

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

BRIAN KAREM,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States and in his individual
capacity; STEPHANIE GRISHAM, in her official
capacity as White House Press Secretary and in her
individual capacity,

Defendants.

Case No.

**DECLARATION OF BRIAN KAREM IN SUPPORT OF
PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Brian Karem, hereby declare under penalty of perjury the following:

1. I have been working as a political reporter for nearly forty years. I am currently the senior White House correspondent for *Playboy*. I am also a political analyst for Cable Network News, Inc. ("CNN") and the current president of the Maryland, Delaware, District of Columbia Press Association. I have personal knowledge of the content of this declaration, and I could and would competently testify to the truth of the matters stated herein.

I. Background

2. Over the years, I have covered crime and wars and have run community newspapers. I have been jailed, shot at, beaten, and threatened in the course of my work. In 1990, I was jailed for contempt of court after I refused to disclose the name of confidential sources who helped me arrange a telephone interview with a jailed murder suspect. I was

awarded the National Press Club's Freedom of the Press award the following year. I went on to work as the executive editor of The Sentinel Newspapers in Maryland, as a producer and television correspondent for America's Most Wanted, and as an investigative reporter for Fox affiliate WDAF-TV in Kansas City, Missouri. In addition, I have authored seven books.

3. I have covered the past six presidential administrations. The first time I worked as a reporter in the White House was in 1986. I was 25, and Ronald Reagan was President. The first person I met was renowned reporter Helen Thomas, who covered the White House under *ten* Presidents, and who, as it turns out, knew my great grandfather from Lebanon. She offered to take me to her house and make me an authentic Lebanese dinner.

4. I watched as she walked upstairs to the office of then-Acting Press Secretary Larry Speakes's office and began banging on the door, encouraging him to come outside and talk to her. Later, Thomas told me: "If you're looking for friends, then you're in the wrong business." I observed ABC News Correspondent Sam Donaldson, long-time White House reporter Sarah McClendon and others who pushed the envelope and pushed back—hard—against Presidents and their agendas.

5. In my years at the White House, I've seen administrations learn from questions asked by reporters and adapt their policy and strategy based on what was asked of them in briefings. Reporters are the representatives of the public in the White House, which is why as many voices as possible should be heard there. I've seen many contentious briefings, and even some silly ones. I remember covering scandals, angering presidents, and laughing with them. I remember once tripping over myself (I am now an aging klutz) and looked up to see President Reagan smile at me as I tried to pull myself up.

6. As part of the White House press corps, I adopt an upbeat and jovial attitude because there is so much of a serious nature going on that I find a little levity helps people make it through the day. I take my job seriously, but I do not take myself too seriously. I have been known to sing and do impressions, including Rodney Dangerfield, Sean Connery, and Curly from the Three Stooges, to alleviate stress and tension.

7. All I have seen and all I've been a part of in the last four decades, however, did not prepare me for the White House of President Donald Trump. Reporters covering the White House are routinely demeaned by the President and some of his allies, as "fake news," "enemies of the people," and other epithets. Reporters have been threatened—explicitly by some of the President's more fringe followers—and sometimes the President implicitly supports this rhetoric. I myself have been subjected to ugly threats, in particular in the weeks since July 11, 2019, when Sebastian Gorka, an ally of President Trump, attacked me in the Rose Garden.

8. I have covered several of President Trump's rallies. During such rallies, the press is generally cordoned off from the attendees. President Trump often incites the crowd to taunt the press and the crowd often does taunt the press. Sometimes these taunts cross the line. I have been threatened at some of these rallies. For example, a Trump supporter once threatened to beat me and Jim Acosta up at a rally in West Virginia.

II. My White House Press Credential

9. I have held my current White House press credential, commonly known as a "hard pass," since last year. In order to obtain a hard pass, I submitted an application to the Secret Service and underwent a background check.

10. I require my hard pass to fulfill my job as White House correspondent for Playboy. Indeed, on most days when President Trump is in Washington, the White House is my

workplace. Since Playboy is based on Los Angeles, I do not have a separate office in DC other than my home office.

11. This hard pass enables me to enter the White House on a daily basis without advance notice, to bypass lengthy security lines and screening, and to move freely among those areas open to the press in the White House complex. It is more important than ever to have this access as covering this President is as problematic as any I've ever covered and you have to be ready at a moment's notice to catch interviews, gaggles and the stray moment with the President (as I will outline specifically in the following graphs). My hard pass enables me to be present at White House press briefings, which I routinely attend when they have them. It also provides me with access to spontaneous news gathering opportunities that present themselves at the White House, from informal conversations with administration staff to surprise announcements by the White House.

12. The whole point of being present at the White House is to talk to the people there – the Press Secretary and her staff, the President himself, government officials, lawmakers – and yes, also guests of all stripes. I have never been informed of any rules governing such interactions.

13. The hard pass is also necessary for access to Air Force One and other restricted areas during presidential trips, which I frequently cover as part of my job. When traveling with the President, the hard pass is a credential that all Secret Service officers recognize, and allows journalists access to the presidential “bubble” that is necessary for thorough news gathering. During my tenures working as a White House correspondent, I have never had any altercations with any member of any President's administration or with the Secret Service.

III. My Work Covering the Trump Administration

14. In my role as Playboy's senior White House correspondent, I am charged with news gathering at the White House, including attending briefings, meeting with members of the administration, particularly those working in the West Wing and meeting those sources on the White House campus. While I have been critical of the Administration of President Trump, including the performance of his various press secretaries, I strive to be fair in my criticisms, which are grounded in my decades of experience as a journalist and citizen and a belief in open and responsive government. I've also written features and news articles, recorded podcasts, and conducted interviews separate from opinion pieces, including interviews with White House staff and features on the U.S./Mexican border. All of these are written with a solid journalistic grounding in obtaining as much information as possible in order to be as accurate as possible in either presenting news, features or opinions.

15. The Trump Administration is the most inaccessible presidential administration I have covered. In particular, under former Press Secretary Sanders, the Administration largely did away with the daily press briefing—the standard for all previous administrations I have covered. Instead, reporters must be ready for unpredictable, informal gaggles with administration officials on the White House driveway. This inaccessibility has continued during Press Secretary Grisham's tenure, who has yet to hold a single daily press briefing in the White House press room. It's now been nearly six months since the last daily briefing. It is imperative to keep a hard pass just to have access to these many impromptu meetings with the press. It is also important to be available on the South Lawn whenever the President feels like sparring with the press corps – which he usually does when he's leaving or returning to the White House. He's

also been known to take questions in the West Wing Portico when he has official visitors. All of these impromptu events necessitate quick and easy access to the White House just to keep up.

16. While Press Secretaries in past administrations used to come to the press room with large briefing books on various Administration policies and positions, to ensure they were informed, consistent, and accurate in their responses to questions, the briefing book has disappeared. Under Press Secretary Sanders, it was replaced with a willingness to defend whatever President Trump said, even if it was demonstrably false. Her willingness to lie about the President was demonstrated without question in her interview with the Robert Mueller investigative team, even though lying to law enforcement is a crime.

17. Not surprisingly, then, some of my questioning of the Trump Administration has been argumentative. The President once told me to “Sit down. Sit down. Sit down” when I asked him where he got his statistics regarding border violence. Another time, when I tried to ask him a question, he glared at me and said “Quiet! Quiet! Quiet!” I also frequently sparred with former White House Press Secretary Sanders at press briefings during her tenure. For instance, in a June 14, 2018 briefing, I asked Secretary Sanders about the Trump Administration’s policy of separating migrant families. I said, “Come on, Sarah, you’re a parent. Don’t you have any empathy for what these people are going through? They have less than you do!” Sanders and I talked over one another, but she declined to answer my questions, said, “Settle down,” and then later: “Hey, Brian, I know you want to get some more TV time.” A few days later, on June 18, 2018, I published an opinion article in *Playboy* about the crisis on U.S.’s southern border with Mexico. I described Sanders as having “lost whatever little credibility she had left” and said she “spouted propaganda as an answer without a care for the facts or an acknowledgement of something the attorney general has already admitted.”

18. Later that year, on November 12, 2018, I wrote that the day the White House revoked the hard pass of CNN's Jim Acosta would "live in infamy." I said that I would continue to do what Helen Thomas, Sam Donaldson, and others would do: "Just ask the question." I wrote: "I'm not walking out on this White House. I'm walking right inside and demanding more access. The only way you'll get me out of the White House is if they do to me what they did to Acosta."

19. In a May 19, 2019 article, I noted that the White House "has only briefed reporters twice this year," in favor of Twitter and "rallies where [the President] has been known to spew word vomit for an hour and a half, searching for one-liners and applause to feed his failing ego." I wrote: "Most critics of the administration think Trump never had a firm grasp on any reality. He was a man limited in abilities whose greatest attribute is in swaying the great unwashed of the Republic; the same people who speak in tongues and claim Christian values while threatening to hold down anyone who doesn't think as they do."

20. On June 18, 2019, I published a story about the departure of former White House Press Secretary Sarah Huckabee Sanders. It was titled "An Ode to Sarah Huckabee Sanders from the Enemy"—a reference to President Trump's refrain that the press are the "enemy of the people." I recalled that Sanders "has openly accused us of providing fake news and at one point, drew my ire when she encouraged us to watch a piece of recorded fiction and then denounced reporters for not believing the fiction."

21. In that piece, I wrote that Sanders was "never qualified to hold the post of Press Secretary" and said that she was "naïve, inexperienced and didn't know the purpose of the office or how to deal with the press in a functional way." I said that Sanders lied to the public "proudly and with impunity."

IV. July 11, 2009

22. On July 11, 2019, I used my hard pass to enter the White House. That day, although President Trump did not have any open press events scheduled, he was set to participate in a Social Media Summit, which, despite the name, was not a gathering of social media companies, but rather, of conservative social media “influencers” and activists. The press was not allowed into this event. The President tweeted that he would hold a press conference that day, but as the day stretched on, this conference kept getting delayed.

23. The press corps was informed that the President would allow a “pool spray” during the Social Media Summit at 3:45 p.m. and then would hold a press conference for the open press at 5 p.m. in the White House Rose Garden.

24. The press corps waited in the Rose Garden as the attendees of the Social Media Summit entered. While the attendees of the Summit were seated in chairs on the lawn, the press corps was standing on the lawn in a roped-off area behind them while the guests openly taunted the working press. The atmosphere was reminiscent of a Trump campaign rally.

25. I, along with other members of the White House press corps, waited for President Trump to come out and make a statement. After the President spoke and was turning to leave, I said words to the effect of: “Mr. President, do you mind sticking around to answer a few questions?” I believe that one or two other reporters may have tried to ask a question. The President left without responding.

26. Some of the attendees of the Summit viewed this perceived snub by the President as an opportunity to bait the press corps again. I heard someone from the crowd say, “He talked to us, the real news.” Someone else shouted at me: “Don’t be sad, don’t be sad” that the President had not stayed to take my questions.

27. Attempting to respond with humor, I did my Rodney Dangerfield impression and joked to the crowd, “This a group of people that are eager for demonic possession.” I said it with a smile and people responded with laughter. I had also used the same line earlier, also to laughter. I meant nothing insulting by it.

28. Sebastian Gorka, who was sitting across the lawn from the press, apparently took offense, yelling out at me, “You’re a ‘journalist,’ right?” while making air quotes with his hands. I had never met Gorka before or read any of his writings or listened to his podcasts. I had only seen him twice in my life. I only knew about him from others, figured he was a character, and relished the idea of getting to know him—not fight him.

29. So I said, “Come on over here and talk to me, brother, or we can go outside and have a long conversation.” I was actually suggesting that Gorka speak with me—either there at the rope line or in a less charged environment outside of White House—rather than shout insults at me from across the Rose Garden. I even had a thought I could get him on my podcast and that it might be fun. I did not in any way mean this as an invitation to a fight. The event was over, it was time to leave the Rose Garden, and I was sincerely interested in having a conversation with Gorka. But Gorka was apparently itching for a fight as he accused me of threatening him as he made a beeline toward me from across the lawn—getting in my face as I stood behind the rope-line and telling me I was a “Punk” “not a journalist.” As he continued to yell at me, the crowd began to join in, jeering and yelling, “Gorka! Gorka!” I heard someone yell that Gorka should “hit” me.

30. I was a little discombobulated by his aggression, which I did not understand and did not feel I had provoked. I folded my arms so as to signal that I had no desire to engage in a

physical confrontation. I told him, “I’d be happy to talk to you,” assuring him I did not want to fight. I was trying to defuse the tension that Mr. Gorka was displaying towards me.

31. I mostly remained motionless. I’ve invited dozens of people outside the White House during the last 35 years to talk. The optimal word of course is “talk”—not fight. I would never challenge anyone to a fight anywhere, much less in the Rose Garden in front of dozens of cameras. Gorka, on the other hand, seemed to be looking for conflict.

32. As Gorka stormed off after berating me, I responded by telling him to “go home” and to “get a job.” Another of the Summit guests then exclaimed, “just for the record, [Gorka]’d kick your punk ass.” As the event was over, we, the press, began to leave. The rope fell. I think I tripped over the rope as I was trying to leave. A Secret Service Agent, who had not intervened while Gorka was yelling at me, then said I had crossed the fallen rope. I apologized. I moved back. I never strayed too far. I certainly didn’t chase after anyone. In response to the Secret Service agent’s request, I said something like, “It ain’t me, brother,” and he nodded in agreement.

33. One of the Summit guests, identifying herself as a “citizen journalist,” then began lecturing the White House press to “stop reporting fake news.” She and I spoke briefly about what constitutes legitimate journalism. Another Summit guest then interrupted to accuse me of having “threatened” Gorka. I explained that I had not threatened anyone and that “I just wanted to talk” to Gorka. This man then called me “an embarrassment.”

34. I regretted this entire event and how I was threatened, so as we left and the hubbub had died down, I passed Gorka and approached him to see if he was just playing things for the camera and to make peace with him. I offered to shake his hand, and he wouldn’t do it. I told him I had no intention of fighting with him and said we could talk any time. He wouldn’t

shake my hand. I shook my finger in disappointment at him, not aggression, while he yelled at me over and over again, “You’re done!” Nor did I unduly linger in the corridor or disobey any instructions from White House staff. Gorka ultimately refused to shake my hand.

35. A few days after I ran into Gorka I invited someone else I saw at the White House to go off campus and have a talk. It’s always better to talk where there are fewer reporters and listening devices. Privacy is hard to come by. He didn’t think I was offering to fight either, and we walked off campus to talk.

36. I saw John McCain at the White House once and asked him that very same thing. “Can we go outside and have a conversation?” I asked. I remember him saying, “Where to?” I suggested “Off the Record Lounge.” He smiled. “Too many people know me there.” I settled for a short stroll in Lafayette Park. No one I’ve ever said this to has ever taken this to mean I wanted to fight them. Only this Administration would consider an offer to talk as a challenge to fight.

V. My Continuing Reporting on the White House Until August 2, 2019

37. I continued my work as usual in the ensuing days. After my interaction with Mr. Gorka, on July 15, 2019, I published an article in *Playboy* titled “We Must Stand Up to the Bullies,” in which I wrote that “Trump’s trolls and sycophants”—I counted Gorka as one—“are merely the undercard in his WWF Smackdown reality show and he loves directing traffic to keep his base amused; to keep his detractors struggling to be heard; and ultimately, to keep him from being held accountable for any action.”

38. As White House logs should show, I was at the White House probably a dozen times from July 22 until I received notice of the “preliminary decision” to suspend my hard pass on August 2. I interacted with the White House staff two or three times a day during those visits,

including with White House Press Secretary Stephanie Grisham and her deputy, Hogan Gidley, at least briefly. Not once did this episode ever get mentioned by them, nor did they say they wanted to schedule time to talk to me about it. In fact, none of the President's Press Secretaries or their staff have ever before told me that my conduct at the White House violated any rules, norms, or standards, or was problematic in any way.

39. I had been trying to schedule an interview with Ms. Grisham for some time. I had scheduled an interview prior to the Social Media Summit and she canceled it. After the event I tried to reschedule my meeting, hoping to discuss this issue with her—specifically I wanted to ask her if she could make sure White House guests could refrain from heckling and insulting working members of the press. At any rate, if my behavior on July 11 was so indecorous, why didn't Grisham take my request for a meeting to discuss the Gorka incident that she claims was so important to her?

40. Ms. Grisham never rescheduled that meeting, though I asked her, and her secretary Annie LeHardy, in person at least once and via email twice, as late as July 17. On that day, I believe I was told she would be available that week. Later, I was told Ms. Grisham would not be available until this week for a meeting—apparently after the preliminary decision to suspend my press pass.

41. Meanwhile, Gorka was celebrating his confrontation with the “fake news industrial complex” and encouraging others to do as he did. He apparently used this episode for several days on his radio show, I'm told, to further drive home his desire to confront reporters.

42. In the several weeks following the Summit, the President took several questions from me in appearances on the South Lawn. It was, frankly, business as usual.

43. On July 17, I asked him if he'd ever been to a social function with Jeff Epstein and underage girls. He didn't answer. On July 18, I asked him if he disavowed racism, and he told me he did. On July 24, he called me and others "Fake News" gratuitously and pointed his finger right at me. Then he singled me out again, saying I had been nice to him and could ask him a question—which I did and he answered. On August 1, the day before I received the suspension letter, I asked the President to respond to Bernie Sanders's statement that the President was a pathological liar, and the President didn't answer.

44. Then, on Friday, August 2, 2019, on the South Lawn, he took two questions from me in a rather cordial exchange. At 4:55 p.m. in the afternoon, I received an email from Ms. Grisham attaching a letter from her informing me that my hard pass had been suspended for 30 days, and I could respond within one business day, by 5 p.m. Monday, August 5, 2019. Given that the letter came weeks after the Social Media Summit, I thought the suspension had more to do with the question I had asked the day before about Sanders's statement that the President was a pathological liar than what happened on July 11, 2019.

45. I did respond by 5 p.m. on Monday through my attorneys, who then met with the Press Secretary and attorneys from the White House Counsel's Office on Thursday, August 8, 2019. In the afternoon of Friday, August 16, 2019, I received a letter from Ms. Grisham announcing her "final" decision to suspend my hard pass for 30 days, until September 14, 2019.

46. I understand that Ms. Grisham asserts that my hard pass was suspended because I insulted White House guests and escalated the situation. The escalation came from the other direction, as did the insults. The crowd was heckling the journalists, and singled me out because of my parting question to President Trump. Then Gorka singled me out, and interpreted my friendly attempt to defuse the situation as a threat. At no point in time was I ever of the mindset I

was going to fight anyone. I'm 58 years old, about to be a grandfather for the first time and I've got bad knees. I ain't fighting anybody. Seriously. There would have been NO confrontation if Gorka hadn't come after me. I wasn't looking for him. I don't cover Gorka. I cover the President.

47. Of course, I ask questions and write things that the White House may not like. But reporters aren't scribes and contention is normal. What is not normal is retaliation. Since the Social Media Summit, I've received a great deal of hate mail, a few death threats, threats against my children, and one anonymous caller who said, "I will stake you to a tree and make you watch while I rape your wife." And now, of course, I face the suspension of my hard pass.

48. I am not aware of any action being taken against Mr. Gorka or other attendees of the Summit who escalated the situation.

VI. The Suspension of My White House Hard Pass

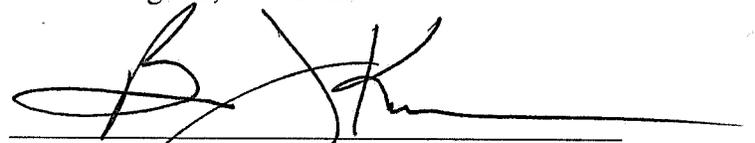
49. The loss of my hard pass has had an immediate negative impact on my ability to do my job.

50. Without a hard pass, I am unable to continue in my current position as senior White House Correspondent for *Playboy*. I cannot freely access the White House grounds. Now, to enter the White House premises, I must ask for approval to enter 24 hours in advance in the form of a "day pass." The White House may decline to admit me. My understanding is that admission may be denied based on minor discrepancies in my application. Even if I were able to obtain a day pass, I would need to be escorted by security around the building. Since many White House news events, briefings, or appearances, like the July 11, 2019 appearance by President Trump, are spontaneous, the suspension of my hard pass renders me effectively incapable of covering them.

51. This week, I am on a long-planned vacation to coincide with the birth of my first grandchild in Los Angeles. I will be returning to the D.C. area and ready to resume work on August 26, 2019. I am certain that the suspension of my White House hard pass not only destroys my ability to perform my current job, but will severely hamper the rest of my career. Unless my hard pass is restored immediately, I am confident that I will never be able to work as a White House correspondent for any publication for the rest of my career.

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

Executed on this 19th day of August 2019 in Los Angeles, California.



Brian Karem

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

BRIAN KAREM,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as President of the United States and in his individual capacity; STEPHANIE GRISHAM, in her official capacity as Press Secretary to the President of the United States and in her individual capacity,
Defendants.

Case No.

**DECLARATION OF SAM DONALDSON IN SUPPORT
OF PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Sam Donaldson, hereby declare under penalty of perjury the following

1. I worked as a reporter based in Washington, D.C. from 1961 to 2013. I am personally familiar with the facts set forth below and could and would testify competently thereto.

2. From 1967 through 2013, I was employed as a broadcast journalist at ABC News. During my over 50-year career, I covered many of the most significant international and national news stories of the day, including the assassinations of President John F. Kennedy, Senator Robert Kennedy and The Reverend Martin Luther King, Jr., and was an eyewitness to the attempted assassination of President Ronald Reagan, the Vietnam War, the Watergate scandal, the First Persian Gulf War, President Clinton's impeachment, and every presidential campaign from 1964 through 2012. I have received many professional recognitions for my work, including

four Emmy awards, two Peabody awards, and the Edward R. Murrow Award from Washington State University (Murrow's alma mater). Throughout my career, I have seen countless examples of the importance of the press's duty to keep the public informed and hold government accountable.

3. During my career, I reported on the administrations of every President from John F. Kennedy to Barack Obama. I twice served as ABC's Chief White House Correspondent from 1977-1989, during the Carter and Reagan Administrations, and from 1998-1999, during the Clinton Administration.

4. As ABC's Chief White House Correspondent, I attended hundreds of press conferences and press "availabilities." I was known as an aggressive reporter who confronted Presidents with tough questions and who, when appearing on ABC's Sunday "This Week" program's round table segment (clearly labeled as an opinion segment), gave my opinion, sometimes favorable, sometimes unfavorable, of a President's policies and actions. White House officials were free to complain to me or my employer about my coverage, and occasionally they did. And I often heard from some of a President's public who told me, sometimes in vulgar and threatening language, how un-professional, wrong and "un-American" they thought I was.

5. But never did any President or their staff threaten to revoke or suspend my White House pass because they or any of their supporters didn't like my reporting or for any other reason. Indeed, I know of no instance that such action was taken or threatened against any reporter by any President because of the reporter's work product or alleged misconduct during a press conference or other press event until President Trump took office.

6. Although all Presidents resent criticism in the press and think some of the reporters who cover them are unfair, none has been so outspoken in his public denunciation of the press as a whole or of individual reporters and news organizations as has President Trump.

7. President Trump labels press reports he doesn't like, no matter how accurate they are, as "fake news." In fact, he goes so far as to say that the American press is "the enemy of the people." He praises foreign dictators for suppressing a free press entirely and when supporters at his political rallies verbally and occasionally threaten to physically attack reporters who are covering those rallies he encourages them to do so.

8. President Trump has publicly mocked with words and erratic gestures a New York Times reporter who suffers from a medical condition, during a single news conference he told a CNN reporter "you are a rude and terrible reporter," told an NBC reporter "I'm not a big fan of yours either...you aren't the best," and told a prominent and respected African-American reporter who tried to ask a question "sit down, I didn't call on you."

9. Before the Trump presidency it wasn't this way. Reporters and Presidents and their staffs each understood the other's role, and even though these different roles often led to tension there was always many moments of shared levity and even, dare I say it, comradeship, as I, along with other reporters, can personally testify.

10. Once, while waiting in the Rose Garden for the President to appear to make a statement to the press, I lay down on the grass and took a brief snooze. The White House official photographer took a picture and I was sent a copy with this inscription: "Sam I can better understand where you get your 'news' reports - Best wishes - Jimmy Carter."

11. During a drop by visit to the White House briefing room by President Reagan, his wife Nancy wheeled in a cake in honor of his birthday and began cutting pieces not only for her

husband but for the reporters present. I said jokingly “I won’t sell out for a piece of cake,” to which President Reagan chimed in “Oh, Sam, you’ve sold out for a lot less” to laughter all around.

12. When in George W. Bush’s second term I came back as a guest to the White House press room for a ceremony naming the room for Jim Brady, the press secretary so badly wounded during the assassination attempt on President Reagan, I asked President Bush a question to which Mr. Bush replied with a smile “Is that you Sam Donaldson? You’re a ‘has been’” and I don’t have to answer questions from “has beens.” To which I replied, “Sir, it’s better to have been a ‘has been’ than a ‘never was.’” Again, laughter all around.

13. But today, it’s different. There is no joking, no laughter between the press and President Trump. And judging by his words and actions it almost seems that President Trump has declared war on the American press and reporters. No wonder a Trump supporter charges across the White House Rose Garden after a ceremony is over and the President has left to denounce a reporter, Brian Karem. And, though shocking, given President Trump’s expressed feelings toward the press it is no wonder that it is Karem who is then the one charged with misconduct by the White House.

14. Earlier this year, President Trump revoked the pass of CNN Reporter Jim Acosta, apparently because he didn’t like Acosta’s questions during a news conference, although ostensibly because Acosta refused to yield the microphone quickly enough. That action was reversed by Court order.

15. And now in suspending Brian Karem’s White House credential we have a second attempt to curtail the freedom of the press. This time, the deprivation is based on the ground that a reporter’s attempt to defend himself in a perfectly peaceful and non-inflammatory way when

verbally assaulted by a supporter of the President's is good reason to suspend the reporter's White House pass.

16. The situation Brian Karem finds himself in is so bizarre it might even be laughable if it were not so dangerous to the freedom of the press as guaranteed by the First Amendment to the Constitution of the United States. The First Amendment forbids the abridgment of the freedom of the press through a government law or action because the Amendment's writers believed to do so would gravely harm the public interest.

17. But now, having been blocked by an earlier Court order from "revoking" a reporter's credential, President Trump is attempting to get around the Court's clear intent to protect First Amendment rights through the back door of merely "suspending" Brian Karem's press credential.

18. If President Trump is permitted to unjustly suspend a reporter's White House pass simply because his supporters don't like the reporter—in this instance, Brian Karem—that is a clear violation of the First Amendment because, if the press cannot cover the news, it is not free. And if unjustly denying access to the reporter an organization has chosen to represent it is permitted—in effect taking away the organization's right to make the choice of who represents it—then, again, the press is not free.

19. Further, in suspending Brian Karem's credential, the President is not only taking an unwarranted and in my opinion unconstitutional action; he is doing something that will have a chilling effect on the press as a whole and thus on the public's need to receive objective and accurate information. What reporter or news organization will feel safe from White House retaliation should something they publish offend the President's supporters if this unjust action against Karem is not reversed?

20. As a retired news reporter who cares about the business I was in and the freedom I had to attempt to do an honest job, I ask the Court to restore Brian Karem's White House pass forthwith.

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

Executed on this 18th day of August 2019 in Albuquerque, New Mexico.



Sam Donaldson

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

BRIAN KAREM,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as President of the United States and in his individual capacity; STEPHANIE GRISHAM, in her official capacity as Press Secretary to the President of the United States and in her individual capacity,

Defendants.

Case No.

**DECLARATION OF ANDREW FEINBERG IN SUPPORT OF
PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Andrew Feinberg, hereby declare under penalty of perjury the following:

1. I am a journalist currently employed by Breakfast Media LLC, which publishes the news sites BroadbandBreakfast.com and BeltwayBreakfast.com. I am Breakfast Media's White House Correspondent. I have personal knowledge of the content of this declaration, and I could and would competently testify to the truth of the matters stated herein.

2. I graduated from the University of Wisconsin-Madison. I have worked as a professional reporter for more than ten years at a number of news outlets. In addition to Breakfast Media, I have worked at Warren Communications News, *The Hill*, the Montgomery County Sentinel, and Sputnik News.

3. I currently possess a White House press credential—known as a “hard pass”—that enables to me to enter White House premises to report on press briefings and unscheduled and scheduled events. I can tell you very well how difficult it is to do the job of a White House Correspondent without a press pass because I only obtained my hard pass recently. Now that I have a hard pass, I am able to enter and exit the White House grounds without delay, as opposed to before, when I was, at times, made to endure long waits to have a Secret Service Uniformed Division officer verify that I was on the list of people allowed to access the White House complex that day.

4. I have known Brian Karem since 2017. I know him to be a dedicated, ethical, and diligent journalist who holds strong convictions about the importance of the First Amendment, a free press, and the White House press corps when it comes to holding our elected representatives accountable. I have also found him to possess an irreverent sense of humor, and to be someone who can frequently be counted on to try his best to make people laugh on the worst of days and in the most stressful of situations, often by making use of impressions. One of his more frequently-employed comic diversions is an impression of the late comedian Rodney Dangerfield, in which Brian often attempts to mimic Dangerfield’s voice and repurpose some of his more famous lines, including “I’m tellin’ ya, I don’t get no respect”¹ to bring some amount of levity to the everyday situations one might encounter as a reporter covering the White House. For example, I have seen him use the “no respect” line in a self-deprecating manner when returning to the briefing room from the “Upper Press” area after finding no one available to answer his questions.

¹ An example of Mr. Dangerfield’s use of this line can be found at the one-minute mark of this YouTube video, which depicts an appearance he made on “The Tonight Show with Johnny Carson” in 1980. <https://youtu.be/qmHuDKNI23c>

5. I have, on more than one occasion, seen Brian attempt to use humor — including impressions — in order to try de-escalating tense situations or to calm people down, including situations in which people — myself included — have been particularly upset at him. One example of this took place on March 10, 2017, when, as reporters were gathering in the briefing room for a scheduled briefing, a veteran White House reporter approached the representative of a right-wing blog and began to loudly inform the rest of the reporters in the room about who this person was, what outlet he was representing, and the beliefs espoused by this person.² Brian was standing in the immediate vicinity of the blogger who'd been confronted, and, as the reporter who'd started things returned to his seat, began speaking in what I later found was his approximation of Dangerfield's speaking voice: "Hey, it's a tough room, eh?"

6. On July 11, 2019, I arrived at the White House for work at approximately 8:00 a.m. I recall that on that day, President Trump was scheduled to speak at an event that was listed on his schedule as a "Social Media Summit." While the event was only open to the "pool" of reporters who represent the press corps at events with limited space, I was able to observe the President's remarks by watching the live stream that was made available on the White House's website.³ In the days prior to the event, my own reporting revealed that the event was organized by the White House Office of Digital Strategy,⁴ and that the list of invitees included pro-Trump social media celebrities and online activists, including a political cartoonist known for an anti-

² Gold, H. (2017, March 10). Fox News Radio correspondent confronts Gateway Pundit reporter in White House briefing room. Retrieved from <https://www.politico.com/blogs/on-media/2017/03/fox-news-radio-correspondent-gateway-pundit-writer-235942>

³ An archived video of the White House's livestream can be found here:
<https://youtu.be/EwQmbW1zWfo>

⁴ Feinberg, A. (2018, July 8). White House Social Media Summit Invite List Includes GOP Operative Who Questioned Kamala Harris' Ethnicity, Cartoonist Who Depicted George Soros As Puppeteer. Retrieved from <https://www.beltwaybreakfast.com/whitehouse/2019/07/08/white-house-social-media-summit-invite-list-includes-gop-operative-who-questioned-kamala-harris-ethnicity-cartoonist-who-depicted-george-soros-as-puppeteer/>

Semitic cartoon depicting H.R. McMaster — the President’s former National Security Adviser — as a puppet controlled by George Soros, and a self-described GOP strategist who’d recently achieved some notoriety for promoting the idea that Senator Kamala Harris is not authentically African-American.⁵

7. A White House spokesperson described the event as one meant to “bring together digital leaders for a robust conversation on the opportunities and challenges of today’s online environment.”⁶ But the event was more of campaign rally than a “robust conversation,” complete with attacks on the mainstream media such as “I don’t think that the mainstream media is free speech either because it’s so crooked,”⁷ false accusations of “collusion between the Democrats and the media and — and social media and these platforms,”⁸ and praise for the assembled social media personalities for “challenging the media gatekeepers and the corporate censors to bring the facts straight to the American people.”⁹

8. That morning, President Trump had used his Twitter account to announce that he’d be holding a “news conference” on his efforts to add a citizenship question to the 2020 census at the conclusion of the Social Media Summit,¹⁰ so when directed by press office staff, I made my way into the Rose Garden with the rest of the press corps in expectation of a Presidential news conference. As it turned out, there were no plans for an actual news conference, because the chairs that would have normally been occupied by the press were

⁵ *Id.*

⁶ *Id.*

⁷ The White House, Office of the Press Secretary (2019). *Remarks by President Trump at the Presidential Social Media Summit*. Available at: <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-presidential-social-media-summit/> [Accessed 18 Aug. 2019].

⁸ *Id.*

⁹ *Id.*

¹⁰ Donald J. Trump (@realDonaldTrump), Twitter (July 11, 6:39 AM), <https://twitter.com/realDonaldTrump/status/1149266929565261824>.

reserved for the people who'd attended the Social Media Summit. Those of us in the press were confined to a standing-room-only area behind a rope line that had been strung up to separate us from the seating area. As we filed into the cramped space we'd been allocated, several of the already-seated Summit attendees began pointing at us and taunting the so-called "fake news." The situation was a bit tense, and at one point as we waited for President Trump, Brian — who'd entered the Rose Garden in front of me and was standing to my right — began speaking in what I recognized as his impression of Rodney Dangerfield: "Hey, I've never seen a group of people so eager for demonic possession."

9. At approximately 5:30 p.m., President Trump — accompanied by Attorney General William Barr — entered the Rose Garden, at which point they each delivered prepared remarks on the administration's effort to add a citizenship question to the 2020 census. But despite the promise of a "news conference," the President and Attorney General began to walk back towards the Oval Office after concluding their remarks. As President Trump turned to leave, I heard Brian start to ask the President a question. This was not unusual, as reporters will often ask the President to take questions — or simply shout questions — whenever he appears in public. The President did not respond and left the Rose Garden, which was also not unusual. What *was* unusual, however, was the way the Summit attendees responded to Brian's attempt to ask a question: By immediately beginning to taunt him and the rest of the assembled press with shouts of "fake news." One person from the crowd, using a mocking tone, taunted Brian by suggesting that President Trump had "talked to the real news earlier," with another adding: "He talked to us, the real news." Another attendee said something to Brian like "Don't be sad, don't cry," to which he responded: "No, I'm just standing around" before smiling and repeating the phrase he'd used when taunted earlier: "This is a group of people that are eager for demonic

possession.” This was the same phrase he’d said to some of the same people who’d been taunting us earlier, and it seemed clear that they recognized that it was meant in jest because most of the crowd responded by laughing.

10. At that point, one person began shouting at Brian in a British-accented voice, loud enough to be heard over the crowd’s laughter: “And you’re a journalist, right?”

11. I had been looking at my phone, but I immediately looked up when I recognized the distinctive voice as belonging to Sebastian Gorka, a conservative radio host and former Breitbart News editor who briefly served as a foreign policy and counterterrorism advisor to President Trump while holding a commission as a Deputy Assistant to the President.

12. Gorka (by my approximation) was standing at least 40 feet away from the rope line, but the fact that he was yelling across the White House Rose Garden did not surprise me, as Gorka, a self-described “alpha-male,”¹¹ has a well-documented reputation for rude and aggressive behavior towards members of the press and others, including challenging a journalist who’d criticized him in a tweet to a fight, getting caught on video¹² shoving that same journalist¹³ at a conference which took place months later, and cold-calling another Twitter user who’d criticized his national security credentials¹⁴ and expertise.

¹¹ Fox News (2016). *Gorka: The alpha males are back on January 20th*. [video] Available at: <https://youtu.be/mUMQ7hWpX6g> [Accessed 18 Aug. 2019].

¹² Maxwell Tani (@MaxwellTani), Twitter (February 22, 2019), <https://twitter.com/maxwelltani/status/966697412235550720>

¹³ Meyer, K. (2018). Seb Gorka Shoves, Curses Out Mediaite Reporter He Once Challenged to a Duel: ‘F*ck Off’. *Mediaite*. [online] Available at: <https://www.mediaite.com/online/seb-gorka-shoves-curses-out-mediaite-reporter-he-once-challenged-to-a-duel-fck-off/> [Accessed 18 Aug. 2019].

¹⁴ Engel, P. (2017). Trump’s combative new White House aide had a heated phone call with a critic of his national-security acumen. *Business Insider*. [online] Available at: <https://www.businessinsider.com/sebastian-gorka-trump-michael-smith-phone-call-2017-2> [Accessed 18 Aug. 2019].

13. As I looked up, I saw and heard Brian respond in a conversational tone: “Come over and talk to me, brother, we can go outside and have a long conversation.” As he did so, he motioned backwards with his right hand (on which his thumb was extended). From where I was standing, it was clear that Brian was indicating that the two of them would be better able to speak once they’d both exited the Rose Garden.

14. Based on the countless interactions I have had with Brian since January 2017, I interpreted this statement as an earnest invitation to Gorka have a discussion “outside” the Rose Garden. At no point did I interpret anything Brian said as him challenging Gorka to engage in a physical confrontation. I perceived Brian’s suggestion to be made in earnest, to mean that he really did want to speak with Gorka, and to be consistent with other times when I have seen try to de-escalate tense situations.

15. Gorka’s response to Brian’s invitation was to repeatedly scream: “You are threatening me in the Rose Garden” while gesticulating with one hand as he crossed the entire length and width of the seating area. I found this strange because, as someone who has received actual threats, I have never taken it upon myself to get closer to a person who I believed was credibly threatening me. Nevertheless, I watched Gorka shout about being “threatened” and move towards the rope line until he was close enough to put his face near Brian’s and shout: “You’re a punk! You’re not a journalist, you’re a punk!” Gorka was agitated and I could see spit flying out of his mouth, while Brian, on the other hand stayed calm and reiterated his desire to talk to Gorka.

16. Some of the attendees of the Summit began to chant as if it were a professional wrestling event at which they were Gorka’s fans: “Gorka! Gorka!” Rather than escalate further,

Brian told Gorka to “go home” and “get a job” as the latter angrily stormed off and exited the Rose Garden from the other side.

17. At no point during the exchange described in ¶¶ 10-16 did anyone from the White House Press Office or United States Secret Service intervene.

18. After Gorka had already turned his back, a white male with a shaved head (who I recognized as wearing the lapel pin issued to Secret Service agents) pushed past Brian and walked into the Rose Garden. At that point, another Summit attendee taunted Brian once more: “Just for the record, he [Gorka] would kick your punk ass!” The agent, who was wearing a radio earpiece in his left ear, quickly turned and walked towards Brian, who he told to “remember where you are.” It seemed to me as if the agent thought that *Brian*, rather than one of the Summit attendees, had made the remark about “kick[ing] [his] punk ass.” Brian explained to the agent that “it ain’t me,” meaning he had not been the one who’d talked about anyone “kick[ing] anyone’s ass.”

19. As we were waiting to be escorted back through the Palm Room (the room which functions as a passageway between the Rose Garden and the area that members of the press have unescorted access to), Brian was engaged in conversation by a few Summit attendees, including Joy Villa (a singer-songwriter known for wearing a Trump/“Make America Great Again” dress to the 2017 Grammy Awards) and James O’Keefe, who runs projectveritas.com, which specializes in undercover exposes. O’Keefe approached Brian to shake his hand and say that they were “on the same team,” while at the same time, Villa began haranguing the press corps (still trapped behind the rope line and unable to leave) about how we “need to stop reporting fake news.” She and Brian became engaged in a conversation about the necessity of copy editors, and while both were passionate in defending their points of view, neither was rude or threatening. As

Brian and Villa were talking, an African-American man wearing a grey suit accused him of “threatening” Gorka. Brian once again denied this before we were finally permitted to exit the Rose Garden through the Palm Room. As we were leaving the same man continued shouting at Brian (who by this point had his back turned and was trying to leave). Brian turned around, once more tried to tell him that he’d not been challenging anyone to a fight, and then left.

20. I was several paces behind Brian as he, I, and the rest of the press began to leave, and upon reaching the Palm Room I saw Gorka standing off to one side. I found it unusual that Gorka would be standing in that location, because the Palm Room is not an area where anyone who is not a White House staffer is usually permitted to linger. I remember thinking that it was strange that White House staff and Secret Service were allowing Gorka to be in the one place that the entire press corps had to pass through to get back to our workspaces.

21. I saw Brian approach Gorka, touch his arm to get his attention, and say something to the effect of “I was not threatening you, I was offering to talk.” Gorka then turned and made eye contact with Austin Cantrell (one of the Press Office “wranglers”), before turning back to Brian and beginning to repeatedly shout: “You’re done! You’re done!”

22. When Brian offered his hand to Gorka (for a handshake) in what I took to be a conciliatory gesture and yet another attempt to de-escalate things, Gorka shouted “you’re done” at him once more. Brian then asked: “You won’t shake my hand?” Gorka replied: “Somebody who is challenging a fight in the Rose Garden . . . ,” at which point Brian (again) denied that he had done anything of the sort (“I didn’t say that, I said I would talk to you”). Gorka then told Brian: “I have the video. I have the video, I gave it to him [indicating Cantrell]. Get out.”

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

Executed on this 18th day of August 2019 in Washington, D.C.

A handwritten signature in black ink, appearing to read "Andrew Feinberg", written over a horizontal line.

Andrew Feinberg

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

BRIAN KAREM,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States and in his individual
capacity; and STEPHANIE GRISHAM, in her
official capacity as White House Press Secretary and
in her individual capacity,

Defendants.

Case No.

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

I, Todd Joseph Gillman, declare under penalty of perjury 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. I have personal knowledge of the content of this declaration, and I could and would competently testify to the truth of the matters stated herein.

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 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, until the White House's November 2018 attempted revocation of Jim Acosta's hard pass, and now the suspension of Brian Karem's hard pass, 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 or failing to use the pass regularly for extended periods, or 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 for 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, where the Press Secretary and Communications Director have offices, and where spontaneous briefings and “gaggles” frequently occur. This area is near the Oval Office and is staffed 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, sometimes with notice of only a few minutes. 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 a hard pass is a significant impairment for a reporter covering these events.

16. Having access to the White House is central to earning a living as a White House correspondent. It is part of what differentiates a White House correspondent from other journalists. I believe that having a hard pass denied, revoked or suspended would damage an individual journalist's career, job prospects, reputation and value to employers, and it would damage the news organization for which he or she works.

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

Executed on this 19th day of August 2019 in Washington, D.C.

A handwritten signature in black ink, appearing to read "Todd J. Gillman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Todd Joseph Gillman

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

BRIAN J. KAREM,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as President of the United States and in his individual capacity; and STEPHANIE GRISHAM, in her official capacity as White House Press Secretary and in her individual capacity,

Defendants.

Case No.

**DECLARATION OF KSENIJA PAVLOVIC MCATEER IN SUPPORT OF
PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Ksenija Pavlovic McAteer, hereby declare under penalty of perjury that the following is true and correct:

1. I was present at the White House Rose Garden on July 11, 2019 and witnessed the encounter between Brian Karem and Sebastian Gorka. I have personal knowledge of the content of this declaration, and I could and would competently testify to the truth of the matters stated herein.

I. Background

2. In my journalism work, I uncover compelling stories from people who, in different ways, have helped to shape our global political and cultural milieu. I have interviewed pivotal figures, including the president of the World Bank Jim Yong Kim, filmmaker and founder of the Webby awards Tiffany Shlain, award-winning documentary filmmaker and broadcaster Tim Samuels, Arianna Huffington, Sir Richard Branson, Anthony Scaramucci, film

directors Lars von Trier and Abel Ferrara, Palme d'Or winners Michel Franco, Sean Baker, Oscar-nominated filmmaker Andrey Zvyagintsev, Oscar-winning actress Marion Cotillard, Elisabeth Moss, Monica Bellucci, Emma Suárez, Rade Serbedzija, fashion designer Adolfo Dominguez, Karlie Kloss, publisher and former presidential candidate Steve Forbes, world's No.1 tennis player Novak Djokovic, novelist Martin Amis among others. I interviewed as well as big names in the governmental arena such as the leading members of the British parliament, former President of Serbia Boris Tadic, members of the first democratic Serbian government and Milorad Dodik, President of the Serbian entity of BIH. Moreover, I have exclusively covered the Cannes Film Festival, Venice Film Festival, Sarajevo Film Festival, Madrid Fashion Week, The Madrid Open, and a range of other international benefit and political events.

3. Furthermore, I served a Teaching Fellow and a Doctoral Fellow in the Political Science department at Yale University, Senior Instructor in Yale Global Scholars teaching a range of seminars on International Affairs and Security, Head Writing Fellow at the Yale Graduate Writing Center, Fellow of the "Research and Travel Award in Grand Strategy" from International Security Studies (ISS) at Yale University, Fellow of the Roger Hertog Global Strategy Initiative in Religious Violence at Columbia University, a Doctoral candidate at Complutense University in Madrid, and a Visiting Doctoral Fellow at the Juan March Institute. I hold an M.Sc. in European Politics from the London School of Economics, an M.A. in American Politics, and a B.A. in Journalism and Communication from the University of Belgrade.

4. In 2016, I founded The Pavlovic Today, an independent online news organization for which I serve as the White House Correspondent and editor-in-chief. My political commentary and journalism work has been featured on BBC Newsnight, Sky News, N1 (Serbian CNN's affiliate), DW, CBC, Spectator magazine and many others. I am a recipient of Poynter

fellowship Journalism Initiative from Yale University for my public lecture at Yale entitled “The State of Free Press in Trump’s America”.

5. I grew up in the former Yugoslavia and was part of the generation who stood up against the oppressive regime of Slobodan Milosevic. As a young journalist, I watched older, seasoned colleagues lose their lives fighting for the freedom of the press. Discrediting the critics of government is what authoritarian regimes do, and I am familiar, both theoretically and empirically with the measures such governments may take to suppress a critical faculty and independent journalism: from public scorn and censorship, to taking away credentials and firing. Given my experiences, I know that Freedom as enshrined in the First Amendment should never be taken for granted.

6. As a result of my experience, I remain a staunch advocate of press freedom, and I am very concerned when I see attempts to undermine First Amendment rights of journalists.

7. I met Brian in 2017 and for the past three years in covering the White House, I’ve gotten to know him as a versatile writer and respected journalist who is committed to the principles of The Fourth Estate in asking hard questions and holding the government accountable. In the White House press corps, Brian has been a collegial and supportive member of our peer group, warm, friendly and lighthearted. His sense of humor is unique and his social commentaries he is known for are savvy and truth-telling.

II. The Events of July 11, 2019¹

8. On Thursday, July 11, 2019, I was present at the White House for President Trump’s remarks in the Rose Garden with Attorney General Barr that followed the “Social

¹ I wrote a contemporaneous account of the event. See Ksenija Pavlovic McAteer, *Trump’s Social Media Summit Weaponizes The White House For Political Ends*, The Pavlovic Today, <https://www.thepavlovictoday.com/trumps-social-media-summit-weaponizes-the-white-house-for-political-ends/>.

Media Summit” which was *pool only*. The Social Media Summit did not include representatives from the major social media platforms one would expect to be in attendance based on the name of the event. Instead, the attendees in East Room were conservative political “influencers” to whom President Trump delivered remarks which referenced the free press as “fake news”.

9. Initially, the Social Media Summit was announced on the official schedule as one hundred percent “closed press” where the web of social media ideologues were meant to meet behind closed doors, with the members of the White House press corps barred from access. Then, it was changed to “pool only”.

10. The Social Media Summit appeared intended to mobilize pro-Trump social media “influencers” for Trump’s 2020 campaign and serve as a blue print for bypassing professional, legitimate journalists and replace them with a web of ideological influencers.

11. Following the closed door Social Media Summit, the attendees of the Summit were moved to the Rose Garden for Trump's delivery of remarks on the citizenship question in the census with Attorney General Barr. The citizenship announcement was open to the White House press corps. While attendees of the Social Media Summit were seated on white chairs on the lawn as guests, the press was made to stand behind a black rope on the periphery, on muddy grass due to recent rain.

12. One of the attendees of the Social Media Summit was Sebastian Gorka. “Fake News panorama,” Gorka said, provoking the press, his voice raised, as he photographed the White House press corps before the event began. Other “influencers” followed his lead, snapping photos of the press behind the ropes and talking about “fake news.” The atmosphere in the Rose Garden was unusually tense. Normally, the guests in the Rose Garden are respectful of the press and to my best memory, I do not recall any instances of guests provoking the members of the

press corps during the events on the White House grounds. The atmosphere at the event was more like a campaign rally than a typical White House event.

13. In the Rose Garden, President Trump and Attorney General William Barr delivered remarks about the decision to withdraw the citizenship question from the census. When they were finished speaking, the two left the podium without taking any questions. Following the usual practice during the White House pressers and deliveries, Brian called after President Trump to ask him to consider taking some questions, but President Trump left without taking any questions.

14. While Brian was doing his job on his work site, I heard one of the influencers seated in the section close to me, to my right, say “don’t be sad” to Brian, apparently that the President had declined to give the press an opportunity to ask questions.

15. Brian responded to that demeaning comment in his typical style, observing humorously that the influencers were “eager for demonic possession”. I did not perceive any ill intent in what Brian said, nor were his words delivered in an aggressive manner. He was making a satirical observation, and people responded by laughing. I did not perceive his comment to be intended as a provocation or insult.

16. Gorka then yelled at Brian from across the Rose Garden “and you’re a ‘journalist?’” I believe that with this comment, Gorka was deliberately trying to undermine Brian as a legitimate press and to provoke him. Brian responded by telling Gorka to come over and have a conversation. I did not perceive Brian’s comment to be an invitation to any physical confrontation.

17. The crowd egged Gorka on, shouting things like “Get him, Gorka!”

18. Gorka aggressively proceeded to storm through the Rose Garden, got in Brian's face, and his personal space and spit the words: "You are a punk!" Gorka was acting very aggressively. I told him, "You should not be attacking journalists like this." Shortly after, I said "those are protected journalists" and described the incident as an "assault on the press!"

19. As Gorka stormed at Brian, many of the other "influencers" cheered him on as he verbally assaulted Brian. One told Brian that Gorka would "kick your punk ass." The other influencer, Joy Villa, also made "fake news" comments echoing President Trump's well known attacks on free press.

20. Brian attempted to calm Gorka down, saying that he only wanted to talk, but Gorka turned and stormed off.

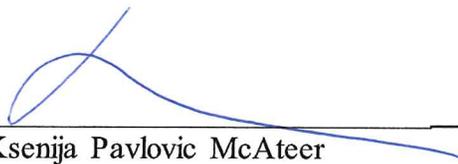
21. After the event, Gorka and the other "influencers" led by conservative influencer Caleb Hull continued to attack journalists on Twitter, in particular, myself, Brian, and CNN correspondent Jim Acosta. For example, Twitter users accused me of being "disgusting," a "moron," and an "enemy of the American people," and stating that they "admire[]" Trump for "st[anding] up to the press." I had to switch off Twitter notifications that evening due to the number of insults I received after the Rose Garden event.

22. As someone who has studied the relationship between free press and democracy including teaching a Capstone project in Yale Young Global Scholars program, *The Roles and Responsibilities of the Media*, I believe that President Trump's attacks on the media—including the revocation of Brian's press pass—do a disservice to American press freedoms and democratic values. A free media is an important part of any civic society and the democratic process. A true democracy should always invite freedom and welcome accountability. These should all be core goals and values of both political leaders and journalists alike. The White

House press corps exists to assure absolute accountability of the democratic process. This is not the question of partisanship, it is the question of the purpose of journalism profession and the universal principles it stands for. Restoring the hard pass of Brian Karem, I believe, will be good democracy, good for our country, good for other journalists. And ultimately, good for the White House.

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

Executed on this 19th day of August 2019 in Washington, D.C.



Ksenija Pavlovic McAteer