

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KENNETH ROTH; DANIEL FROOMKIN;
BEVERLY GAGE; PETER SCHMIDT-
NOWARA; BENJAMIN WITTES; and
ETHAN YOUNG,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States; STEVEN
CHEUNG, in his official capacity as Assistant
to the President for Communications; SEAN
M. CURRAN, in his official capacity as
Director of the Secret Service; and SUSAN
WILES, in her official capacity as White
House Chief of Staff,

Defendants.

Civil Action No. 1:26-cv-9327

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. President Trump and his aides have adopted a policy and practice of punishing members of the White House press corps whose reporting the president views as “false” or “fake” (the “Policy”). In furtherance of the Policy, the White House has revoked journalists’ press credentials and expelled them from spaces where they had previously been allowed to gather and report the news. The president has described the Policy as a “ban on the free press.”

2. Defendants have targeted some White House journalists and news organizations under the Policy already, and they have said they will target others. In February 2025, they expelled the Associated Press (“AP”) from the White House press pool, a rotating group of credentialed journalists that covers the president when space is limited, because it refused to refer to the “Gulf

of Mexico” as the “Gulf of America.” In September 2026, they revoked the credentials of journalists from CNN, MS NOW, and POLITICO after declaring their reporting to be “fake” and “unfair,” and later sought to justify these expulsions by referencing viewpoint-based and vague “standards of professionalism and decorum.” Last week, Defendants barred a correspondent for the Independent from serving as a print pool reporter on Air Force One after he asked the president unwelcome questions at an Oval Office press conference. Defendants have threatened to ban other journalists and news organizations—including ABC, NBC, the New York Times, USA Today, and the Washington Post—if they fail to conform their reporting to the president’s preferences.

3. The Policy violates the First Amendment. The White House has long maintained a protected forum for certain members of the press to engage in the First Amendment activities of newsgathering and reporting. This forum—the “White House Press Forum”—encompasses spaces in the White House complex that the president and his aides open to the press for these protected purposes as well as spaces that they open to the press when the president is away from the White House, including on Air Force One. To regulate entry to the White House Press Forum, the White House issues credentials—“press passes”—to eligible journalists. It has also developed rules for the forum that use a rotation system for pool events. The Policy is unconstitutional because it conditions access and participation in the White House Press Forum on criteria that are viewpoint based and unreasonable.

4. Some of the news organizations targeted by the Policy have sued, arguing, correctly, that the First Amendment requires that their access be restored. The ultimate injury here, however, is to the democratic public. The First Amendment protects the press because an independent media is “one of the great interpreters between the government and the people,” and because “informed public opinion is the most potent of all restraints upon misgovernment.”

Grosjean v. Am. Press Co., 297 U.S. 233, 250 (1936). Defendants’ Policy of restricting the access of disfavored news organizations deprives the public of the reporting of those organizations, and it inevitably deprives them of the independent reporting of other news organizations as well, since every journalist who reports from the White House must now account for the possibility that a critical or ill-advised word about the president may result in their access being summarily restricted or revoked. The distorting effect of the Policy will persist so long as the Policy remains in place, even if the government is required to restore the access of the news organizations whose access has already been restricted, and even if news organizations targeted under the Policy in the future have the resources and will to challenge their targeting in court. Protecting the public’s right to independent reporting requires broader equitable relief.

5. Plaintiffs—a human rights advocate, a media watchdog, a historian, a civics teacher, a legal journalist, and a student journalist—commence this suit to vindicate their right to receive news coverage that is not limited by the president’s unlawful expulsions or distorted by the president’s unconstitutional threats. All of the Plaintiffs rely on the White House press corps for independent reporting about the president and his administration, and all of them use that reporting in a variety of ways in their scholarship, teaching, journalism, or advocacy. The Policy injures Plaintiffs because it deprives them of reporting of the journalists and news organizations that Defendants have targeted under the Policy; because it will deprive them of the reporting of the journalists and news organizations that Defendants target under the Policy in the future; and because the threat of being targeted in the future is likely to distort the reporting of news organizations today.

6. Plaintiffs seek the broad equitable relief necessary to adequately protect their right to receive independent White House reporting. They seek a declaration that the Policy is

unconstitutional because it imposes restrictions on a limited public forum that are viewpoint based and unreasonable. They also seek an injunction barring Defendants from enforcing the Policy.

JURISDICTION AND VENUE

7. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and the U.S. Constitution.

8. The Court has authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201–02, Rules 57 and 65 of the Federal Rules of Civil Procedure, and the Court’s inherent equitable powers.

9. The Court has authority to award costs and attorneys’ fees pursuant to 28 U.S.C. § 2412.

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) and (e)(1).

PARTIES

Plaintiffs¹

11. Plaintiff Kenneth Roth, who resides in New York, N.Y., is a human rights advocate, legal scholar, and lecturer at Yale Law School and the Yale Jackson School of Global Affairs.

12. Plaintiff Daniel Froomkin, who resides in Washington, D.C., is a media and political journalist and editor of Press Watch and Heads Up News.

13. Plaintiff Beverly Gage, who resides in Cheshire, C.T., is a professor and Pulitzer Prize–winning historian at Yale University.

14. Plaintiff Peter Schmidt-Nowara, who resides in Brooklyn, N.Y., is a civics and social studies teacher at Brooklyn Technical High School.

¹ Plaintiffs’ affiliations are provided below for identification purposes only, and the views expressed herein do not necessarily represent those of any institution with which Plaintiffs are affiliated.

15. Plaintiff Benjamin Wittes, who resides in Washington, D.C., is a legal and national security journalist, the editor-in-chief of Lawfare, and a senior fellow at the Brookings Institution.

16. Plaintiff Ethan Young, who resides in Philadelphia, P.A., is a student at the University of Pennsylvania and the editor-in-chief of the Daily Pennsylvanian.

Defendants

17. Defendant Donald J. Trump is the President of the United States. He announced the Policy challenged here and oversees its enforcement. He is sued in his official capacity.

18. Defendant Steven Cheung is the Assistant to the President for Communications, better known as the White House Communications Director. With other Defendants, Cheung implements and enforces the Policy challenged here. He is sued in his official capacity.

19. Defendant Sean M. Curran is the Director of the Secret Service. With other Defendants, Curran implements and enforces the Policy challenged here. He is sued in his official capacity.

20. Defendant Susan Wiles is the White House Chief of Staff. With other Defendants, Wiles implements and enforces the Policy challenged here. She is sued in her official capacity.

FACTUAL ALLEGATIONS

The White House Press Forum

21. For well over a century, presidents from both political parties have given members of the press access to certain spaces within the White House complex and around the president so that they can engage in newsgathering and reporting on the presidency and fulfill the press's role as "surrogates for the public." *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980). Together, these spaces constitute the White House Press Forum. The White House Press Forum encompasses spaces that the president and his aides open to the press for First Amendment-protected activities at the White House itself as well as spaces that they open to the press when the

president is away from the White House, including on Air Force One. Access to these spaces allows journalists to ask questions of the president and senior officials, meet with officials less formally, and observe and report on important events firsthand.

22. In 1902, President Theodore Roosevelt dedicated a room in the newly built West Wing for use by the press. In 1934, as part of his reconstruction of the West Wing, President Franklin D. Roosevelt built a larger press room, which White House reporters used for over three decades. During this period, Presidents and their aides spoke with and briefed White House reporters in a variety of other spaces in the White House complex, including the Oval Office, the Indian Treaty Room in the Eisenhower Executive Office Building, and the East Room.

23. As new communications technologies like broadcast television emerged, and the number of reporters covering the White House increased, press activities on White House grounds required more space. In 1969, President Richard Nixon announced plans to open a new White House Press Center in the White House's West Terrace. The Press Center opened in April 1970. Built over two stories, the Press Center comprised a briefing room, reporters' desks and workspaces, broadcast booths, phone lines dedicated to news outlets, and lounge areas for reporters. The Press Center's briefing room underwent renovations during the Clinton administration, which then renamed it the James S. Brady Press Briefing Room (the "Briefing Room").

24. Currently, multiple spaces within the White House complex are either specifically devoted to newsgathering, reporting, and related activities by the press, or routinely used by the press for those activities. The Briefing Room is the site of regular briefings by the White House Press Secretary and other senior officials, as well as press conferences and statements by the president himself. Adjoining the Briefing Room are workspaces in which news organizations

maintain desks and booths. “Pebble Beach” is the colloquial name for an area on the White House North Lawn, near the West Wing, from which television correspondents deliver live reports. The East Room, the largest room in the Executive Residence, is used for presidential press conferences, joint press conferences with visiting foreign leaders, bill signings, and other official events to which the press is invited. The South Lawn is the site of state and official arrival ceremonies and other events, as well as the site of the president’s departures and arrivals aboard Marine One. Journalists regularly gather on the South Lawn to observe these events and to question the president, who often stops to take reporters’ questions before boarding or after disembarking from Marine One.

25. Since the early 20th century, the White House has provided journalists who regularly cover the White House with long-term credentials that allow pass holders routine access to the White House complex. Today, these credentials are known as “hard passes,” and they are approved by the White House Press Office. Approximately 1,200 reporters hold hard active passes. Journalists who do not have hard passes but want to access the White House can apply for and receive day passes.

26. Historically, reporters seeking to obtain hard passes have been required to hold a congressional or Supreme Court press pass (to show that they are “bona fide” journalists), and to show that they regularly cover the White House and reside in or around Washington, D.C. They have also been required to pass a Secret Service background check. Secret Service regulations state that eligibility for hard passes must be “guided solely” by whether the applicant “presents a potential source of physical danger to the President and/or the family of the President so serious as to justify his or her exclusion from White House press privileges.” 31 C.F.R. § 409.1. The regulations also state that when the Secret Service intends to deny issuance of a hard pass, the

agency must provide the applicant with its reasons for the anticipated denial, notice of the applicant's right to respond, and an opportunity for an applicant to be heard before a senior Secret Service official, during which hearing the applicant may be represented by counsel. 31 C.F.R. § 409.2.

27. Journalists with hard passes or day passes can enter the White House complex unescorted and access Pebble Beach, the Briefing Room, and the press workspaces in the West Wing. Subject to a registration system administered by the White House Press Office, press pass holders can also attend and report on events in the East Room, on designated areas in the South Lawn, and in other spaces within the White House complex.

28. Some of the president's official activities take place in spaces too small to accommodate the entire White House press corps, such as in the Oval Office and aboard Air Force One. To enable the press to cover the president's activities in these smaller areas, the White House has established the White House press pool. Drawn from the larger group of hard pass holders, the White House press pool is comprised of a rotating group of journalists assigned to cover the president's activities and movements in these settings on behalf of the entire White House press corps.

29. The press pool dates back to 1881, when an AP reporter provided continuous updates outside President James Garfield's sick room, from his shooting in July to his death in September. Pool reporters have traveled with the president since the Franklin D. Roosevelt administration and have often been present at key historical moments, planned and unplanned. For instance, pool reporters were present with President John F. Kennedy Jr. when he was shot in Dallas, and they accompanied President George W. Bush when he learned about the September 11, 2001 attacks. In recent years, the White House has invited the press pool to cover a wide range

of events including bill signings, briefings, meetings with foreign leaders, retreats, celebrations on the South Lawn, in-town travel, and domestic and international trips.

30. The press pool includes wire, print, television, and radio reporters, as well as photojournalists. The size and composition of the pool covering the president varies depending on location. For example, the “in-town travel pool,” which covers the president when he is within driving distance of the White House, typically has around fourteen members: four print and wire reporters, six photographers, one radio reporter, and three network television crew members. The “in-house pool,” for events occurring within the White House complex, has around twenty-one members: the in-town travel pool plus foreign reporters as well as additional wire reporters, network television crew members, and photographers. The domestic and foreign “travel pools” have thirteen members: three wire reporters, two print reporters, four photographers, one radio reporter, and three network television crew members.

31. In the Oval Office and other smaller spaces covered by the press pool, pool reporters observe events, ask questions of the president and sometimes others, and contemporaneously transmit their reporting on these events to their editors or directly to the public. Before and after official or scheduled events, pool reporters are also invited to pool “sprays”—opportunities to photograph and question the president. The White House regularly includes official pool events in its daily schedules.

32. Press pool reporters who accompany the president on long-distance travel aboard Air Force One often question and interact with him during the flight. Pool reporters have also covered diplomatically sensitive trips, during which they have questioned not only the president but also foreign leaders such as the Soviet Union’s Mikhail Gorbachev and North Korea’s Kim Jong Un. Members of the foreign travel pool recently covered President Trump’s remarks at a

NATO summit in Turkey and his interactions with Xi Jinping during a visit to China. Air Force One contains a designated press cabin of thirteen seats reserved for the traveling pools. President Trump has continued a decades-long tradition of entering the press cabin to engage pool members in conversation.

33. Members of the press pool report back to the rest of the White House press corps, including through written “pool reports,” so that journalists who are not accompanying the president can learn what transpired and help report to the public. Pool reporters do not serve as mere stenographers; instead, they ask questions of the president and others present at pool events, observe the president and official events, and interpret, frame, and record their impressions. In communicating news reports to their editors and the public, they make editorial judgments that shape what the public learns. Pool reporters frequently report in real time to their editors and audiences from within the White House Press Forum.

34. Until February 2025, the press pool’s composition was managed by the White House Correspondents’ Association (“WHCA”), a membership organization for White House journalists. That month, the White House Press Secretary announced that the government would take over the day-to-day management of the press pool, including deciding its composition and circulating pool reports, asserting that the change was motivated by a desire to “open access to a wide range of media outlets that have not historically been members of the pool while continuing to provide access to legacy members.” As one court has found, aside from the allotment of additional seats to “new media,” “[l]ittle else has changed” in the composition or structure of the press pool since the White House assumed responsibility for its management. *AP v. Budowich*, 780 F. Supp. 3d 32, 41 (D.D.C. 2025).

The Policy

35. President Trump has long vilified members of the White House press corps whose reporting he maintains is unfair, singling out specific journalists and news organizations as “enemies of the people” and “fake news.” He routinely used this rhetoric against the press during his first term. In public appearances and on social media, he declared that “[t]he FAKE NEWS media (failing @nytimes, @NBCNews, @ABC, @CBS, @CNN) is not my enemy, it is the enemy of the American People!” He accused news outlets of “treason” for doing their jobs. He suggested that the White House should revoke press credentials based on “negative” coverage: “The Fake News is working overtime. Just reported that, despite the tremendous success we are having with the economy & all things else, 91% of the Network News about me is negative (Fake). Why do we work so hard in working with the media when it is corrupt? Take away credentials?” And at one point during the first Trump administration, the White House did just that—revoking the press credentials of CNN reporter Jim Acosta for questioning President Trump’s characterization of a Central American migrant caravan as “an invasion,” and restoring them only after a court ordered it to do so.

36. At the beginning of President Trump’s second term, he and his aides adopted the Policy challenged here, under which Defendants have restricted or revoked the access of members of the White House press corps as punishment for reporting they deem to be “false” or “fake.”

37. In February 2025, the White House banned the AP from the White House press pool because it continued to use the term “Gulf of Mexico” in its reporting and style guide after President Trump demanded that it adopt the term “Gulf of America.” After the AP challenged the administration’s action on First and Fifth Amendment grounds, a district judge in Washington, D.C. ordered the White House to restore the AP’s access “immediately.” A divided three-judge panel stayed that ruling in part pending adjudication of the appeal, and the White House has

continued to exclude AP reporters from pool events and restrict their participation in the White House Press Forum for the time being. In response to the panel's stay decision, President Trump reiterated his reasons for expelling the AP from the press pool: "Big WIN over AP today. They refused to state the facts or the Truth on the GULF OF AMERICA. FAKE NEWS!!!"

38. In September 2026, the White House banned CNN, MS NOW, and POLITICO from the White House Press Forum by revoking their hard passes. On September 18, President Trump announced on the social media platform Truth Social that the ban on the three new outlets was in response to their "constant 'reporting' FAKE NEWS," "FICTION and LIES." In the same post, he declared "[o]ther Fake News Media Outlets to follow." During a press conference held in the Oval Office, President Trump was asked by White House reporters why he had banned these news organizations, and he responded that "it's really just cumulative stories over the last two years [T]hey purposely write negative news, and they do that because they want to try and diminish the Republicans and a Republican administration. . . . If they could straighten themselves out, I'd love it." He referred to his actions as "the ban on the free press."

39. Deprived of their White House press credentials, journalists from CNN, MS NOW, and POLITICO later attested that they were "unable to enter the White House complex to attend briefings or events, report from their broadcast positions, or speak in person with White House officials and staff."

40. In the weeks since he first banned CNN, MS NOW, and POLITICO, President Trump and other senior administration officials have made multiple statements describing the Policy and threatening additional enforcement actions under it. For example:

- A. On September 21, President Trump claimed in a Truth Social post that in implementing the Policy, "[t]he White House is not instituting an assault on the Free Press It is instituting an assault on the FAKE NEWS." He also labeled the press "corrupt, purposeful, pervasive, fully coordinated, and

totally out of control” as well as “a threat to our National Security” that “must be stopped, NOW!”

- B. In another Truth Social post later that day, President Trump complained of “Fake News people and publications that only write negatively, and who violate our National Security by writing false and defamatory stories with unknown ‘sources.’” According to the president, these “Third Rate Clowns, who purposefully distort, twist, and degrade with everything they write or publish,” should not “be allowed access” to the Oval Office because “[v]irtually every story about me, or anything having to do with me, is negative, wrong and, in many cases, DANGEROUS for our Country! . . . Why should I have to give ‘access’ to such people? . . . FAKE NEWS IS A THREAT TO DEMOCRACY”
- C. On September 26, President Trump posted a series of messages on Truth Social reaffirming the Policy. Early that morning, he asked, “Why should perpetrators of FAKE NEWS, like CNN and MSDNC, be allowed access to a very sacred place, the White House? Despite my big Election Win, almost 100% of ‘TRUMP’ coverage is negative, and has been for years!” Shortly thereafter, he declared, “FAKE NEWS SHOULD NOT BE ALLOWED IN THE WHITE HOUSE!!!” And just before noon, President Trump identified a number of specific White House news organizations—USA Today, CNN, the Washington Post, the Guardian, Newsweek, the New York Times, ABC, NBC, and Forbes—and stated that they “and others” should “not be allowed to enter the White House premises, or Press Room, because they are CORRUPT and DISHONEST!”
- D. On September 27, Attorney General Todd W. Blanche defended the Policy in a televised interview with ABC reporter Martha Raddatz in which he stated that “at some point, the complete misinformation and the inaccuracy and the one-sided news out of certain organizations does become a national security issue.”
- E. On September 28, President Trump sat for an interview at the White House with TIME magazine reporter Eric Cortellessa and editor-in-chief Sam Jacobs during which he reiterated his animus toward White House reporting that he deems to be “fake news”: “I haven’t had a good story on CNN for years. They’re incapable of being—they’re fake news. Same thing on MS NOW. If I do the finest thing, if I found the cure to cancer, they would say, ‘Why didn’t he move quicker?’ They are just horrible people, and they’re

so bad. So I believe in a free press. I believe in an honest press, but I don't believe in fake news."

41. Shortly after they were banned from the forum, CNN, MS NOW, and POLITICO filed suit, challenging the revocation of their journalists' hard passes on First and Fifth Amendment grounds. After they filed suit, the White House Press Office sent letters to each news organization purporting to "provide notice that the President has made the determination to revoke hard passes for members of [the] organization[s]" because of a "non-exhaustive list of reporting incidents, including those that have threatened national security and/or spread falsehoods."

42. The letters invoke new "standards of professionalism and decorum" that appear to constitute enforcement criteria for the Policy. These standards are not fully defined but "includ[e]" "trafficking in verifiable falsehoods about national security and other issues, and publishing sensitive or classified information." The letters explain that members of the White House press corps may retain "[h]ard pass credentials" only if they "abide by standards of professional conduct," "demonstrate a level of trustworthiness," and "perform their duties in a way that does not interfere with the White House's daily operations." The letters further state that "[t]he spread of misinformation," including but not limited to that which "relat[es] to national security, is a threat that undermines the President's ability to safeguard the national security"—and sufficient grounds for revocation of White House press credentials.

43. On September 24, a district court in Washington, D.C. granted CNN, MS NOW, and POLITICO a temporary restraining order that directed the White House to "immediately return, reinstate, and restore" their journalists' hard passes. On October 13, the court granted the three news organizations a preliminary injunction, concluding that the government's revocation of the organizations' hard passes likely violated their First and Fifth Amendment rights.

44. Despite these orders, the White House has continued to exclude some of these news organizations and their reporters from certain areas and events open to other members of the White House press corps, and from pool events in which they would otherwise have been able to participate. For example, on September 21, CNN was barred from accompanying President Trump aboard Air Force One to the United Nations General Assembly in New York. On September 24, the White House barred CNN and MS NOW journalists from covering Chinese leader Xi Jinping's arrival at the White House for a state dinner. On September 25, the White House blocked CNN from participating in the domestic travel pool accompanying the president to Tennessee. The following week, on October 5, the White House similarly excluded POLITICO from traveling on Air Force One even though it had been scheduled to do so. As of the date of this filing, the White House is still excluding reporters associated with these three outlets from participating in press pool events in the Oval Office and from traveling on Air Force One.

45. In court filings, CNN, MS NOW, and POLITICO have stated that the restriction or revocation of their access "is a severe sanction that chills speech" and that "[a]n indefinite ban would objectively deter a reporter." They have explained that the "unpredictable and unexplained adverse treatment" their journalists have received, even after a judge ordered the White House to restore their press credentials, "only exacerbates the chilling effect on protected speech."

46. Most recently, on October 21, the White House barred Andrew Feinberg, White House correspondent for the Independent, from serving as one of the print reporters assigned to the domestic travel pool for President Trump's upcoming trip to Iowa. The prior day, during a press conference in the Oval Office, the president called Feinberg "a sick person" after the reporter had attempted to ask him questions about the government's claimed efforts to combat healthcare fraud and the president's plans to renovate a golf course in Washington, D.C.

47. In court filings, the government has repeatedly described its actions in banning or restricting members of the White House press corps as part of its “policy” governing “access to the White House complex.” Defendants continue to initiate new enforcement actions under the Policy. In recent reporting, Defendant Cheung was quoted as stating: “All options remain on the table, and we will make an announcement when appropriate.”

Plaintiffs

Kenneth Roth

48. Plaintiff Kenneth Roth is a human rights advocate, legal scholar, and expert on U.S. foreign policy and the rule of law. He is a Lecturer in Law, Senior Research Scholar in Law, and Oscar M. Ruebhausen Visiting Scholar at Yale Law School and lecturer at the Yale Jackson School of Global Affairs, where he teaches courses on international human rights, foreign policy, and global affairs. The former longtime executive director of Human Rights Watch, Roth publishes widely on international human rights and U.S. foreign policy, including as a columnist for the Guardian U.S. Roth has over 600,000 followers on the social media platform X (formerly known as Twitter), where he follows current events, provides commentary on U.S. foreign and domestic policy, and engages directly with journalists, public officials, and members of the public.

49. Roth relies on newsgathering and reporting from members of the White House press corps to inform his public writing and commentary, teaching, and general knowledge of the president and his administration. He reads reporting from a range of White House journalists and news organizations, including the AP, the Guardian, Al Jazeera, the New York Times, the Wall Street Journal, and the Washington Post. He also engages directly with White House journalists on social media, particularly the platform X. Roth frequently cites White House reporting in his public writing, assigns White House reporting to his students, and shares, comments on, and engages in other ways with White House reporting on social media. For example, in his recent

Guardian U.S. column about President Trump's motivations for agreeing to a nuclear deal with Saudi Arabia, Roth relied on an article co-authored by David E. Sanger, a White House reporter for the New York Times.

50. The Policy significantly impairs Roth's ability to access the information he requires to write, teach, offer public commentary, and stay informed as a citizen. He is deprived of the reporting and perspectives of outlets that are currently excluded from certain facilities or events, such as the AP and CNN. He fears that other news outlets may tone down their questions and temper their reporting for fear of being similarly expelled. If the White House continues its policy and practice of denying disfavored journalists the access they require to do their jobs, it will be harder for him to learn of and understand the government's decisions and policies. As a human rights expert, Roth has seen how authoritarian governments abuse and consolidate their power by undermining checks and balances on the executive branch, including civil society and the media. The Trump administration's Policy of retaliating against and excluding independent journalists reminds him of repressive tactics deployed by autocratic governments around the world, including Egypt, Hungary, Russia, and Turkey. Roth believes a free press with access to the head of state is essential for keeping ordinary people informed so they can use their voices and votes to influence their government.

Daniel Froomkin

51. Plaintiff Daniel Froomkin is a media and political journalist with over four decades of experience. He is the editor of Press Watch, an independent non-profit organization devoted to encouraging political journalists to fulfill their essential mission of creating an informed electorate and holding the powerful accountable, and the editor of Heads Up News, a weekly newsletter about some of the most consequential and current issues in U.S. politics. Froomkin contributes regularly to these and other publications, such as MS NOW and Salon.

52. Froomkin relies on newsgathering and reporting from members of the White House press corps to inform his public writing and commentary and general knowledge of the president and his administration. Froomkin reads White House reporting from a range of news organizations, including the AP, the New York Times, POLITICO, the Wall Street Journal, and the Washington Post. He watches broadcast coverage about President Trump and his administration on CNN and MS NOW. He also follows the accounts of multiple White House journalists on social media, particularly the platform Bluesky, including Liz Landers of PBS, Peter Baker and Katie Rogers of the New York Times, Laura Barrón-López of MS NOW, Danielle Kurtzleben of NPR, and Scott Waldman of POLITICO. Froomkin frequently cites White House reporting in his public writing and shares, comments on, and engages in other ways with White House reporting on social media. For example, on March 11, 2026, Froomkin re-posted on Bluesky a video from Liz Landers of PBS, which recorded her asking President Trump, standing at a press gaggle in front of Marine One, about the FBI seizing election records in Arizona, and the president's revelatory response that he continues to believe the election was "rigged" there in 2020.

53. Froomkin and his work benefit most from White House reporters who follow up on leads and press the president and his officials on behalf of readers like him. Because the Policy is likely to make journalists and news organizations afraid to ask tough questions of the president for fear of losing their access, Froomkin is and will be deprived of valuable information that he can use to evaluate, opine on, and write about the president and his policies. It is also important to Froomkin that the White House press corps includes representatives of responsible news outlets from across the political spectrum, especially journalists who tend to be more rigorous or critical of the president in office, but the Policy gives President Trump the power to expel journalists who challenge or disagree with him.

Beverly Gage

54. Plaintiff Beverly Gage is a historian of U.S. political history and the John Lewis Gaddis Professor of History at Yale University, where she teaches a number of courses on U.S. politics, political thought, and social movements in the 20th century. Gage has published three nonfiction books, including a biography of former FBI director J. Edgar Hoover that was awarded the 2023 Pulitzer Prize for Biography. Gage is currently writing a biography of President Ronald Reagan. She also publishes regularly in academic journals and popular periodicals.

55. Gage relies on newsgathering and reporting from members of the White House press corps to inform her scholarship, public writing and commentary, teaching, and general knowledge of the president and his administration. Gage reads reporting from a range of White House journalists and news organizations, including the New York Times, the Wall Street Journal, and the Washington Post. She watches broadcast coverage of President Trump and his administration on CNN, Fox News, and MS NOW; listens to NPR; and subscribes to news podcasts from the New York Times and NPR. Gage draws on White House reporting for her historical research, cites White House reporting in her public writing, and assigns White House reporting to her students. For example, in researching and writing her forthcoming biography of President Reagan, Gage has relied on contemporary White House reporting from the New York Times about Trump's proposed "Golden Dome" missile defense system as a point of comparison with Reagan's "Strategic Defense Initiative."

56. Gage's work as a historian and a professor necessitates that she have access to independent White House reporting to inform her writing, research, and teaching. Gage is concerned that if President Trump is allowed to exclude White House reporters based on their viewpoints, he will control not only the public's access to information in the present moment but also what information will be included in the historical record. The diversity of the White House

press corps is important to Gage because it gives her a degree of assurance that the picture that White House reporters paint through their collective reporting is tethered to reality. Gage also researches presidential personalities, self-presentation, and rhetoric, investigating what presidents and public officials say about a particular policy, how they say it, whether they seem to be up to date on a particular issue, and what their attitude towards the policy appears to be. Because White House press reporters are often privy to some of the most spontaneous public expressions of the president and other White House officials, the Policy means that information about the president's demeanor and his off-the-cuff answers to challenging questions may never be publicized.

Peter Schmidt-Nowara

57. Plaintiff Peter Schmidt-Nowara is a civics and social studies teacher at Brooklyn Technical High School. Schmidt-Nowara currently teaches two courses, Participation in Government and Economics, and he has been an educator for over three decades.

58. Schmidt-Nowara relies on newsgathering and reporting from members of the White House press corps to inform his teaching and general knowledge of the president and his administration. Schmidt-Nowara reads and listens to reporting from a range of White House journalists and news organizations, including the Boston Globe, the Guardian, Al Jazeera, the New York Times, NPR, and PBS. He subscribes to news podcasts from the New York Times. Schmidt-Nowara uses White House reporting to prepare his syllabi and weekly lesson plans, and he assigns or presents White House reporting to his students. He frequently shares New York Times articles in class about the president and his policies. For example, he has shared with his students an article about the activities of the "Department of Government Efficiency," and other articles about the federal budget and presidential pardons and appointments.

59. Schmidt-Nowara considers reporting from members of the White House press corps to be essential to his work as an educator. He relies on this reporting to teach his students

fact-based political history and offer them different perspectives on current events. He feels an obligation, especially as a civics teacher, to help prepare his students to be critical, productive citizens who know how to and want to consume news responsibly. As a full-time high school teacher, he has little time to independently fact-check the news he consumes or to review a variety of sources before he discusses current events with his students. He needs to trust that what he is reading and then sharing with his students is accurate and independent. The Policy makes it more difficult for him to fulfill his responsibilities to his students, many of whom look to him to guide them about where and how to find accurate and reliable information about the world they live in. With fewer voices in the room and with the threat of expulsion hovering over White House reporters, he fears that they will become more partisan and sycophantic to avoid retaliation.

Benjamin Wittes

60. Plaintiff Benjamin Wittes is a legal journalist and the editor-in-chief of Lawfare, a non-profit multimedia publication that he co-founded in 2010 to provide non-partisan, timely analysis on issues including national security, democracy, cybersecurity, executive powers, and foreign policy. Wittes is also a Senior Fellow in Governance Studies at the Brookings Institution. Wittes publishes widely on U.S. domestic and foreign policy, current events, and legal developments. He has authored hundreds of articles and several books on topics related to the presidency and national security, including *Unmaking the Presidency: Donald Trump's War on the World's Most Powerful Office* (co-authored with Susan Hennessey), which examines the transformation and erosion of longstanding norms within the executive branch during President Trump's first term in office.

61. Wittes relies on newsgathering and reporting from members of the White House press corps to inform his public writing and commentary, editorial responsibilities, and general knowledge of the president and his administration. Wittes reads reporting from a range of White

House journalists and news organizations, including CNN, the New York Times, POLITICO, and the Washington Post. He also follows the accounts of multiple White House journalists and news organizations on social media, particularly on the platform Bluesky, including the accounts of Andrew Feinberg of the Independent, the New York Times, NPR, and the Washington Post. Wittes uses White House reporting to research and source ideas for his public writing and episodes of the Lawfare Daily podcast. For example, in a Lawfare piece providing a day-by-day timeline of President Trump's first one hundred days in office, Wittes drew from nearly a dozen articles by White House reporters, who provided indispensable coverage of the president's substantial changes to longstanding features of U.S. federal policy and practice.

62. Because Lawfare does not employ reporters with press credentials, Wittes is especially reliant on the White House press corps to provide accurate and timely coverage of the president. It matters to Wittes that White House reporters are unafraid to challenge those in power: that they ask difficult questions, investigate discrepancies in officials' statements, and are not deterred by the risk of losing access to the White House for doing so. Only then can Wittes be confident that coverage of the White House is not shaped by the viewpoints of the government itself. If members of the White House press corps are less willing to ask critical questions of the president, or risk expulsion for doing so, Wittes will be less confident in the quality and accuracy of their newsgathering. The Policy—if permitted to continue unchecked—will significantly harm his work as a journalist.

Ethan Young

63. Plaintiff Ethan Young is a student journalist and the editor-in-chief of the Daily Pennsylvanian, the University of Pennsylvania's independent, student-run newspaper. As editor-in-chief, Young reports and edits articles published in the Daily Pennsylvanian, in addition to overseeing the news, sports, and opinion sections of the paper.

64. Young relies on newsgathering and reporting from members of the White House press corps to inform his own reporting, editorial responsibilities, and general knowledge of the president and his administration. Young reads reporting from a range of White House journalists and news organizations, including CNN, Fox News, POLITICO, the New York Times, the Wall Street Journal, and the Washington Post. He also follows the accounts of multiple White House journalists on social media, particularly the platform X, including Sophia Cai of POLITICO, Natalie Andrews of the Wall Street Journal, Betsy Klein and Kaitlan Collins of CNN, and Jennifer Jacobs of CBS. Young uses and cites to White House reporting in his own journalism and editorial work. For example, in a live blog that Young wrote and edited following the University of Pennsylvania's announcement that it had struck a deal with the Trump administration to recoup its frozen federal funding, he relied on and cited White House reporting from CNN.

65. As a student journalist in Philadelphia, Young cannot personally access White House press spaces, but he nevertheless requires reliable information about the president and his administration. He therefore relies on a diverse, independent, and trustworthy cohort of White House reporters to serve as his proxy. Because the Policy means that there are fewer reporters and outlets covering the president's activities, Young is deprived of the rigorous and comprehensive White House reporting on which he depends to deliver news to the University of Pennsylvania community. When any outlet is excluded from the White House press corps, there is inevitably less coverage of any given issue and less information shared with the broader news ecosystem, including with the Daily Pennsylvanian. Young knows from experience that different reporters invariably ask different questions and pursue different leads; together, their reporting coalesces into a more comprehensive representation of the president, his actions, and his policies. If President Trump is empowered to retaliate against members of the White House press corps for the way they

report on him and his administration, it will be significantly more difficult for journalists, including student journalists like Young, to do their work. It will continue eroding Young's access to the information he needs to produce high quality, reliable, and accurate journalism for his readers.

CAUSE OF ACTION

VIOLATION OF THE FIRST AMENDMENT

66. Plaintiffs repeat the allegations set forth above as if fully set forth herein.

67. The Policy violates the First Amendment because it imposes viewpoint-based and unreasonable restrictions on newsgathering and reporting in a limited public forum—the White House Press Forum—thereby burdening Plaintiffs' right to receive information.

PRAYER FOR RELIEF

Plaintiffs respectfully request that this Court:

- A. Declare that the Policy violates the First Amendment;
- B. Enjoin Defendants from enforcing the Policy;
- C. Enter judgment in favor of Plaintiffs;
- D. Award Plaintiffs reasonable costs and attorneys' fees incurred in this action; and
- E. Grant such other and further relief as the Court may deem just and proper.

October 26, 2026

Respectfully submitted,

/s/ Katherine Fallow

David A. Schulz
Christina Lee
Media Freedom & Information Access Clinic
Yale Law School²
127 Wall Street
New Haven, C.T. 06511
(203) 432-5827
david.schulz@yale.edu

Katherine Fallow
Jameel Jaffer
Jake Karr
Nicola Morrow
Taylor Fox*
Knight First Amendment Institute
at Columbia University
475 Riverside Drive, Suite 302
New York, N.Y. 10115
(646) 745-8500
katie.fallow@knightcolumbia.org

* Application for admission pending

Counsel for Plaintiffs

² The views expressed herein do not purport to represent the institutional views of Yale Law School.

Certificate of Service

I, the undersigned counsel, certify that on October 26, 2026, I electronically filed the forgoing in the U.S. District Court for the Southern District of New York using the CM/ECF system. I certify the forgoing will be served on Defendants via USPS certified mail upon issuance of summonses at the addresses below:

Donald J. Trump, in his official capacity as President of the United States,
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Steven Cheung, in his official capacity as Assistant to the President for Communications,
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Sean M. Curran, in his official capacity as Director of the Secret Service,
245 Murray Lane, S.W., Building T-5
Washington, D.C. 20223

Susan Wiles, in her official capacity as White House Chief of Staff,
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

October 26, 2026

Respectfully submitted,

/s/ Katherine Fallow

Katherine Fallow