

White House backpedals on stripping CNN reporter of press pass

By Patrick Martin
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The Trump White House appeared to back down Monday afternoon in its effort to revoke the press pass of CNN correspondent Jim Acosta, prompting the network to drop its lawsuit over the issue. Acosta had been barred from the White House for nine days since he questioned Trump during a November 7 press conference about his efforts to demonize immigrants during the last weeks of the midterm election campaign.

There were a series of flip-flops over the past two weeks on the part of White House officials, who announced the revocation of Acosta's press pass shortly after the November 7 press conference, only to bow last Friday to a temporary restraining order by a federal judge to restore the credential.

That evening, November 16, White House communications director Bill Shine—a former Fox News executive—and press secretary Sarah Huckabee Sanders sent a letter to Acosta notifying him that his press pass would likely be revoked again when the temporary order expired in two weeks. CNN applied for an emergency hearing before the judge on Monday morning, only to withdraw its request after Monday's apparent backpedaling.

“Today the White House fully restored Jim Acosta's press pass. As a result, our lawsuit is no longer necessary,” CNN said in a statement. “We look forward to continuing to cover the White House.”

While dropping the immediate threat to Acosta, Shine and Sanders sent a second letter to Acosta, which warned: “Having received a formal reply from your counsel to our letter of November 16, we have made a final determination in this process: your hard pass is restored. Should you refuse to follow these rules in the future, we will take action in accordance with the rules set forth above. The President is aware of this decision

and concurs.”

The two White House officials then issued new guidelines for “decorum” at press conferences which assert for the first time the “right” of the White House to revoke press credentials for reporters who violate the guidelines.

The rules limit journalists to asking a single question, with a follow-up permitted only “at the discretion of the President or other White House official taking questions.” Reporters must then yield the floor by giving up the microphone. “Failure to abide by any of rules ... may result in suspension or revocation of the journalist's hard pass.”

White House Correspondents' Association President Olivier Knox issued a statement saying reporters should continue to be allowed to ask follow-up questions. “The White House did the right thing in restoring Jim Acosta's hard pass,” his statement said.

“The White House Correspondents' Association had no role in crafting any procedures for future press conferences. For as long as there have been White House press conferences, White House reporters have asked follow-up questions. We fully expect this tradition will continue. We will continue to make the case that a free and independent news media plays a vital role in the health of our republic.”

It appears that the WHCA has declared victory prematurely, since the guidelines establish a procedure under which Trump can in the future get away with what he attempted to do to Acosta—impose a permanent gag order because he did not like the question the CNN reporter was asking.

The rules issued by Shine and Sanders appear aimed at the federal judge, Timothy J. Kelly, a Trump appointee, who issued the temporary restraining order against revocation of Acosta's press pass. The judge

did not rule on the First Amendment claim made by Acosta and CNN, based on freedom of the press. He indicated that the White House was free to admit or bar reporters as a group, but could not select out individual reporters for exclusion.

He suggested that Acosta and CNN were likely to prevail on the basis of their Fifth Amendment claim, which argued Acosta was being penalized without due process of law. Kelly pointed to the inability of White House lawyers to even identify the official who had made the decision to revoke Acosta's press pass—they obviously wished to avoid naming Trump himself—thus depriving Acosta of the ability to appeal or otherwise challenge the decision.

The letter from Shine and Sanders suggested that restrictions on the press might be imposed in other settings than press conferences, including “the open (non-press room) areas inside and outside the White House and for Air Force One,” but no action would be taken for the time being.

They threatened, “If unprofessional behavior occurs in those settings, or if a court should decide that explicit rules are required to regulate conduct there, we will be forced to reconsider this decision.”

Trump himself downplayed the unfavorable court ruling, telling Chris Wallace of Fox News, in an interview broadcast Sunday morning, “it's not a big deal.” Referring to Acosta, he said, “if he misbehaves, we'll throw him out or we'll stop the news conference.”

Fox News was one of more than a dozen news organizations that filed amicus curiae briefs in support of CNN and Acosta in the proceedings in federal district court. The media support for Acosta has been far from unanimous, however. A number of prominent journalists, including, disgracefully, Bob Woodward of the *Washington Post*, have denounced Acosta for being unduly aggressive and playing to the cameras during exchanges with Trump and Sarah Sanders.

What is remarkable, in fact, is not the aggressiveness of the corporate media towards Trump, but its utter servility. Trump has held only three extensive press conferences in the nearly two years he has occupied the White House, and each of these featured his trademark combination of arrogance, bullying and sheer ignorance.

The bulk of the corporate media has aligned itself

with the intelligence agencies and the Democratic Party in promoting the spurious claims of Russian interference in the 2016 presidential campaign, in order to pressure Trump to take a harder line against Russia in foreign policy. Meanwhile, the countless crimes committed by this administration against democratic rights, its blatant corruption, and its open promotion of corporate interests have gone largely without comment.

Acosta's pressing Trump on his attacks on immigrants was an exception to this general rule, and for that very reason provoked such a furious reaction from the president, displaying his increasing tendency towards authoritarian rule.

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