

A Hard Pass Is Not the Right to Publish

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A temporary order can restore a hard pass to the gate. It does not invent a First Amendment deed to the Brady room. A credential is a workplace tool; a ban is not yet a final judgment.

On September 24, 2026, a federal judge ordered three hard passes restored for fourteen days. Hours later, reporters from those outlets said the gate still held. The gap between the order and the door is the whole lesson: a credential is not the Constitution, and a temporary restraining order is not a final judgment on who may publish.

Sherrill v. Knight, 569 F.2d 124 (D.C. Cir. 1977), and the later hard-pass fights—including CNN v. Trump, 1:18-cv-02610 (Kelly, J., Nov. 16, 2018)—police arbitrary exclusion from a government workspace. They do not hand any masthead a property right in the briefing room. The White House Correspondents’ Association dates to 1914; the Brady room is a logistics floor, not a constitutional seat.

A White House hard pass is a security badge and a pool tool under Executive rules. The September 21, 2026 White House release and the September 24 TRO (Kelly, J.) sit on that same map: process for named outlets, temporary access, and the government’s own gate. They are not a lifetime lease on the podium, and they are not proof that “the press,” as a class, owns a chair next to power.

This register deals in public notice—county books, district hubs, hashes, and certificates—not press credentials. Keep the labels: an order can unlock a door for a short window; it cannot invent a right to publish that the First Amendment never sold as a badge. A ban that is still being litigated is not yet the last word.

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