role as the designated television

network pooler and, as long as the ban is in effect, it will be unable to fulfill its obligations to the other networks in the primary television network pool and other news organizations dependent on CNN for access to the pool feed.

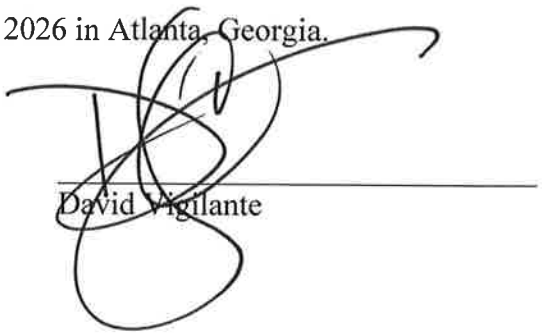
30. CNN's booth, its North Lawn broadcast position, and the cameras and transmission equipment it keeps on the White House complex will remain inside a complex that CNN's personnel cannot enter to operate, maintain, or retrieve them, and CNN will continue to bear the cost of facilities it cannot use.

31. These losses cannot be repaired after the fact. A briefing CNN cannot attend is a briefing at which a CNN journalist cannot ask a question. An event CNN cannot cover is an event CNN cannot report on for its audience.

32. The ban also harms CNN in ways that cannot be measured or repaired after the fact. It deprives CNN of the ability to gather news firsthand at the seat of the Executive Branch. It deprives CNN International, CNN en Español, and the affiliates and platforms that carry CNN's reporting of CNN's own video and reporting of the President.

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 28th day of September 2026 in Atlanta, Georgia.



David Vigilante