

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CABLE NEWS NETWORK, INC. and ABILO  
JAMES ACOSTA,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; JOHN F. KELLY, in his official capacity as Chief of Staff to the President of the United States; WILLIAM SHINE, in his official capacity as Deputy Chief of Staff to the President of the United States; SARAH HUCKABEE SANDERS, in her official capacity as Press Secretary to the President of the United States; the UNITED STATES SECRET SERVICE; RANDOLPH ALLES, in his official capacity as Director of the United States Secret Service; and JOHN DOE, Secret Service Agent, in his official capacity,

Defendants.

**Case No.**

**DECLARATION OF TODD JOSEPH GILLMAN IN SUPPORT OF PLAINTIFFS'  
MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

I, Todd Joseph Gillman, declare as follows:

1. I am employed as Washington Bureau Chief for The Dallas Morning News ("The News"), a position I have held since January 2009. I became a Washington correspondent for The News in January 2003. I have been employed by The News since 1990.

2. I was elected to the board of the White House Correspondents' Association ("WHCA") in July 2014 for a three-year term, and reelected in July 2017 for a second three-year term. The WHCA represents the interests of the White House press corps, advocating for

journalists' access and coordinating with White House staff on logistics. Regular WHCA membership is open to journalists who regularly report on the White House.

3. In my capacity with The News, I have had a White House "hard pass" during the administrations of Presidents George W. Bush, Barack Obama and Donald Trump, and continuously since approximately 2005.

4. I am familiar with the procedures for obtaining and renewing a hard pass, in my capacities as an individual journalist, a manager of other journalists, and a member of the WHCA board.

5. In April 2017, I authored (with input from fellow members of the WHCA board) a primer for journalists newly assigned to the White House titled "Welcome to the White House Beat." We disseminated the primer at the time and have provided it to journalists covering the White House since then.

6. The primer addresses the issue of hard passes in two sections, set forth below:

**How do I get into the White House without a hard pass?**

You'll need to be cleared in for specific events, or for a day at a time. Email [whopress@who.eop.gov](mailto:whopress@who.eop.gov) or call the Press Office at (202) 456-9570.

They'll need personal information: full name, date of birth, Social Security number, citizenship.

- Enter at the Northwest gate, on Pennsylvania Avenue across from Lafayette Park.
- Leave extra time when trying to enter the complex for major news events.

**How to get a hard pass**

Journalists who cover the White House regularly are eligible for a hard pass. The process is managed by the White House Press Office. Applications require approval by the press secretary, followed by a background check by the Secret Service. The process typically takes months.

Hard passes are valid for two years and should be updated with changes of employer. Passes are issued by The Presidential

Protective Division, U.S. Secret Service, EEOB, Room 18. You'll get an appointment when you're approved. Their phone is (202) 757-3948. Contact them immediately if your pass is lost or stolen.

7. When applying for a hard pass, the Secret Service requires a letter with the following information:

- Job title.
- Affirmation that you reside in the Washington, D.C. area.
- Affirmation that you are assigned to the White House on a regular basis.
- Affirmation that you have a congressional press credential. As a print reporter, mine comes from the Congressional Press Gallery. Other galleries handle credentials for photojournalists, radio journalists, and television journalists, etc.
- Permission for the Secret Service to perform any necessary background investigation.

8. To my knowledge, eligibility for a hard pass has never been denied, revoked or suspended for any reason other than an individual being reassigned from the White House beat, failing to enter the White House for an extended period of at least six months, or because of a red flag on a criminal background check.

9. A hard pass is critical for anyone who reports regularly on the White House. It allows access to the White House complex on short notice, and with minimal delay, which is essential for covering the news relating to the White House and the presidency. The White House complex is a daily work place for the White House press corps. Press briefings and presidential news conferences are often not announced more than a half hour in advance and delay in getting access to the White House complex can prevent a reporter from being able to cover these events. Leaving the complex even to get lunch can be problematic. Pennsylvania Avenue is often closed to pedestrians without a hard pass, requiring long detours and delays,

especially during visits by foreign dignitaries. A Secret Service agent stationed at barriers prior to the security gatehouse waves hard pass holders through without delay. Those without a hard pass often face a delay at this checkpoint, which can mean missing out on important stories altogether.

10. At the security gatehouse, journalists with a hard pass are given immediate entry. Those without a hard pass are required to wait outside the locked gate and are only allowed in one at a time. There is often a long delay while the agents check each person's ID against the computerized list of those granted access for that day, and the process is not always successful. For example, someone who submitted a request for access in a timely way may not show up in the system. A single typo on a name or Social Security number will preclude clearance, even for people who have been cleared in many times before.

11. I have attended briefings at which reporters without a hard pass have been turned away, or delayed a half-hour or more. This has also happened to Dallas Morning News reporters whom I have assigned to cover events or briefings at the White House.

12. Even once a journalist is on White House grounds, a hard pass is essential to free movement in the places where press access is permitted, and thus to gathering news at the White House, where spontaneous briefings -- and informal but journalistically productive conversations -- frequently occur with the White House Press Secretary, other members of the press staff, and with senior and junior government officials. For example, journalists without hard passes may have difficulty accessing the "upper press" area, which is outside the offices of the Press Secretary and Deputy Press Secretary, where such spontaneous briefings and "gaggles" frequently occur. This area is near the Oval Office and is manned by Secret Service personnel, all of whom are familiar with and recognize the hard passes.

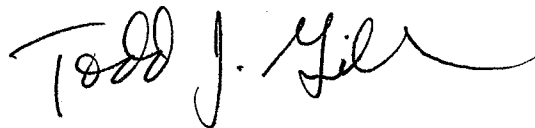
13. In particular during the Trump administration, the White House press office has at times required 24 hours advance notice for journalists requesting access to the complex. But often, news events are not announced until the same day, or within hours. This means that without a hard pass an individual has no opportunity to attend a news event. For breaking news, the lack of a hard pass effectively means a journalist could not cover the event from the White House at all. Journalism requires more being a spectator. A journalist needs the opportunity to observe first hand and to ask questions.

14. A hard pass is invaluable for individuals assigned by their news outlets to travel with the President aboard Air Force One. It facilitates getting through security at Joint Base Andrews and being added to travel manifests.

15. White House reporters often travel domestically and overseas to cover the President. There is always Secret Service security at Presidential events. The Secret Service-issued hard pass minimizes delays and allows a journalist to do the job unimpeded. The lack of hard pass is a significant impairment for a reporter covering these events.

16. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 12th day of November 2018 in Washington, DC.



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Todd Joseph Gillman