



Written by [Veronika Kyrylenko](#) on March 23, 2026

Federal Court Blocks Pentagon Press Access Policy as Unconstitutional

A federal judge has blocked Donald Trump's administration from enforcing a policy that restricts journalists' access to the Pentagon.

In a Friday [ruling](#), U.S. District Judge Paul Friedman sided with *The New York Times*, finding key parts of the Defense Department's (DOD) credentialing rules unlawful. He concluded that the policy violates both the First Amendment and the Fifth Amendment, noting:

Those who drafted the First Amendment believed that the nation's security requires a free press and an informed people and that such security is endangered by governmental suppression of political speech. That principle has preserved the nation's security for almost 250 years. It must not be abandoned now.



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The ruling places the issue in a broader context. With U.S. military action underway in Venezuela and an ongoing war with Iran, Friedman emphasized, it is "more important than ever that the public have access to information from a variety of perspectives about what its government is doing."

The Pentagon [said](#) it would "immediately" appeal.

Press as Security Risk

The dispute developed in stages.

As tracked in the ruling, last May, the Pentagon introduced new physical restrictions inside the building. Journalists were barred from areas near the secretary's office, while access to other sections required escorts. Officials justified the changes as "needed to reduce the opportunities for in-person inadvertent and unauthorized disclosures," though no specific breach was identified.

In September, the DOD escalated further. A new "In-Brief" required credentialed reporters to review and sign updated rules or risk losing access. Under those rules, journalists' credentials could be revoked if they were "reasonably determined to pose a security or safety risk."

That standard was rather broad. It covered "unauthorized access," "attempted unauthorized access," and "unauthorized disclosure" of department information. It also extended to "attempts to improperly obtain" such information, even in the absence of publication. Crucially, enforcement was discretionary — violations did not have to result in revocation, but they could.



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That ambiguity quickly became the central concern.

Press organizations warned that the policy blurred the line between legitimate reporting and prohibited conduct. The Pentagon responded that it did “not impose restrictions on journalistic activities” such as reporting or publishing, while stressing limits on “active solicitation” of information.

The clarification did little to resolve the underlying tension.

Final Rule

In October, the department finalized the policy, expanding its reach and tightening enforcement.

Under the final rule, credentials can be revoked based on a “reasonable assessment” of the “unique facts and circumstances of each case,” applying a “totality of the circumstances” test. The scope extends beyond classified material to include “controlled unclassified information,” or even the act of seeking it.

The policy places particular emphasis on “solicitation.” That term covers not only direct outreach to sources, but also “general appeals” such as public calls for tips. A social media post encouraging officials to share information could, under the rule, trigger revocation.

Even publication itself can be weighed against a reporter. Coverage that, in the DOD’s view, “recklessly endangers American lives” might be used to justify loss of access.

All of this is enforced through a mandatory acknowledgment. Journalists are required to confirm that they have “received, read, and understand” the rules, even if they do “not necessarily agree.”

Press Corps

Seven *New York Times* reporters, along with many in the Pentagon press corps, declined to sign the acknowledgment and surrendered their access.

The refusal was broad and crossed ideological lines.

Among those who declined were major national and international outlets, including *The Washington Post*, *The Wall Street Journal*, The Associated Press, and Reuters. The resistance extended across television as well, including networks such as CNN and Fox News and a wide range of other newspapers and media organizations.

NBC News, CBS News, and ABC News, along with other major networks, [said](#) in a joint statement:

Today, we join virtually every other news organization in declining to agree to the Pentagon’s new requirements.... The policy is without precedent and threatens core journalistic protections. We will continue to cover the U.S. military ... upholding the principles of a free and independent press.

In their place, a new group of credentialed journalists and outlets emerged. It included the One America News Network (OAN) and pro-Trump figures such as Laura Loomer, Matt Gaetz, James O’Keefe, Tim Pool, and Mike Lindell.

Officials described them as the “next generation of the Pentagon press corps,” praising those who signed for “circumvent[ing] the lies of the mainstream media” and dismissing those who did not as “activists who masquerade as journalists.”



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The lawsuit followed.

First Amendment Violations

At the heart of the case is a fundamental question: Can the government shape coverage by controlling access?

The court's answer is unequivocal.

While the Pentagon qualifies as a “nonpublic forum,” meaning the government can impose some restrictions, those limits must be “viewpoint neutral and reasonable.” The policy fails both requirements.

“It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys,” Friedman wrote, describing “viewpoint discrimination” as an “egregious form of content discrimination.”

The evidence, he concluded, is overwhelming. “The record is replete with undisputed evidence that the Policy is viewpoint discriminatory.”

Department officials had repeatedly criticized “mainstream media” coverage they viewed as unfavorable, while praising outlets aligned with the administration. The structure and application of the policy reflect that divide, according to the ruling:

In sum, the undisputed evidence reflects the Policy's true purpose and practical effect: to weed out disfavored journalists — those who were not, in the Department's view, “on board and willing to serve.”

That conclusion is decisive.

“Restrictions based on viewpoint are prohibited,” the court emphasized. Even a policy that appears neutral on its face cannot stand if it is adopted “because of disagreement with the message [the speech] conveys.”

The Pentagon's argument that access is a privilege did not persuade the court. Once the government opens its doors to the press, it cannot deny access “arbitrarily or for less than compelling reasons.”

Precedent

The ruling also highlighted how sharply the Defense Department's policy diverges from historical practice:

Even when Department leaders disliked a journalist's reporting, they did not consider suspending, revoking, or not renewing the journalist's press credentials in response to that reporting.

For example, during the [Pentagon Papers](#) controversy, the government went to court to stop publication — but it did not retaliate by excluding reporters. Press briefings continued as usual.

The same held in later scandals, such as reporting on [Agent Orange](#) or the “[Fat Leonard](#)” corruption case.



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As noted by the plaintiffs during oral arguments in the case and recounted in the decision, the historical pattern is consistent:

When General [William] Westmoreland was upset that CBS was reporting misinformation about the Vietnam War, he sued. But no reporter lost their credentials. When 60 Minutes published photos of [Abu Ghraib](#), they did a public service. The Pentagon was upset [as] it was a disclosure of unauthorized information. But no one reached out to yank credentials.

The court found that this policy marks a departure. It described a “sea change” in the Pentagon’s relationship with the press, a shift from tolerating scrutiny to filtering it.

Due-process Violations

The court also found that the policy violates the Fifth Amendment’s guarantee of due process.

A press credential, Friedman held, is a “protected liberty interest.” It cannot be revoked without clear standards and fair notice.

The policy lacks both.

A regulation is unconstitutional if it fails to give “fair notice” of what is prohibited or if it is “so standardless” that it invites arbitrary enforcement. The Pentagon’s rules, the court concluded, do both.

The central problem is vagueness. The policy allows revocation based on a loosely defined “security or safety risk,” echoing earlier standards courts have already rejected as too ambiguous.

Although the DOD pointed to examples involving “solicitation,” the court found those terms unclear, as they overlap with ordinary reporting. “Obtaining and attempting to obtain information is what journalists do,” the court wrote. “The role of a journalist is to solicit information.”

That overlap created an impossible situation, as routine acts, such as asking questions, could trigger penalties. The policy also covers “controlled unclassified information,” a broad category that journalists can not reasonably track in practice. The result is uncertainty and self-censorship.

“In short,” the court wrote, the policy “fails to provide fair notice of what routine, lawful journalistic practices will result in the denial, suspension, or revocation” of credentials. It also lacks “objective and clear standards,” allowing arbitrary enforcement.

“The Policy therefore contravenes due process” and is “vague in violation of the Fifth Amendment,” wrote the judge.

The Remedy

The court acted decisively, holding that the plaintiffs are entitled to injunctive relief. It determined that the harm was immediate and irreparable: “[T]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”

Without access, journalists lose the ability to engage in “journalistically productive conversations.” Because news is time-sensitive, that loss “cannot be remedied retrospectively.”

The balance of interests favored the press.

Referencing previous court decisions, the judge decided that, while the government has a legitimate interest in security,



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“The Constitution ... does not permit [it] to prioritize any policy goal over the Due Process Clause” or the First Amendment, and “enforcement of an unconstitutional law is always contrary to the public interest.”

The court therefore issued a permanent injunction. It also vacated the challenged provisions, noting that vacatur is the “normal course” when government agency action is unlawful.

“The Policy’s deficiencies are extremely serious,” the court wrote. The rules violate both the First and Fifth Amendments, and the government has offered no meaningful path to fix them.

Nor will vacating the policy disrupt operations — the prior system has functioned for decades without issue.

The conclusion is clear: The unconstitutional provisions are void; the policy cannot be enforced; and access must be restored.



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