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. _____ 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 Temporary Restraining Order and 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 25 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, since September 18, 2026, no CNN journalist has been offered or granted access to the White House complex.

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, 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 network pooler) for events and locations where

physical space for journalists is limited. When CNN is the designated network pooler, CNN's crew supplies the video and audio 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 network pooler, that network supplies the video and audio to CNN and others.

11. The five-network television pool functions only if each participating network performs its rotations. If CNN is removed, the remaining four networks must absorb CNN's rotations on short notice, the pool loses one-fifth of the crews, equipment and financial resources on which it depends, and the public loses one 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 pool cuts off the raw pool feed to local television stations in communities across the country.

12. On September 18, 2026, the day the President announced the ban, CNN was serving as the designated network pooler traveling with the Vice President. CNN was the assigned 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 network pool

rotation CNN is scheduled to perform since the ban was announced. As the assigned network pooler, CNN is 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. Once assembled, the in-town pool is responsible for covering any of the President's activities on the White House campus that day, none of which the White House has yet announced, and for covering 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 network pooler is expected to be the only television camera present.

13. Despite previously being assigned as the network pooler for September 21, the White House Office of Communications sent out its daily guidance and press schedule at 10:55pm on September 20 removing CNN from the day's schedule.

14. CNN bears substantial costs to participate in the pool. The five networks share the cost of maintaining the television 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

15. 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

16. 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.

17. CNN received no written notice of the ban from the President, the White House Press Office, the Office of Communications, the Secret Service, or any other White House official. No one has advised CNN of the scope or duration of the ban, or of any process by which CNN may respond to or contest it. On September 19, 2026, the White House Press Office again declined to answer questions from news organizations about the ban and referred them to the President's prior remarks.

18. To my knowledge, no CNN journalist who was turned away 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.

19. CNN's workspace, broadcast positions, cameras, and transmission equipment remain inside the White House complex. CNN has received no assurance that its personnel will be permitted to enter to operate, maintain, or retrieve them.

The Harm to CNN

20. As long as the ban remains in place, CNN cannot attend the daily press briefing, cannot report from its broadcast positions on the grounds, cannot attend events open to hard-pass holders, and cannot serve in the pool or travel with the President.

21. 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.

22. 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 20 day of September 2026 in Washington, DC.

David Vigilante