

October 19, 2026

Via Email

Mr. Michael K. Velchik
Senior Counsel
Civil Division, U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
michael.velchik@usdoj.gov

Re: Exclusion of CNN from Pool Coverage in the Oval Office and Air Force One

Dear Mr. Velchik:

We write on behalf of our client Cable News Network, Inc. (CNN) regarding the White House's implementation of what appears to be a new unstated policy to interfere with CNN's ability to fulfill its duties as a member of the primary television network pool covering the President (the "White House Television Pool").

Since the first Reagan administration, CNN has been a part of the White House Television Pool, helping to bring real-time coverage of the presidency to the American people. Indeed, in that capacity, CNN has had uninterrupted access to the Oval Office and Air Force One for 45 years. That is because those spaces belong not to any particular president or administration but to all Americans, and CNN and other members of the press serve as surrogates for the public when covering the White House. Prior to the President's Truth Social post on September 18, 2026, announcing that he was "banning" CNN from the White House "as a result of" its "reporting," CNN consistently had the same access to the spaces where presidents interact with the press as the other members of the White House Television Pool.

Since September 18, a federal district court has issued two separate rulings finding that CNN, as well as MS NOW and POLITICO, are likely to succeed on the merits of their claims that the White House's ban violated their constitutional rights. *Cable News Network, Inc. v. Trump*, No. 1:26-cv-03287 (TJK), ECF Nos. 24, 49, 50. The district court has twice found CNN likely to succeed on its claim that the ban violated CNN's due process rights as White House hard pass holders. And in its October 13 preliminary injunction ruling, the district court concluded, based on the evidence presented to it, that CNN was likely to succeed on the merits of its claim that the White House violated the First Amendment by impermissibly targeting CNN based on the President's perceived viewpoint of CNN's news coverage.

Despite these rulings, the White House has persisted in engaging in viewpoint discrimination and retaliation targeted at CNN on multiple occasions.

Since September 18, when the President announced that he was “banning” CNN from the White House, the President has made expressly clear his desire to limit Oval Office access to only those news organizations who cover him and his administration, in his view, positively, stating that “publications that only write negatively . . . shouldn’t be allowed access to the most important Office anywhere in the World.” ECF No. 32-6. Since then, CNN has been barred from fully performing its pool duties and has been denied access to Air Force One each time CNN has been scheduled to do so—no fewer than four times to date.¹ And in the wake of the district court’s preliminary injunction ruling, on October 14, the White House issued a statement declaring: “The Fake News has no place demanding a spot in the President’s Oval Office.”

Notwithstanding these actions and statements, the White House has provided no written notice and offered no explanation for preventing CNN from fulfilling its White House Television Pool duties. In fact, the White House has not even directly stated to CNN that it is being excluded from the Oval Office or Air Force One. And it has taken these actions notwithstanding that the ban of CNN from the White House has been preliminarily enjoined by a federal district court, including on the grounds that the ban is unlawful retaliation for CNN’s First Amendment-protected reporting and unconstitutional viewpoint discrimination.

It appears the White House Press Office is implementing the President’s directive to, in his words, take his ban “as far as you can,” ECF No. 32-4 at 53:38–53:58, and is placing its reliance on a non-binding and non-precedential stay order in *Associated Press v. Budowich*, No. 25-5109, 2025 WL 1649265 (D.C. Cir. June 6, 2025).

¹ On September 20—the night before CNN’s first scheduled rotation in the White House Television Pool following the implementation of the ban—the White House issued its daily guidance and press schedule omitting CNN from its assigned September 21 rotation as designated television network pooler for the President’s trip to New York and his address to the United Nations General Assembly. On the evening of September 25, CNN learned that it would not be permitted aboard Air Force One as the designated television network pooler for the President’s trip to Knoxville, Tennessee, the following day. On September 27, the White House identified CNN as the television network pooler for October 1. Consistent with standard practice for upcoming presidential travel, CNN submitted a manifest for Air Force One. The morning of September 30, however, it learned that it would not be permitted to fulfill its pool coverage duties for the President’s trip to Texas and Oklahoma. On Friday, October 16, CNN was scheduled to serve as the designated television network pooler, both in-town and as part of the out-of-town travel pool for the President’s trip to Dalton, Georgia and Palm Beach, Florida. On October 15, CNN learned that it was excluded from the out-of-town travel pool and thus would be prevented from providing pool coverage of the President’s trip to Georgia and Florida.

These efforts to retaliate and discriminate against CNN based on the content of its news coverage are mistaken, counterproductive, and unlawful.

CNN has invested significant financial and other resources to ensure the highest quality television pool coverage of the President, whether he is in the White House or traveling across the country or overseas—pool coverage that reaches millions of Americans as well as viewers across the globe. Preventing CNN from performing its full White House Television Pool duties deprives the American public of a vital source of information about the President and his activities. Indeed, since the beginning of President Trump's second term in office, the incontrovertible facts make clear that the Oval Office and Air Force One have overtaken the White House Briefing Room as the principal fora where the President interacts with the press by briefing reporters and answering questions.

In all of 2025, the President made only **2** appearances in the James S. Brady Press Briefing Room in the White House and fielded a total of approximately **51** questions there. By contrast, he held **95** press events in the Oval Office where he fielded at least **1,991** questions. On Air Force One and on the tarmac, the President made himself available to the press **70** times and fielded at least **1,186** questions.

This trend has continued in 2026. Through September of this year, the President has appeared in the White House Briefing Room only **4** times and taken approximately **96** questions there. During the same time period, he has held **43** press events in the Oval Office where he fielded at least **741** questions. Aboard Air Force One and on the tarmac, President Trump has made himself available to the press **51** times and fielded no fewer than **865** questions.

In short, of the nearly **5,000** questions the President has entertained from reporters in these fora, **97%** were either in the Oval Office or in connection with his travel aboard Air Force One.

To be clear, if the White House has an unstated policy of excluding CNN from the Oval Office and Air Force One as punishment for its reporting, that retaliatory and viewpoint-discriminatory policy would violate the Due Process Clause and the First Amendment for the same reasons underlying the district court's October 13 preliminary injunction ruling. The White House hard passes that the district court ordered be restored to CNN and its journalists, and the access those hard passes afforded before the September 18 ban, are constitutionally protected.

It has been CNN's desire to reach a resolution outside the judicial process that returns affairs to their regular order. However, if these actions persist, CNN will have no choice but to return to the court to defend its rights, and it is prepared to fight as long as is necessary to secure them. Therefore, CNN demands that the White House abandon any policy of excluding CNN from the Oval Office and Air Force One, and refrain from preventing CNN from performing its assigned White House Television Pool duties as it did before September 18, 2026. Please confirm in writing by 5:00 p.m. Eastern Time on Thursday, October 22, 2026, that the White House will do so.

October 19, 2026
Page 4

Absent that assurance, CNN will be forced to pursue additional judicial relief. We remain available to discuss a prompt resolution.

CNN reserves all rights and waives none.

Respectfully,

A handwritten signature in blue ink, appearing to read "Theodore J. Boutros Jr.", written in a cursive style.

Theodore J. Boutros Jr.

CC: Will Scharf, Counsel to the President