

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

THE NEW YORK TIMES COMPANY,
620 Eighth Avenue
New York, NY 10018;

JULIAN E. BARNES,
The New York Times Company
1627 I Street NW, Suite 700
Washington, DC 20006,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE A/K/A
DEPARTMENT OF WAR,
1600 Defense Pentagon,
Washington, DC 20301;

PETE HEGSETH,
in his official capacity as Secretary of
Defense, 1600 Defense Pentagon,
Washington, DC 20301;

SEAN PARNELL,
in his official capacity as Chief Pentagon
Spokesman, 1600 Defense Pentagon,
Washington, DC 20301,

Defendants.

Civil Case No. 25-4218

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Plaintiffs The New York Times Company (“The New York Times” or the “Times”) and its reporter Julian E. Barnes (“Barnes”) bring this action to enjoin provisions of a recently implemented policy of the United States Department of Defense or Department of War (“Department” or “Pentagon”) that violates their First and Fifth Amendment rights. If allowed to stand, that policy will upend the longstanding and “healthy adversarial tension between the government, which may seek to keep its secrets” and “the press, which may endeavor to” report them, Alexander Bickel, *The Morality of Consent* at 79 (1977), and will deprive the public of vital information about the United States military and its leadership.

2. On October 6, 2025, the Department promulgated a new policy pertaining to PFACs—Pentagon Facility Alternate Credentials. PFACs (also called Pentagon badges or building passes) are credentials members of the press receive to access the Pentagon. The Times’ and its reporters’ interests in maintaining their PFACs are exactly the type of “liberty interests” the D.C. Circuit has held “may not be denied without due process of law under the fifth amendment.” *Karem v. Trump*, 960 F.3d 656, 660 (D.C. Cir. 2020). And the policy—which vests Department officials with unbridled discretion to immediately suspend and ultimately revoke a reporter’s PFAC for engaging in lawful newsgathering, both on and off Pentagon grounds, or for reporting any information Department officials have not approved—is neither reasonable nor viewpoint-neutral. It is exactly the type of speech- and press-restrictive scheme that the Supreme Court and D.C. Circuit have recognized violates the First Amendment. *See City of Lakewood v. Plain Dealer Publ’g Co.*, 486 U.S. 750, 757 (1988); *Ateba v. Leavitt*, 133 F.4th 114, 124–125 (D.C. Cir. 2025); *see also Minnesota Voters Alliance v. Mansky*, 585 U.S. 1, 11–12 (2018).

3. The policy, in violation of the First Amendment, seeks to restrict journalists' ability to do what journalists have always done—ask questions of government employees and gather information to report stories that take the public beyond official pronouncements. If and when they do and then publish anything that has not been approved by Pentagon officials, the policy permits those officials to, at any time and without any standards to guide their decisions, immediately suspend and ultimately revoke those journalists' PFACs in violation of the First Amendment, the Due Process Clause, and binding D.C. Circuit precedent.

4. Specifically, the policy confers on Pentagon officials the unfettered discretion to determine that a journalist “pose[s] a security or safety risk to [Department] personnel or property,” *see* Ex. A (hereinafter the “Policy”) at 8, 12, based solely on a journalist’s or news organization’s receipt, publication, or “solicitation” of any “unauthorized” information, regardless of secrecy classification, *id.* at 12–13. It then provides that such a determination “may result in an immediate suspension of Pentagon access” *Id.* at 8, 12. The Policy also allows the Department to suspend or revoke PFACs when Pentagon officials—again exercising standardless discretion—determine journalists have engaged in “[u]nprofessional conduct that might serve to disrupt Pentagon operations.” *Id.* at 15; *see Karem*, 960 F.3d at 666.

5. The Pentagon has made clear that lawful, routine newsgathering techniques—asking questions of government employees and interviewing them for stories—whether on or off Pentagon grounds could, in the Department’s view, “constitute a solicitation that could lead to revocation” of their PFACs. Ex. A at 11. But such communications are a core journalistic practice and a public good—the kind of basic source work that led to some of the most important news stories in history, including the Pentagon Papers. In addition, the Department has made clear, those journalistic practices that can be sanctioned also include, for example, “public

advertisements or calls for tips,” including via “social media.” *Id.* at 10. Providing a means for sources to convey information is, likewise, routine. The Times, for instance, has a “tips page” on its website that “offer[s] several ways to get in touch with and provide materials to [Times] journalists.”¹

6. Through the Policy, Pentagon officials have dealt to themselves the power to suspend and eventually revoke journalists’ PFACs for publishing stories that Pentagon leadership may perceive as unfavorable or unflattering, in direct contravention of Supreme Court precedent.

7. In issuing the Policy, the Department insisted that journalists sign an “Acknowledgment,” Ex. A. at 12, acceding to their “understand[ing]” of the Policy in order to maintain their PFACs. Reporters from every major news organization, including The Times, refused to comply with that demand as a condition to access the Pentagon,² and were compelled to turn in their PFACs as a result.³

8. While Plaintiffs and many other journalists and news organizations no longer possess PFACs because they refused to accede to a Policy that would restrict independent

¹ See <https://www.nytimes.com/tips>.

² Erik Wemple, *Several News Outlets Reject Pentagon’s Reporting Restrictions*, N.Y. Times (Oct. 13, 2025), <https://www.nytimes.com/2025/10/13/business/pentagon-restrictions-news-outlets.html> (“Several news organizations, including The Washington Post, The New York Times, Newsmax and NPR, have announced that their journalists will not sign a new set of Pentagon restrictions affecting news gathering in the vast military complex. . . . Other news outlets, including The Guardian and CNN, have also said they would reject the policy. The announcements reflect the news media’s wide-ranging frustration with efforts by Pete Hegseth, the defense secretary, to curtail the physical movement of reporters in the building and impose fresh limits on their activities.”).

³ Erik Wemple, *How the Pentagon Is Blocking Out News Organizations*, N.Y. Times (Oct. 15, 2025), <https://www.nytimes.com/interactive/2025/10/15/business/media/pentagon-press-rules.html>; David Baudner, *Journalists turn in access badges, exit Pentagon rather than agree to new reporting rules*, Associated Press (Oct. 15, 2025), <https://apnews.com/article/pentagon-press-access-hegseth-trump-restrictions-5d9c2a63e4e03b91fc1546bb09ffbf12>.

reporting, the Department has welcomed what it calls the “next generation of the Pentagon press corps”⁴—individuals and media outlets strongly supportive of the Trump administration and whose viewpoints the Department favors.⁵ Among that group are Mike Lindell, the chief executive of MyPillow, who has promised to “make [the Administration] proud” with his Pentagon coverage; Laura Loomer, an influential pro-Trump activist; and Raheem Kassam, editor in chief of the National Pulse, who described his publication as “basically an industry mag/site for MAGA world.”⁶

9. These developments place the purpose and effect of the Policy in stark relief: to fundamentally restrict coverage of the Pentagon by independent journalists and news organizations, either by limiting what kind of information they can obtain and publish without incurring punishment, or by driving them out of the Pentagon with an unconstitutional Policy. While Plaintiffs’ enterprising reporting on the military will continue, the Pentagon’s Policy ensures the suppression of certain newsworthy information—information, for instance, gathered by directly questioning officials at press conferences or through routine unplanned interactions between journalists and Pentagon personnel on Pentagon grounds.

10. The Policy abandons scrutiny by independent news organizations for the public’s benefit, and it violates the Constitution’s guarantees of due process, freedom of speech, and freedom of the press. The Policy fails to provide fair notice to Plaintiffs and other journalists and news organizations of what, in the Department’s “unbridled discretion,” will (or will not) be

⁴ Sean Parnell (@SeanParnellASW), X (Oct. 22, 2025, at 1:21 PM), <https://x.com/SeanParnellASW/status/1981048206923329719>.

⁵ See Ken Bensinger & Erik Wemple, *New Pentagon Press Crew Is All In on Trump*, N.Y. Times (Nov. 4, 2025), <https://www.nytimes.com/2025/11/04/business/media/new-pentagon-press-crew-is-all-in-on-trump.html>.

⁶ *Id.*

deemed improper newsgathering or reporting that warrants the immediate suspension and eventual revocation of a PFAC. *City of Lakewood*, 486 U.S. at 757; *see also Ateba*, 133 F.4th at 125. And its incurably vague language and lack of standards invite arbitrary as well as content- and viewpoint-based determinations as to which reporters and news organizations will be granted or denied access to the Pentagon and for what reasons. Indeed, Department officials have made clear their viewpoint discriminatory aim in promulgating and implementing the Policy: Department officials have publicly derided journalists who declined to sign the Acknowledgement as “activists” and “propagandists” who spread “lies . . . to the American people,” while praising individuals approved to receive PFACs under the Policy as free from “a biased agenda.”⁷

11. The fact that the Department has conditioned journalists’ access on their willingness to attest to their understanding of an inscrutable Policy that targets their exercise of First Amendment rights inflicts separate and additional constitutional harm on top of the Policy’s already irreparable chilling effect.

12. As the Supreme Court has recognized, the First Amendment guarantees “a ‘right to gather information’” because “without some protection for seeking out the news, freedom of the press could be eviscerated.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 576 (1980) (quoting *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972)). The D.C. Circuit held nearly fifty years ago in the context of media access to the White House that “press facilities having been made publicly available as a source of information for [journalists], the protection afforded newsgathering under the first amendment guarantee of freedom of the press . . . requires that . . .

⁷ Sean Parnell (@SeanParnellASW), X (Oct. 22, 2025, at 1:21 PM), <https://x.com/SeanParnellASW/status/1981048206923329719>; DOW Rapid Response (@DOWResponse), X (Dec. 2, 2025, at 11:21 am), <https://x.com/DOWResponse/status/1995890967002452302>.

access not be denied arbitrarily or for less than compelling reasons.” *Sherrill v. Knight*, 569 F.2d 124, 129 (D.C. Cir. 1977) (citations omitted). The D.C. Circuit has since reaffirmed that “‘the interests of a bona fide Washington correspondent in obtaining [such a] pass’ is not only ‘protected by the first amendment’ but also ‘undoubtedly qualifies as [a] liberty [interest] which may not be denied without due process of law under the fifth amendment.’” *Karem*, 960 F.3d at 660 (second and third alternations in original) (quoting *Sherrill*, 569 F.2d at 130–131).

13. The D.C. Circuit also has made clear that “the government creates a ‘nonpublic forum’ when it provides ‘selective access for individual speakers.’” *Ateba*, 133 F.4th at 122 (citations omitted). Areas of the Pentagon, including the Pentagon Briefing Room, are nonpublic forums under the First Amendment, and therefore any regulation on speech within those forums must be reasonable and not intended to suppress expression based on the speaker’s viewpoint. *See Minnesota Voters Alliance*, 585 U.S. at 11–12. The Policy fails that test and violates the First Amendment because it is “an effort to suppress” speech and newsgathering based on viewpoint, and because its restrictions are not reasonable “in light of the purpose served by the forum.” *Id.* at 12–13.

14. This binding precedent applies with full force here. There is no legitimate, let alone compelling, justification for the provisions of the Policy targeting lawful newsgathering and reporting—purposefully vague and overbroad provisions designed to give Department officials free rein to grant or deny Pentagon access to journalists and media outlets on the basis of viewpoint and that are wholly untethered to any interest in the “safe, efficient and secure operation of the Pentagon Reservation.” 10 U.S.C. § 2674(c)(1). Those provisions violate the First Amendment. *City of Lakewood*, 486 U.S. at 757; *see also Ateba*, 133 F.4th at 125. Further, because the Policy permits the immediate suspension of a PFAC without providing reporters procedural protections,

it plainly violates the Due Process Clause. *See Karem*, 960 F.3d at 660; *Sherrill*, 569 F.2d at 130–131.

15. The Policy marks a radical departure from longstanding tradition, violates the Due Process Clause and the First Amendment, and is inflicting irreparable harm on The Times and its reporters, including Barnes, and on the American public. By this Complaint, Plaintiffs seek a declaration that the provisions of the Policy targeting the exercise of First Amendment rights are unlawful and an order preliminarily and permanently enjoining Defendants from enforcing those provisions of the Policy.

PARTIES

16. The New York Times Company is a privately owned for-profit corporation located in New York. The Times is headquartered at 620 8th Avenue, New York, NY 10018. The Times' Washington Bureau is located at 1627 I Street NW, Suite 700, Washington, DC 20006. Prior to the implementation of the Policy, six Times journalists, including Barnes, held PFACs. The Times and its reporters, including Julian E. Barnes, are eligible to and, if the challenged portions of the Policy were enjoined, would reobtain their PFACs.

17. Julian E. Barnes is a national security reporter with The Times who focuses on the Pentagon, United States intelligence agencies, and international security, among other subjects. Barnes has been with The Times since June 2018. Prior to that, Barnes covered the Pentagon for other news organizations including U.S. News and World Report, The Los Angeles Times, and The Wall Street Journal. He was first issued a PFAC in 2004. With the exception of an approximately 18-month period in 2016 and 2017, Barnes continuously held a PFAC from 2004 until the end of August 2025, when it lapsed. Though he was eligible to and invited to do so, Barnes did not seek to renew his PFAC due to the Policy. As a result of the Policy, Barnes was compelled to turn in his lapsed PFAC on October 15, 2025. Barnes resides in the District of

Columbia and is assigned to The Times' Washington Bureau.

18. Defendant United States Department of Defense, also known as the Department of War, is an executive agency of the U.S. federal government tasked with overseeing the U.S. Armed Forces. The Department is headquartered at the Pentagon and maintains offices and facilities in Washington, DC, and conducts a substantial amount of official business in and relating to this District. The Department's address is 1400 Defense Pentagon, Washington, DC 20301.

19. Defendant Pete Hegseth is the U.S. Secretary of Defense. He is sued in his official capacity. Secretary Hegseth is responsible for overseeing the operations and administration of the Department of Defense and the U.S. Armed Forces, which include the Army, the Navy, the Marine Corps, the Air Force, and the National Guard, as well as developing national defense policy. He has ultimate authority over all Department policies, including the Policy at issue here, and he conducts a substantial amount of official business in and relating to this District. As a member of the President's Cabinet, Secretary Hegseth regularly performs his official duties within the District of Columbia.

20. Defendant Sean Parnell is the Chief Spokesman for the Pentagon and Assistant to the Secretary of Defense for Public Affairs and conducts a substantial amount of official business in and relating to this District. He is sued in his official capacity. Parnell serves as the Department's principal spokesperson responsible for providing timely and accurate information about the Department to the media, the U.S. Congress, and the public. He also coordinates and conducts press briefings with members of the media. He issued the "Memorandum for Senior Pentagon Leadership" ("Memorandum") that, together with the "Pentagon Reservation In-Brief for Media Members" ("In-Brief"), constitute the Policy and, on information and belief, is responsible for implementation of the Policy.

JURISDICTION AND VENUE

21. This Court has subject-matter jurisdiction because this action arises under the Constitution of the United States and federal statutes, 28 U.S.C. § 1331, and because the individual Defendants are U.S. officials sued in their official capacities, 28 U.S.C. § 1346(a)(2).

22. The Court is authorized to grant the requested relief under 28 U.S.C. §§ 2201 and 2202, 5 U.S.C. § 706, Rule 65 of the Federal Rules of Civil Procedure, and pursuant to its inherent equitable powers.

23. Venue is proper in this District under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1391(e)(1) because Barnes resides in this District, because The Times and its journalists, including Barnes, regularly engage in newsgathering and reporting in this District, including at The Times' Washington Bureau, and because Defendants conduct a substantial amount of official business in this District, and a substantial part of the events giving rise to the claims occurred in the District of Columbia. In particular, among other things, Secretary Hegseth, as a member of the President's Cabinet, "'performs a significant amount of his official duties in the District of Columbia,'" *Bartman v. Cheney*, 827 F. Supp. 1, 2 n.2 (D.D.C. 1993) (citation omitted); *see also Chin-Young v. Esper*, 2019 WL 4247260, at *5 (D.D.C. Sep. 6, 2019), and the Department's decision-making with respect to the development and implementation of the Policy occurred, in substantial part, within this District.

FACTUAL ALLEGATIONS

The Pentagon Announces a New PFAC Policy

24. There is a long tradition of journalists covering the military from the grounds of the Pentagon. That access has enabled, among other things, real-time, eyewitness reporting on the Department's response to the terrorist attacks of September 11, 2001, including the attack on the

Pentagon itself—coverage the Department has lauded.⁸ Indeed, the ability of journalists to cover the military from Pentagon grounds benefits the American public, in part, because it gives Department officials the ability to correct misinformation and get accurate information to journalists and, in turn, to the public quickly when there is a crisis.

25. Since the Pentagon opened in 1942, Department officials have afforded qualified members of the press, including reporters with *The Times*, access to the Pentagon complex to report on the military and other defense activities.⁹ Hanson W. Baldwin, a *Times* reporter who won a Pulitzer Prize in 1943 for his coverage of World War II, for example, routinely visited the Pentagon to gather news and speak with Department sources.

26. Historically, the press has had unescorted access to areas including the Pentagon Press Briefing Room. As *Times* opinion columnist Maureen Dowd described in an October 18, 2025 column about the Policy, journalists from *The Times* and other media outlets previously “could stake out Jim Mattis, a defense secretary in President Trump’s first term, when he picked up his clothes at an in-house dry cleaners and have an off-the-record chat as he walked back to his office, shirts slung over his shoulder” or “might bump into the chairman of the Joint Chiefs of Staff at a Pentagon Starbucks and have a conversation that could turn into a story.”¹⁰ In addition, since the 1970s, the Pentagon provided reporters with dedicated office space in the building,

⁸ See, e.g., Jim Garamone, *Senior Pentagon Correspondent Recalls 9/11*, DOD News (Sept. 7, 2021), <https://www.war.gov/News/Feature-Stories/Story/Article/2765676/senior-cnn-pentagon-correspondent-recalls-911/> (Department press office interview with then-ABC News producer Barbara Starr recounting her coverage of 9/11 from the Pentagon).

⁹ Eleanor Watson, *CBS News Ends Over 60-Year Presence at Pentagon After Declining to Sign New Press Requirements*, CBS News (Oct. 17, 2025), <https://www.cbsnews.com/news/cbs-news-pentagon-60-year-presence-press-requirements/>.

¹⁰ Maureen Dowd, *Fraidy-Cat at the Pentagon*, N.Y. Times (Oct. 18, 2025), <https://www.nytimes.com/2025/10/18/opinion/pentagon-journalists-news-hegseth.html>.

known as the Pentagon News Room, where reporters set up desks and TV network booths. Qualified members of the press, including Times journalists, have had access to such areas within the Pentagon building for more than eight decades. That access, which was not conditioned on the perceived viewpoint of journalists and their news organizations, or the content of their reporting, served the interests of the American public and posed no security or safety risk to Pentagon property or personnel.

27. Since Secretary Hegseth took office—and, in particular, since March of 2025, when Secretary Hegseth and other top officials inadvertently disclosed details regarding imminent U.S. airstrikes in Yemen to journalist Jeffrey Goldberg of *The Atlantic* by adding him to a group chat on the messaging platform Signal—the Department has sought to impose increasingly stringent and unprecedented restrictions on journalists covering the Department and its leadership.¹¹

28. On May 23, 2025, Secretary Hegseth issued what he called “Updated Physical Control Measures for Press/Media Access Within the Pentagon,” imposing restrictions on journalists’ access to specific areas of the building, including in the vicinity of his office, and requiring journalists to be accompanied by official “escorts” when visiting certain areas. *See* Ex. F at 1–2. These changes were not precipitated by any security or safety incident involving a PFAC holder. On the contrary, according to the “Memorandum for Resident and Visiting Press Assigned to the Pentagon,” these “updated security measures” were purportedly “needed to reduce the opportunities for in-person inadvertent and unauthorized disclosures.” *Id.*; *see also* Erik Wemple, *Inside Hegseth’s Effort to Limit Press Access at the Pentagon*, N.Y. Times (Oct. 10, 2025) (“Under [Secretary Hegseth’s] leadership, the [D]epartment has removed national news outlets

¹¹ *See* Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, *The Atlantic* (Mar. 24, 2025), <https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>.

from a shared media workspace . . . ; [and] has scaled back reporters’ ability to roam Pentagon corridors.”).¹² These restrictions coincide with other efforts by the Department to restrict the flow of newsworthy information to the public, both via the press,¹³ and via Congress.¹⁴

29. On September 18, 2025, Parnell issued a “Memorandum for Senior Pentagon Leadership” (“September 18 Memorandum”) attaching a “Pentagon Reservation In-Brief for Media Members” (“September 18 In-Brief”; together, the “September 18 Policy”). In the September 18 Memorandum, which purported to implement the Department’s “Updated Physical Control Measures for Press/Media Access Within the Pentagon,” Parnell announced new policies governing the issuance, renewal, suspension, and revocation of PFACs that went even further than the newly instituted “physical control measures.” Ex. E at 3–10.

30. The September 18 Memorandum explained that “[a]ll members of the press issued a [PFAC] will be required to read and sign a new in-brief form outlining information security requirements, the new physical control measures, and [Department] expectations of their compliance with safety and security requirements.” Ex. E at 1.

31. In addition to setting out specific requirements for physical presence within the facility, including restrictions on journalists’ access to certain floors of the Pentagon, Ex. E at 4, the September 18 In-Brief also included provisions addressed to the “unauthorized” disclosure of

¹² <https://www.nytimes.com/2025/10/10/business/media/hegseth-pentagon-press-access.html>.

¹³ See, e.g., Dan Lamothe & Ellen Nakashima, *Hegseth team told to stop polygraph tests after complaint to White House*, Wash. Post (July 26, 2025), <https://www.washingtonpost.com/national-security/2025/07/26/pete-hegseth-leak-investigation-trump/>.

¹⁴ See, e.g., Ben Finley & Konstantin Toropin, *Hegseth changes policy on how Pentagon officials communicate with Congress*, Wash. Post (Oct. 21, 2025), https://www.washingtonpost.com/politics/2025/10/21/defense-department-pentagon-hegseth-congress/90711972-aef4-11f0-ab72-a5fffa9bf3eb_story.html.

information. Specifically, it stated that “[Department] information must be approved for public release by an appropriate authorizing official before it is released, even if it is unclassified” because “[u]nauthorized disclosure of CNSI [classified national security information] or CUI [controlled unclassified information] poses a security risk that could damage the national security of the United States and place [Department] personnel in jeopardy.” *Id.* at 5.

32. The September 18 iteration of the In-Brief was followed by an “Acknowledgment” that required PFAC holders to agree that they could be “determined to pose a security or safety risk . . . based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure of [classified national security information] or [controlled unclassified information],” and to initial next to other statements, including that “PFACs are a courtesy.” Ex. E at 11.

33. The September 18 In-Brief also set forth a process for PFAC issuance, renewal, and termination. It provided that “PFACs may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to [Department] personnel or property[.]” Ex. E at 6, 11. It further provided that “[a]n initial determination of security or safety risk may result in an immediate suspension of Pentagon access during the process for making a final determination,” which “may be based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure” of Department information. *Id.* at 6; *see id.* at 11.

34. An Appendix to the September 18 Policy provided that the grounds for determining whether a journalist poses a security or safety risk “include, but are not limited to,” convictions for certain offenses or “actions other than conviction . . . such as attempts to improperly obtain” Department information, or “being found in physical possession of” such information “without reporting it.” Ex. E at 13. This Appendix also stated that a PFAC holder would be notified of a

decision to deny, revoke, or not renew a PFAC in writing, including the basis for the decision, after which the journalist would have 30 days to appeal that decision. *Id.* at 13–14.

Members of the Press Object to the Policy

35. The Department’s announcement of its new Policy sparked widespread confusion and concern among news organizations and journalists who cover the Pentagon. On September 22, the Reporters Committee for Freedom of the Press (the “Reporters Committee” or “RCFP”) sent a letter to Parnell asking for clarification as to how the Policy’s restriction on disclosure would be applied and whether the Acknowledgment was intended to require journalists to agree not to publish information without first obtaining Department approval. Ex. B.

36. In a response letter dated September 24, Parnell wrote to “clarif[y]” that the restriction against disclosure in the Policy is one that Pentagon personnel must follow, and “does not impose restrictions on journalistic activities, such as investigating, reporting, or publishing stories.” Ex. C at 1, 3. According to Parnell, “it informs PFAC holders of [the Department]’s internal policies and the process for managing building access, which is a privilege extended to facilitate responsible coverage.” *Id.* The letter disclaimed any attempt to require that “reporters . . . seek [Department] approval for their stories or endorse any viewpoint on pre-authorization,” and stated that “[j]ournalists remain free to gather information through legitimate means, such as Freedom of Information Act requests, official briefings, or unsolicited tips, and to publish as they deem newsworthy.” *Id.* at 2.

37. This letter, however, provided cold comfort. According to Parnell, the “focus” of the Policy was “on preventing active solicitation that encourages [Department] personnel to violate these disclosure rules, as such conduct is not always protected by the First Amendment.” Ex. C at 2. Parnell also confirmed that the First Amendment-protected receipt and publication of

unsolicited, classified or protected information “could factor” into the Department’s wholly “discretion[ary]” decision to revoke a reporter’s PFAC. *Id.*

38. On September 28, 2025, Timothy Parlatore—Secretary Hegseth’s private attorney and advisor¹⁵—circulated a redlined, revised version of the Acknowledgement to members of the media integrating language from the Parnell letter. Ex. D. The revisions included a number of statements that appeared designed to characterize the Policy, including the Acknowledgment requirement, as “not impos[ing] any obligations on [PFAC holders] to refrain from constitutionally protected journalistic activities.” *Id.* at 2. But these statements contradicted other specific statements in the Policy that do in fact directly intrude on “constitutionally protected journalistic activities.” *Id.* For example, the Policy as revised continued to expressly claim that Department officials had uncabined “discretion[.]” to immediately suspend a PFAC based on a determination that activities protected by the First Amendment, including lawful newsgathering and publication, posed a “security or safety risk.” Ex. A at 10. And, according to the redlined Acknowledgement, any “direct communications with specific [Department] personnel or general appeals, such as public advertisements or calls for tips”—typical, lawful newsgathering techniques that journalists routinely utilize—would constitute “solicitation” in violation of the Policy. Ex. D at 2.

39. News organizations and PFAC-holding journalists from numerous outlets, including The Times, informed Pentagon leadership that the September 28, 2025 revisions to the Policy did not cure its constitutional defects and that they could not sign the Acknowledgement consistent with their rights and responsibilities as members of the press.

¹⁵ See Dan Lamothe, *Hegseth’s legal fixer at the center of Pentagon’s new media restrictions*, Wash. Post (Oct. 15, 2025), <https://www.washingtonpost.com/national-security/2025/10/15/hegseth-media-restrictions-tim-parlatore/>.

The Pentagon Announces Its Final Policy and Mandates That PFAC Holders Sign the Acknowledgement

40. On October 6, 2025, the Department issued its final Policy, a true and correct copy of which is attached hereto as Exhibit A.

41. The current and final version of the Policy includes an Acknowledgment that states:

I have received, read, and understand the “Pentagon Reservation In-brief for Media Members,” with [relevant appendices] which address[] the standard and procedures for denying, revoking, and not renewing a PFAC. The in-brief describes [Department] policies and procedures. My signature represents my acknowledgement and understanding of such [Department] policies and procedures, even if I do not necessarily agree with such policies and procedures. Signing this acknowledgment does not waive any rights I may have under law.

Exhibit A at 14.

42. Even though the Policy invokes the Secretary’s statutory authority under 10 U.S.C. § 2674 to safeguard the physical property of the Pentagon itself, the Policy was neither motivated by nor narrowly tailored to any such interest. To the contrary, the Policy reaffirms the Department’s position that it possesses unbridled discretion to rescind a PFAC based on First Amendment-protected newsgathering and reporting wherever it occurs. Specifically, the In-Brief states that while allowing that “the receipt of unsolicited” classified or unclassified information “and its subsequent publication is generally protected by the First Amendment and would not, on its own, normally trigger denial, revocation, or non-renewal of a PFAC,” if a journalist “solicit[s] the disclosure of such information or otherwise encourages [Department] personnel to violate laws and policies concerning the disclosure of such information,” the Department may deem the journalist a “security or safety risk.” *Id.* at 12.

43. With respect to what constitutes improper “solicitation” in the Department’s view, the In-Brief states that “solicitation” in violation of the Policy “may include direct communications with specific [Department] personnel or general appeals, such as public advertisements or calls for

tips . . .” and it cites “an advertisement or social media post by an individual journalist or social media outlet that directly targets [Department] personnel to disclose non-public information without proper authorization” as an “example” of what “would constitute a solicitation that could lead to revocation” of a PFAC. Ex. A at 12–13.

44. The Policy also takes an expansive approach to what “non-public information” the Department may view as being off limits, and if “solicited,” obtained or published could result in the denial, suspension or revocation of a reporter’s PFAC. According to the Policy, such unclassified information “may include, but is not limited to, information protected by the Privacy Act, information that is law enforcement-sensitive, and certain operational security information.” *Id.* at 6. And purportedly “[t]o ensure the safety of U.S. personnel,” the Policy instructs journalists “who find themselves in possession of information that appears to be [classified national security information] or [controlled unclassified information]” to “discuss those materials with the [Pentagon Press Operations] prior to publication.” *Id.*

45. In addition to reiterating the Department’s view that “members of the news media do not possess a legal right to access the Pentagon” and that “such access is a privilege subject to the discretion of government authorities,” Ex. A, at 3, the Policy explains that a PFAC “may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to [Department] personnel or property,” and that “[s]uch determination may be based on factors including, but not limited to, the unauthorized access, attempted unauthorized access, or unauthorized disclosure of” classified or unclassified information “based on a reasonable assessment informed by the unique facts and circumstances of each case.” *Id.* at 12.

46. The Policy further states that Pentagon officials have the discretion to “deny, revoke, or refuse to renew the PFAC of any person reasonably determined to pose a security or

safety risk to [Department] personnel or property.” Ex. A at 15. It explains that “[p]ersons presumed to present such a risk include, *but are not limited to*, those who have been convicted of any offense involving,” among other things “[u]nprofessional conduct that might serve to disrupt Pentagon operations.” *Id.* (emphasis added). The Policy does not explain what type of “conviction” it refers to with respect to “[u]nprofessional conduct,” and expressly notes that “actions other than conviction may be deemed to pose a security or safety risk.” *Id.*

47. The Policy expressly states that an “initial determination” that a journalist “pose[s] a security or safety risk . . . may result in an immediate suspension” of a PFAC “while the procedures preceding a final determination are pending.” Ex. A at 12.

48. Following its issuance of the Policy on October 6, the Department gave PFAC holders until October 14 to review and sign the Acknowledgment.

49. The decision to issue the Policy, as well as related decisions regarding the content of the Policy, were made either in full or in substantial part by Secretary Hegseth and other Department officials and advisors located in the District of Columbia.

The Department Revokes Reporters’ Access

50. Prior to the Department’s deadline, journalists with PFACs at The Times and virtually every other major news organization covering the Pentagon uniformly declined to sign the Acknowledgment. Instead, they informed Pentagon officials that they believed the Policy, and the Department’s insistence that they sign the Acknowledgment, violated their First Amendment rights. As a result, on October 15, 2025, they were compelled to turn in their PFACs. On information and belief, of the 56 news outlets represented in the Pentagon Press Association (PPA), only one agreed to sign the Acknowledgement.

The Department Selects a New “Pentagon Press Corps” Based on Viewpoint

51. Within days, Parnell took to his official X account to “announce the next generation of the Pentagon press corps.” In describing the “[n]ew media outlets” willing to accede to the Department’s “media access policy,” Parnell wrote that they “circumvent the lies of the mainstream media and get real news to the American people,” and “[t]heir reach and impact collectively are far more effective and balanced than the self-righteous media who chose to self-deport from the Pentagon”—journalists “in the mainstream media” whom Parnell described as “activists who masquerade as journalists.”¹⁶

52. New PFAC recipients include the National Pulse, which was described by its editor-in-chief as “an industry mag/site for MAGA world”; Laura Loomer, an “influential pro-Trump activist”; and former congressman Matt Gaetz, President Trump’s one-time choice for Attorney General of the United States, who is now affiliated with One America News.¹⁷ Many have expressed ideological support for the Trump administration or indicated that they do not intend to report critically on the Pentagon.¹⁸ For example, Libby Emmons, the editor-in-chief of Human Events and the Post Millennial who requested four passes for her staff after “receiv[ing] an unsolicited invitation to apply for credentials,” stated that “[t]here should be a place for reporting on what they are doing without always trying to expose the dark underbelly,” and Tim Pool, who

¹⁶ Sean Parnell (@SeanParnellASW), X (Oct. 22, 2025, at 1:21 PM), <https://x.com/SeanParnellASW/status/1981048206923329719>.

¹⁷ Besinger & Wemple, *New Pentagon Press Crew Is All In on Trump*, *supra* n.5; David Bauder, *Some friendly, some on-the-news questions at first briefing for new Pentagon press corps*, AP News (Dec. 2, 2025), <https://apnews.com/article/pentagon-press-corps-access-journalists-96163e7ac0c8a73a44178fb5bb852863>.

¹⁸ Besinger & Wemple, *New Pentagon Press Crew Is All In on Trump*, *supra* n. 5.

disclosed that his outlet would be getting a credential, explained that his is “not an investigative news organization” and he did “not intend to maintain a significant presence in the Pentagon.”¹⁹

53. Earlier this week, the Department held its first in-person press events on Pentagon grounds since the Policy went into effect, which included a press briefing and a “meet-and-greet” event with Secretary Hegseth.²⁰ In welcoming what she called the “official new members of the Pentagon Press Corps,” Pentagon Press Secretary Kingsley Wilson (“Wilson”) specifically focused on the Department’s preference for their First Amendment activities. She criticized journalists and news organizations, like Plaintiffs, who had previously held PFACs, calling them “propagandists” who “stopped telling the truth,” and she praised those the Department had selected to cover the Pentagon, asserting that they “actually reach Americans, ask real questions, and don’t pursue a biased agenda.”²¹

54. Similarly, in determining when solicitation of unapproved information is permissible, the Department has already drawn distinctions based on favored and disfavored content and speakers. In her X post announcing that LOOMERED “is now a credentialed outlet at the Pentagon,” Loomer stated: “I have developed a Rolodex of sources and if you have any tips, feel free to contact the Loomered Tip Line: the most influential Tip Line in all of DC.”²² When

¹⁹ *Id.*

²⁰ Scott Nover, *Pentagon’s right-wing, pared press corps gets a meet-and-greet*, Wash. Post (Nov. 29, 2025), <https://www.washingtonpost.com/business/2025/11/29/pentagon-press-policy-hegseth/>.

²¹ DOW Rapid Response (@DOWResponse), X (Dec. 2, 2025, at 11:21 am), <https://x.com/DOWResponse/status/1995890967002452302>.

²² Laura Loomer (@LauraLoomer), X (Nov. 3, 2025, at 11:13 PM), <https://x.com/LauraLoomer/status/1985560924720124414>.

asked whether Loomer’s “request for tips violates its new press policy,”²³ the Department responded that it did not. Through a statement attributable to Wilson, the Department stated:

Unlike [the Washington Post’s] solicitation, which explicitly and exclusively targets military personnel and DoW employees, Laura Loomer’s X post regarding tips to her news outlet is a general tip line, which is constitutionally permissible. Therefore it does not violate the Pentagon’s media access policy. This distinction was explained in detail to the Pentagon Press Association before they chose to engage in a dishonest and performative walk out. If Fake News reporters actually had a brain and could read our policy correctly, then maybe one day they will be as effective of a journalist as Ms. Loomer is.²⁴

This explanation came on the heels of another statement from Wilson in which she asserted that “we have seen a lot of the mainstream media continue to lie.”²⁵

55. In another instance, at the first official press conference held by Wilson on December 2, 2025, James O’Keefe, founder of the conservative group Project Veritas, noted that he had surreptitiously recorded a high-level Pentagon official making unguarded statements that were plainly unapproved by Department leadership—newsgathering now ostensibly prohibited by the Policy. Wilson, however, praised O’Keefe’s work, which appeared to expose a critic of President Trump, noting: “That’s why the work you all do is so important.”²⁶

56. While the Pentagon has opened its press room to those who are willing to report only the official line, the need for independent reporting has been underscored by the ongoing public controversies involving the Pentagon. For example, on December 1, 2025, The Times

²³ Scott Nover (@ScottNover), X (Nov. 4, 2025, at 1:53 PM), <https://x.com/ScottNover/status/1985782401755128207>.

²⁴ Scott Nover (@ScottNover), X (Nov. 4, 2025, at 2:02 PM), <https://x.com/ScottNover/status/1985784630100804036>.

²⁵ Besinger & Wemple, *New Pentagon Press Crew Is All In on Trump*, *supra* n. 5.

²⁶ *James O’Keefe Asks Pentagon Press Secretary Question About Identifying Anti-Trump Members of DOD*, Forbes Breaking News, YouTube (Dec. 2, 2025), <https://www.youtube.com/watch?v=BQfpJfAgIdU>; *see also* James O’Keefe (@JamesOKeefeIII), X (Apr. 23, 2025 at 3:46 PM), <https://x.com/JamesOKeefeIII/status/1915175452404035624>.

reported that the U.S. military's strikes on a boat in the Caribbean Sea, which occurred on September 2, 2025, were made in response to a directive by Secretary Hegseth that the strike should kill the people on board and destroy the vessel and its contents, including a purported cargo of drugs.²⁷ The Times' reporting was based on information gathered from "five U.S. officials, who spoke separately and on the condition of anonymity."²⁸

57. In recent weeks, The Times also has reported, *inter alia*, on efforts by Secretary Hegseth to fire or sideline generals and admirals,²⁹ the Pentagon's inquiry into Senator Mark Kelly's remarks urging members of the military not to follow illegal orders,³⁰ and significant changes to United States military personnel policies and training requirements.³¹

58. While reporters from The Times and other news organizations without PFACs have continued and will continue to gather news and publish important stories about the Department and the United States military, the Policy ensures that certain stories will no longer be available to those journalists and news organizations—and to the public that relies on their reporting. As one new PFAC recipient put it earlier this week when asked why he was reporting from the Pentagon:

²⁷ Charlie Savage, Julian E. Barnes, Eric Schmitt & John Ismay, *Hegseth Ordered a Lethal Attack but Not the Killing of Survivors, Officials Say*, N.Y. Times (Dec. 1, 2025), <https://www.nytimes.com/2025/12/01/us/hegseth-drug-boat-strike-order-venezuela.html>.

²⁸ *Id.*

²⁹ Greg Jaffe, Eric Schmitt & Helene Cooper, *Hegseth Is Purging Military Leaders With Little Explanation*, N.Y. Times (Nov. 7, 2025), <https://www.nytimes.com/2025/11/07/us/politics/hegseth-firing-military-leaders.html>.

³⁰ Greg Jaffee, *Pentagon Opens Inquiry Into Senator Mark Kelly Over What Hegseth Calls 'Seditious' Video*, N.Y. Times (Nov. 24, 2025), <https://www.nytimes.com/2025/11/24/us/politics/mark-kelly-pentagon-investigation.html>.

³¹ See, e.g., Dave Phillipps, *Veterans See Costs and Risks in Hegseth's Military Rewind to 1990*, N.Y. Times (Oct. 2, 2025), <https://www.nytimes.com/2025/10/02/us/hegseth-military-veterans-standards.html>; John Ismay, *What Women Heard in Hegseth's Remarks About Physical Standards*, N.Y. Times (Oct. 2, 2025), <https://www.nytimes.com/2025/10/02/us/politics/women-military-hegseth-physical-standards.html>.

“Press have always worked at the Pentagon. . . . Correspondents place themselves at the buildings so when a major story breaks they’re there to cover it.”³²

59. Stories based on routine unplanned interactions between journalists and Pentagon personnel on Pentagon grounds, stories based on probing questions asked at press briefings and news conferences, stories built from follow-up questions posed to officials by reporters from other outlets, and stories that capture the mood and atmosphere within the Pentagon during times of consequential military operations are all examples of what Plaintiffs can no longer report. In-person, and often spontaneous exchanges, in which reporters can judge the demeanor of government officials as they respond to questions in real time and press for more information on the spot, are different in kind and can elicit different information than inquiries by phone or by email. Without their PFACs, Plaintiffs and other journalists and news organizations are deprived of unique, newsworthy information that can only be obtained in person and through such exchanges. *Cf. ABC, Inc. v Stewart*, 360 F.3d 90, 99 (2d Cir. 2004) (“[O]ne cannot transcribe an anguished look or a nervous tic.”).

CLAIMS FOR RELIEF

COUNT I

Violation of the Due Process Clause (Void for Vagueness) (APA, 5 U.S.C. § 706)

60. Plaintiffs incorporate by reference the allegations of the preceding paragraphs of the Complaint.

61. The Due Process Clause of the Fifth Amendment provides that “No person shall be . . . deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.

³² Cam Higby (@camhigby), X (Dec. 1, 2025, at 4:45 PM), <https://x.com/camhigby/status/1995655541474165162>.

The Times and its reporters, including Barnes, have both a liberty and a property interest in their PFACs.

62. The Policy violates the Due Process Clause because it “fail[s] to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits” and “authorize[s] and even encourage[s] arbitrary and discriminatory enforcement.” *City of Chicago v. Morales*, 527 U.S. 41, 56 (1999). In both respects the Policy is unconstitutionally vague.

63. “A law is unconstitutionally vague if it fails to provide a person of ordinary intelligence fair notice of what is prohibited or is so standardless that it authorizes or encourages seriously discriminatory enforcement.” *Woodhull Freedom Found. v. United States*, 72 F.4th 1286, 1303 (D.C. Cir. 2023) (quotations omitted). The vagueness doctrine serves to ensure that “regulated parties [] know what is required of them so they may act accordingly” and “that those enforcing the law do not act in an arbitrary or discriminatory way.” *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012). “When speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.” *Id.* at 253–54; *see also Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972) (“[W]here a vague statute ‘abut[s] upon sensitive areas of basic First Amendment freedoms,’ it ‘operates to inhibit the exercise of [those] freedoms.’ Uncertain meanings inevitably lead citizens to ‘steer far wider of the unlawful zone’ . . . than if the boundaries of the forbidden areas were clearly marked.”).

64. It is “[a] fundamental principle in our legal system” that “laws which regulate persons or entities must give fair notice of conduct that is forbidden or required.” *Karem*, 960 F.3d at 664 (quoting *Fox Television*, 567 U.S. at 253). As the D.C. Circuit has recognized, “[s]uch ‘[e]lementary notions of fairness’ . . . ‘dictate that a person receive fair notice not only of the conduct that will subject him to punishment, but also of the severity of the penalty that [the

government] may impose.” *Id.* (quoting *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 574 (1996) (alternations in original)). Simply put, as the Supreme Court has made clear, “the Due Process Clause does not permit” the Department “to classify arbitrariness as a virtue.” *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 418 (2003) (quoting *Pac. Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1, 59 (O’Connor, J., dissenting) (explaining that the government “can have no legitimate interest in deliberately making the law so arbitrary that citizens will be unable to avoid punishment based solely upon bias or whim”)). These principles carry special force in the First Amendment context, *Karem*, 960 F.3d at 660, and alone warrant injunctive relief, *id.* at 668.

65. “[T]he suspension of a hard pass, like the denial of a hard pass, ‘implicate[s]’ ‘important first amendment rights,’” and therefore must be “evaluate[d] . . . under a particularly ‘stringent vagueness [and fair-notice] test.’” *Karem*, 960 F.3d at 665 (quoting *Sherrill*, 569 F.2d at 130). To afford adequate process, the government must provide sufficient advance notice through “explicit and meaningful standard[s]” that are “formally articulated or published,” and specifically describe both the conduct that would warrant sanctions and the severity of the sanctions that may be imposed. *Id.* at 660 (quoting *Sherrill*, 569 F.2d at 130–31).

66. The Policy fails to provide fair notice. Instead, it makes immediate suspension and eventual revocation of a PFAC a wholly discretionary determination such that Department officials “may” (or may not) determine that a PFAC holder is a “safety or security” risk based on a number of factors, including the lawful newsgathering and reporting that Plaintiffs engage in every day and intend to continue to engage in. *See* Ex. A at 12–13. The Policy also threatens to revoke PFACs when Pentagon officials in their sole discretion conclude journalists have engaged in “[u]nprofessional conduct that might serve to disrupt Pentagon operations.” *Id.* at 15. The Policy is also internally contradictory; it claims not to target constitutionally protected activities but

creates a system that, on its face, does just that. The Policy's lack of objective, discernible enforcement standards, coupled with its inherently contradictory provisions, deprive PFAC holders of the requisite "fair notice" to satisfy the demands of Due Process.

67. The Act is independently void for vagueness because the law "is so standardless that it authorizes or encourages seriously discriminatory enforcement." *United States v. Williams*, 553 U.S. 285, 304 (2008).

68. In each respect, the Policy violates the Fifth Amendment facially and as applied to Plaintiffs.

69. Defendants' adoption of the Policy constitutes final agency action reviewable under the APA, 5 U.S.C. § 706.

70. The Policy has caused Plaintiffs irreparable harm and is causing ongoing irreparable harm to Plaintiffs as well as the public.

71. The Court should declare specified provisions of the Policy contrary to law, enjoin Defendants from implementing them, and vacate any agency action implementing those provisions of the Policy.

COUNT II

Violation of the First Amendment (Unbridled Discretion) (APA, 5 U.S.C. § 706)

72. Plaintiffs incorporate by reference the allegations of the preceding paragraphs.

73. The Supreme Court has long recognized "the time-tested knowledge that in the area of free expression a licensing statute placing unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." *City of Lakewood*, 486 U.S. at 757. "[E]ven if the government may constitutionally impose content-neutral prohibitions on a particular manner of speech, it may not *condition* that speech on obtaining a

license or permit from a government official in that official's boundless discretion.” *Id.* at 764. That is because “a law or policy permitting communication in a certain manner for some but not for others raises the specter of content and viewpoint censorship” and that “danger is at its zenith when the determination of who may speak and who may not is left to the unbridled discretion of a government official.” *Id.* at 763.

74. The Policy has established a licensing regime that conditions Plaintiffs’ ability to gather news on Pentagon grounds on obtaining a PFAC that can be suspended, denied, or revoked in the Department’s “boundless discretion,” including for speech and newsgathering that takes place off Pentagon grounds. *Id.* at 764.

75. The Policy expressly permits Pentagon officials to determine that a journalist “pose[s] a security or safety risk to [Department] personnel or property,” based on that journalist’s receipt, publication, or “solicitation” of any “unauthorized” information, Ex. A at 12–13, without limitation, and expressly provides that such a determination “may result in an immediate suspension of Pentagon access” *Id.* at 8, 12. This determination is made by Department officials based on “the unique facts and circumstances of each case,” “on a case-by-case basis,” and considering “the totality of the circumstances.” *Id.* at 12–13. The Policy thereby vests Department officials with unbridled discretion to suspend and/or revoke reporters’ access to the Pentagon for engaging in lawful newsgathering or for reporting any information not approved by Department officials—regardless of whether such newsgathering occurs on or off Pentagon grounds, and regardless of whether the information at issue is classified or unclassified. *Id.*; *see also* Ex. C. at 2.

76. By vesting Department officials with unbridled discretion to cause the “immediate suspension of [reporters’] Pentagon access” and to “den[y], revoke[], not renew[], or suspend[]” a

reporter's PFAC based on the information that reporter has "solicited," received, written, or published, Ex. A at 8, 12–13, 15, the Policy constitutes precisely the kind of "prior restraint" described in *City of Lakewood*, 486 U.S. at 757. "[T]he mere existence of the [Department's] unfettered discretion, coupled with the power of prior restraint," is designed to "intimidate[] parties into censoring their own speech, even if the discretion and power are never actually abused." *Id.* The Policy is "unconstitutional, because without standards governing the exercise of discretion," the Department "may decide who may" access the Pentagon and "who may not based upon the content of the speech or the viewpoint of the speaker." *Id.* at 763–64.

77. The risk of discretionary punishment based on protected newsgathering and publication chills the exercise of First Amendment rights. The Policy as written necessarily forces news organizations and journalists, including Plaintiffs, to weigh the risk of suspension or revocation of their Pentagon access against the public interest in engaging in lawful newsgathering and reporting. *Id.* at 757–58. In this way, the Policy impermissibly chills speech and "discourage[s] the 'uninhibited, robust, and wide-open debate that the First Amendment is intended to protect.'" *See Counterman v. Colorado*, 600 U.S. 66, 68 (2023) (quoting *Rogers v. United States*, 422 U.S. 35, 48 (1975) (quoting *Sullivan*, 276 U.S. at 270)).

78. In this respect, the Policy violates the First Amendment facially and as applied to Plaintiffs.

79. Defendants' adoption of the Policy constitutes final agency action reviewable under the APA, 5 U.S.C. § 706.

80. The Policy has caused Plaintiffs irreparable harm and is causing ongoing irreparable harm to Plaintiffs as well as the public.

81. The Court should declare specified provisions of the Policy contrary to law, enjoin Defendants from implementing them, and vacate any agency action implementing those provisions of the Policy.

COUNT III

Violation of the First Amendment (Unconstitutional Denial of Access to Nonpublic Forum) (APA, 5 U.S.C. § 706)

82. Plaintiffs incorporate by reference the allegations of the preceding paragraphs.

83. News organizations and journalists, including Plaintiffs, have historically had access to the Pentagon, including to the Pentagon Press Briefing Room, and such access has not posed any risk to the safety or security of Pentagon property or personnel.

84. “Although the government is not required to open such spaces for any speech at all, the government creates a ‘nonpublic forum’ when it provides ‘selective access for individual speakers.’” *Ateba*, 133 F.4th at 122 (citations omitted). Areas of the Pentagon, including the Pentagon Briefing Room, are nonpublic forums for First Amendment purposes. *See Ateba*, 133 F.4th at 121–22 (holding that White House press area was a nonpublic forum for First Amendment purposes); *see also United States v. Nassif*, 97 F.4th 968, 976–77 (D.C. Cir. 2024) (United States Capitol buildings are nonpublic forums for First Amendment purposes).

85. As the Supreme Court has recognized, the government may reserve a nonpublic forum “for its intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker’s view.” *Minnesota Voters Alliance*, 585 U.S. at 11–12.

86. Because the Policy is “an effort to suppress” speech and newsgathering on Pentagon grounds by members of the press, including Plaintiffs, whose reporting and perceived viewpoints the Department disfavors, the Policy violates the First Amendment. *Id.*

87. The Policy also violates the First Amendment because its provisions targeting Plaintiffs’ newsgathering and reporting are not reasonable “in light of the purpose served by the forum.” *Minnesota Voters Alliance*, 585 U.S. at 12–13 (citation omitted). Those provisions of the Policy were not prompted by any specific security or safety concern or security incident involving a PFAC holder and are unrelated to the “security or safety” of “[Department] personnel or property,” objectives they purport to further. Ex. A at 12.

88. That the Policy provides that a PFAC can be suspended, denied, or revoked in the Department’s standardless and “boundless discretion,” *City of Lakewood*, 486 U.S. at 764, alone makes the provisions targeting Plaintiffs’ newsgathering and reporting unreasonable. *See Minnesota Voters Alliance*, 585 U.S. at 21–22 (holding that a state’s “indeterminate prohibition” on certain apparel in polling places—nonpublic forums—was unreasonable and therefore violated the First Amendment including because it failed to include “objective, workable standards” for enforcement); *see also Ateba*, 133 F.4th at 125 (explaining that “the exercise of unbridled discretion to deny access to a nonpublic forum is unreasonable” (citing *Am. Freedom Def. Initiative v. Wash. Metro. Area Transit Auth.* 901 F.3d 356, 364 372 (D.C. Cir. 2018))).

89. In this respect, the Policy violates the First Amendment facially and as applied to Plaintiffs.

90. Defendants’ adoption of the Policy constitutes final agency action reviewable under the APA, 5 U.S.C. § 706.

91. The Policy has caused Plaintiffs irreparable harm and is causing ongoing irreparable harm to Plaintiffs as well as the public.

92. The Court should declare specified provisions of the Policy contrary to law, enjoin Defendants from implementing them, and vacate any agency action implementing those provisions of the Policy.

Count IV

Violation of the First Amendment (Content-Based and Viewpoint-Based Restraint on Newsgathering and Publication) (APA, 5 U.S.C. § 706)

93. Plaintiffs incorporate by reference the allegations of the preceding paragraphs.

94. “The First Amendment guarantees a free press primarily because of the important role it can play ‘as a vital source of public information.’” *Zerilli v. Smith*, 656 F.2d 705, 710 (D.C. Cir. 1981) (quoting *Grosjean v. American Press Co.*, 297 U.S. 233, 250 (1936)). “Without an unfettered press, citizens would be far less able to make informed political, social, and economic choices,” and “journalists frequently depend on informants to gather news.” *Id.* at 711. The First Amendment protects not only the right to publish but also journalists’ “right to gather information” because “without some protection for seeking out the news, freedom of the press could be eviscerated.” *Richmond Newspapers, Inc.*, 448 U.S. at 576 (quoting *Branzburg*, 408 U.S. at 681).

95. The First Amendment right to gather information protects reporters’ ability to receive information, including by developing and speaking to sources. *In re Grand Jury Subpoena, Judith Miller*, 438 F.3d 1141, 1168 (D.C. Cir. 2006) (Tatel, J., concurring in judgment) (explaining that the “public harm that would flow from undermining all source relationships would be immense”).

96. The newsgathering and publication of information about the Department and its leadership that Plaintiffs engage in routinely, including the publication of stories based on information PFAC holders learn from sources and newsgathering efforts off Pentagon property,

are protected by the First Amendment. Plaintiffs have continued and intend to continue to engage in such First Amendment-protected activity, including lawful speech and newsgathering that the Department deems in violation of its Policy.

97. In its “inevitable effect” and “stated purposes,” the Policy is a content-based and viewpoint-based restriction on such newsgathering and publication; it is therefore subject to strict scrutiny. *Sorrell v. IMS Health, Inc.*, 564 U.S. 552, 565 (2011) (citation omitted); *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015) (explaining that content-based restrictions “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests”); *see also Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995) (explaining that viewpoint discrimination is an “egregious form of content discrimination”).

98. The In-Brief explains that Plaintiffs’ “PFACs may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to [Department] personnel or property.” Ex. A at 8, 12. In describing what might make an individual “a security or safety risk,” the Policy adopts a content-based standard: such a “determination may be based on factors including, but not limited to[,]” the “solicitation” or “unauthorized disclosure” of classified or unclassified information. *Id.* at 12. The Policy thus permits Department officials, in their discretion, to cause the “immediate suspension of [Plaintiffs’] Pentagon access” and to “den[y], revoke[], not renew[], or suspend[]” Plaintiffs’ PFACs based on that First Amendment-protected activity. *Id.* at 8, 12–13, 15.

99. The Policy is intended to and is being implemented to restrain and chill the speech and newsgathering activity of journalists and news organizations, including Plaintiffs, on the basis of content and perceived viewpoint. In a recent X post, Parnell explained that the Policy forced

journalists and news organizations, including Plaintiffs, to “self-deport[]” from the Pentagon, asserted that those journalists and news organizations “lie[],” do not report “real news” and are “activists who masquerade as journalists,” and called them less “effective and balanced” than their “new media” replacements,³³ who have evinced support for the Trump administration.³⁴ Such “viewpoint discrimination is poison.” *Frederick Douglass Found., Inc. v. District of Columbia*, 82 F.4th 1122, 1141 (D.C. Cir. 2023) (quotations omitted).

100. The Department has made clear that for certain disfavored journalists and news organizations, providing a means for potential sources to give their journalists tips violates the Policy. Ex. D at 2. At the same time, the Department has made clear that this same activity, when engaged in by a favored journalist or media outlet, will not be considered by the Department to be a violation.³⁵

101. The provisions of the Policy that target speech and newsgathering by members of the press, including Plaintiffs, are not narrowly tailored to any compelling government interest.

102. There is an unbroken history of journalists, including journalists with The Times, reporting from Pentagon grounds without posing any risk to the safety or security of Pentagon personnel or property and the Policy was not motivated by or implemented to address any legitimate, specific safety or security concern. The Policy is wholly untethered to any legitimate interest in preventing “security or safety risk[s] to [Department] personnel or property,” Ex. A at

³³ Parnell (@SeanParnellASW), X (Oct. 22, 2025, at 1:21 PM).

³⁴ See Besinger & Wemple, *New Pentagon Press Crew Is All In on Trump*, *supra* n. 5.

³⁵ Scott Nover (@ScottNover), X (Nov. 4, 2025, at 2:02 PM), <https://x.com/ScottNover/status/1985784630100804036>; *James O’Keefe Asks Pentagon Press Secretary Question About Identifying Anti-Trump Members of DOD*, Forbes Breaking News, YouTube (Dec. 2, 2025), <https://www.youtube.com/watch?v=BQfpJfAgIdU>.

15, and it fails to leave open adequate “alternative observation opportunities,” *Reed v. Lieurance*, 863 F.3d 1196, 1212 (9th Cir. 2017).

103. Even if the Policy did address a legitimate concern about safety or security at the Pentagon, it is hopelessly overbroad. It seeks to restrain and chill constitutionally protected newsgathering and reporting that occurs both on and off Pentagon grounds, including “direct communications with specific [Department] personnel or general appeals, such as public advertisements or calls for tips” Ex. A at 12–13; *see also, e.g., Grayned*, 408 U.S. at 114 (“A clear and precise enactment may nevertheless be ‘overbroad’ if, in its reach it prohibits constitutionally protected conduct.”).

104. The Policy’s ever-present threat of PFAC suspension or revocation for “soliciting,” receiving, or publishing information about the Department that has not been officially approved chills the exercise of First Amendment rights in multiple ways. It imposes a gag on all Department employees’ communications with the press outside of pre-approved situations. It also states that a “security or safety risk” determination—warranting potential suspension or revocation of a PFAC—can be based on “unauthorized access [or] attempted unauthorized access” of classified or unclassified information. Ex. A at 12. And it provides for potential suspension or revocation of a PFAC if a reporter “solicit[s] the disclosure of such information or otherwise encourage[s] [Department] personnel to violate laws and policies concerning the disclosure of such information.” *Id.*

105. As the Supreme Court has recognized, “self-censorship w[ill] result,” if government is permitted to sanction the use of “routine newspaper reporting techniqu[es].” *The Fla. Star v. B.J.F.*, 491 U.S. 524, 538 (1989). And “state action to punish the publication of truthful information seldom can satisfy constitutional standards.” *Smith v. Daily Mail Publishing Co.*, 443

U.S. 97, 102 (1979). The Department has no legitimate justification, let alone a compelling one, for the Policy's restrictions on Plaintiffs' exercise of their First Amendment rights.

106. In this respect, the Policy violates the First Amendment facially and as applied to Plaintiffs.

107. Defendants' adoption of the Policy constitutes final agency action reviewable under the APA, 5 U.S.C. § 706.

108. The Policy has caused Plaintiffs irreparable harm and is causing ongoing irreparable harm to Plaintiffs as well as the public.

109. The Court should declare specified provisions of the Policy contrary to law, enjoin Defendants from implementing them, and vacate any agency action implementing those provisions of the Policy.

COUNT V

Violation of the Due Process Clause (Lack of Adequate Pre-Deprivation Process) (APA, 5 U.S.C. § 706)

110. Plaintiffs incorporate by reference the allegations of the preceding paragraphs.

111. The Policy violates the Due Process Clause because it deprives reporters of adequate pre-deprivation process by allowing Department officials to immediately suspend a PFAC before providing the PFAC holder any opportunity to be heard.

112. A PFAC "undoubtedly qualifies as [a] liberty [interest] which may not be denied without due process of law under the [Fifth Amendment]." *Sherrill*, 569 F.2d at 130–31. The degree of pre-deprivation process to which someone is entitled under the Due Process Clause "depends upon whether the recipient's interest in avoiding that loss outweighs the governmental interest in summary adjudication." *Goldberg v. Kelly*, 397 U.S. 254, 263 (1970); see *Nat'l Council*

of *Resistance of Iran v. Dep't of State*, 251 F.3d 192, 205–08 (D.C. Cir. 2001) (affording due process prior to government action depriving organization of “protected property right”).

113. Given PFAC holders’ weighty interest in avoiding a loss of access relative to the government’s non-existent interest in abrogating such access, PFAC holders are entitled to meaningful pre-deprivation process, including notice and a meaningful opportunity to be heard prior to any suspension, at least outside of situations in which the government can credibly demonstrate a threat of physical harm. *See Goldberg*, 397 U.S. at 267–68. Indeed, the D.C. Circuit has expressly applied this requirement to the press pass context, holding that prior to a suspension or revocation, the government must provide “notice of the factual bases for denial [of access], an opportunity for the applicant to respond to these, and a final written statement of the reasons for denial.” *Sherrill*, 569 F.2d at 130.

114. In contravention of this requirement, the Policy provides for the immediate suspension of access prior to any opportunity for a PFAC holder to be heard.

115. In this respect, the Policy violates the Fifth Amendment facially and as applied to Plaintiffs.

116. Defendants’ adoption of the Policy constitutes final agency action reviewable under the APA, 5 U.S.C. § 706.

117. The Policy has caused Plaintiffs irreparable harm and is causing ongoing irreparable harm to Plaintiffs as well as the public.

118. The Court should declare specified provisions of the Policy contrary to law, enjoin Defendants from implementing them, and vacate any agency action implementing those provisions of the Policy.

COUNT VI

Violation of the First and Fifth Amendments – Unconstitutional Condition (APA, 5 U.S.C. § 706)

119. Plaintiffs incorporate by reference the allegations of the preceding paragraphs.

120. The Department’s requirement that PFAC holders sign an “Acknowledgement” attesting to their “understanding” of the Policy imposes an unconstitutional condition on reporters’ Pentagon access. Ex. A at 14. The Policy requires reporters to confirm they “understand[]” its vague and standardless provisions and misstatements of governing First Amendment standards.

121. The government “may not deny a benefit to a person on a basis that infringes his constitutionally protected . . . freedom of speech even if he has no entitlement to that benefit.” *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 214 (2013) (omission in original); *see also City of Lakewood*, 486 U.S. at 764 (“[E]ven if the government may constitutionally impose content-neutral prohibitions on a particular manner of speech, it may not condition that speech on obtaining a license or permit from a government official in that official’s boundless discretion.”).

122. In this respect, the Policy violates the First Amendment facially and as applied to Plaintiffs.

123. Defendants’ adoption of the Policy constitutes final agency action reviewable under the APA, 5 U.S.C. § 706.

124. The Policy has caused Plaintiffs irreparable harm and is causing ongoing irreparable harm to Plaintiffs as well as the public.

125. The Court should therefore declare specified provisions of the Policy contrary to law, enjoin Defendants from implementing them, and vacate any agency action implementing those provisions of the Policy.

COUNT VII

Violation of the Administrative Procedure Act—Arbitrary & Capricious Action (APA, 5 U.S.C. § 706)

126. Plaintiffs incorporate by reference the allegations of the preceding paragraphs.

127. The Department’s adoption of the Policy is arbitrary and capricious in violation of the Administrative Procedure Act.

128. Agency action is arbitrary and capricious if the agency has failed to “examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.” *Motor Vehicles Mfrs. Ass’n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quotation marks omitted). The Department has not offered, and cannot offer, any “rational connection” between the “safety” and “security” of Department personnel and property and the provisions of the Policy targeting First Amendment-protected speech and newsgathering. *Id.*; *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (If an agency “depart[s] from a prior policy,” it “must show that there are good reasons for the new policy.”).

129. Further, in adopting the Policy, the Department failed to consider less burdensome “alternative way[s] of achieving [its] objectives.” *State Farm*, 463 U.S. at 48; *see also, e.g., Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 746 n.36 (D.C. Cir. 1986) (“The failure of an agency to consider obvious alternatives has led uniformly to reversal.”).

130. The Department also took into account impermissible factors in crafting the Policy, which in purpose and effect discriminates against journalists and news organizations, including Plaintiffs, on the basis of content and perceived viewpoint. *See Dep’t of Com. v. New York*, 588 U.S. 752, 785 (2019) (Courts “cannot ignore the disconnect between the decision made and the explanation given” as they are “not required to exhibit a naiveté from which ordinary citizens are

free.” (quoting *United States v. Stanchich*, 550 F.2d 1294, 1300 (2d Cir. 1977) (Friendly, J.)). Agency action is arbitrary and capricious if the agency, as here, “relied on factors” it is not empowered “to consider.” *State Farm*, 463 U.S. at 43.

131. In this respect, the Policy violates the Administrative Procedures Act.

132. Defendants’ adoption of the Policy constitutes final agency action reviewable under the APA, 5 U.S.C. § 706.

133. The Policy has caused Plaintiffs irreparable harm and is causing ongoing irreparable harm to Plaintiffs as well as the public.

134. The Court should therefore declare specified provisions of the Policy contrary to law, enjoin Defendants from implementing them, and vacate any agency action implementing those provisions of the Policy.

PRAYER FOR RELIEF

For these reasons, Plaintiffs respectfully request an order:

- a. Declaring that the provisions of the Policy targeting Plaintiffs’ protected newsgathering and speech and all actions implementing those provisions are unlawful and unconstitutional;
- b. Vacating and preliminarily and permanently enjoining the Defendants from implementing or seeking to enforce those provisions of the Policy;
- c. Ordering Defendants to reinstate PFACs formerly held by Barnes and The Times’ other reporters;
- d. Entering judgment in favor of Plaintiffs;
- e. Awarding Plaintiffs their reasonable costs and attorney’s fees in accordance with law; and
- f. Issuing any other relief that the Court deems just and proper.

Dated: December 4, 2025

Respectfully submitted,

/s/ Theodore J. Boutrous, Jr.

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**pro hac vice application forthcoming*

EXHIBIT A



ASSISTANT TO THE SECRETARY OF WAR

1400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1400

OCT 06 2025

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP

SUBJECT: Implementation of New Media In-brief

The attached documents implement the Secretary of War memorandum, "Updated Physical Control Measures for Press/Media Access Within the Pentagon," dated May 23, 2025. All members of the press requesting to be issued a Pentagon Facility Alternate Credential (PFAC), will be required to read and sign the updated in-brief form outlining information security requirements, the new physical control measures, and Department of War expectations of their compliance with safety and security requirements. This memorandum and attachments supersede the "Implementation of New Media In-Brief," dated September 18, 2025.

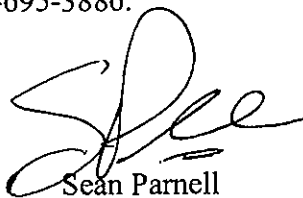
The package that will be provided to the member of the press as part of the in-brief includes the following:

- Pentagon Reservation In-brief for Media Members
- Appendix A, "Denial, Revocation, or Non-Renewal of Pentagon Facility Alternative Credentials"
- Appendix B, "Additional Press Identifier Badge"
- Appendix C, SW memo, "Updated Physical Control Measures for Press/Media Access Within the Pentagon"
- Appendix D, graphic showing the areas on the first and second floor of the Pentagon where press do not require a new escort
- Appendix E, graphic showing the route that press can take to access the River Entrance on weekends and holidays

In addition to the Additional Press Identifier Badge depicted in Appendix B, the Pentagon Force Protection Agency (PFPA) will begin issuing new PFACs to the press in coming weeks. Priority of issuance of the new PFACs will be to members of the news media, including equipment crew members, with existing PFACs expiring by October 31, 2025, and will run through October 31, 2025. Beginning November 1, 2025, PFPA will then commence issuing new PFACS for members of the news media with existing PFACS expiring after October 31, 2025, starting with resident members (i.e., those with current authorized workspace in the Pentagon), followed by non-resident members. The new PFACs will have "PRESS" clearly imprinted on them in red letters both vertically and horizontally to assist in identifying members of the press within the Pentagon.

I request your assistance in ensuring that all personnel in your Component are aware of the physical control measures, including the requirement to provide escorts for media coming into your spaces for approved interviews. Additionally, if personnel see any news media outside of the areas depicted in Appendix D that do not have an escort, they should direct them back to the designated no-escort required areas and alert the Pentagon Press Operations office at 703-697-5131.

My POC for this action is Mr. Christopher Garver, Pentagon Press Operations,
christopher.c.garver.civ@mail.mil or 703-695-3886.



Sean Parnell

Attachments:
As stated

PENTAGON RESERVATION IN-BRIEF FOR MEDIA MEMBERS

NAME: _____ DATE: _____

The purpose of this briefing is to inform you, as a member of the news media who has been granted access to the Pentagon Reservation and issued a Pentagon Facilities Alternative Credential (PFAC), also known as a Department of War Building Pass or a Pentagon badge, of the rules regarding conduct on the Pentagon Reservation. Failure to abide by these rules may result in suspension or revocation of your PFAC and loss of access. Additionally, this briefing informs you of the procedures associated with denying, revoking, or not renewing the issuance of a PFAC, including contesting such a decision (see Appendix A).

General Security

Members of the news media do not possess a legal right to access the Pentagon; rather, such access is a privilege, subject to the discretion of government authorities and is regulated by federal law and Department of War policy. Legally, the press has no greater right of access than the public. While members of the news media may be granted access under certain conditions, this is a privilege extended by the government and not a constitutionally protected right.

Pursuant to 10 U.S.C. § 2674, the Secretary of War has jurisdiction, custody, and control over, and responsibility for, the operation, maintenance, and management of the Pentagon Reservation. Under this statute, the Secretary is authorized to prescribe appropriate regulations to ensure the safe, efficient, and secure operation of the Pentagon Reservation. 32 C.F.R. Part 234 addresses conduct on the Pentagon Reservation, and section 234.4 of this part makes clear that entering or remaining on Pentagon property without express invitation or consent from those with lawful control is prohibited. The regulation applies “to all persons entering in or on the property” (see 32 C.F.R. § 234.2), including members of the news media, and provides that individuals who violate a Department rule or regulation may be ordered to leave or barred from reentry. This framework establishes that access is not open to the public or the press as a matter of right but is instead a controlled privilege.

Be alert for suspicious activity and immediately report any unusual activity and/or circumstances to the Pentagon Force Protection Agency (PFPA) at (703) 697-1001.

Ensure office doors are locked, and property is secure when exiting your office or cubicle.

Every individual entering the building is subject to random metal detector and X-ray inspection of personal belongings. Many events, including those involving the Secretary of War, Deputy Secretary of War, or visiting high-level U.S. government officials or

foreign dignitaries, require additional security screenings to which PFAC holders would be subject.

Every individual exiting the building, regardless of status (e.g., military Service member, civilian employee, member of the news media), is subject to random checks of personal belongings.

A property pass is required to remove property from the building that is not readily identifiable as personal. When you or other members of your organization (e.g., technicians, photographers) remove equipment owned by your organization, obtain a property pass in advance to avoid problems when exiting the building. Property passes may be obtained in the Pentagon Press Operations (PPO) office, room 2D961, during normal working hours.

PFAC Security

Maintaining the security of your PFAC is an individual responsibility.

PFACs must be visible and always worn above the waist while in the Pentagon, except as noted below during press or other recorded events. Remove or hide your PFAC from view when not in the Pentagon.

Exceptions for press and other events: Do not have your PFAC visible in the following circumstances: when present during an on-camera press briefing; when doing a live-shot in the Pentagon Briefing Room or stand-ups at the Mall Entrance, River Parade Field, or on the Connector Parking Lot hill; when covering honor cordon arrival ceremonies; if on-camera during an open press event on the Pentagon Reservation; or at any other events that will be recorded via photograph or video. For those with a recording studio in the Pentagon, do not have your PFAC visible when recording in your studio.

Lost PFACs should be immediately reported to PPO at (703) 697-5131, or, after normal working hours, to (703) 678-6162 or to OSD.PA.DutyOfficer@mail.mil. Normal working hours for PPO on non-holiday weekdays are 7:30 a.m. to 6 p.m. Eastern Time.

Additional Press Identifier Badge

The Additional Press Identifier Badge (APIB) (see Appendix B) must also be visible and always worn above the waist while in the Pentagon. Note that APIBs serve only as an additional visual identifier. APIBs are not credentials and do not confer credentialing or attendance approval for any event.

News Media Physical Security Restrictions on the Pentagon Reservation

Effective May 23, 2025, in accordance with Secretary of War Memorandum, "Updated Physical Control Measures for Press/Media Access within the Pentagon," May 23, 2025

(Appendix C), new physical security restrictions have been enacted for news media, including those with valid, current PFACs:

- News media are not authorized to be anywhere on the 5th Floor, 4th Floor, 3rd Floor, Basement, or Mezzanine levels, including all corridors and rings, at any time without an escort from an authorized DoW official.
- On the 2nd Floor, news media are authorized unescorted access in the Pentagon for the below areas. For all other areas of the 2nd Floor not included below, except as otherwise addressed in this in-brief, news media must have an escort from authorized DoW personnel:
 - Rings A through E between Corridors 1, 10 and 9 (from the Metro Entrance on the E Ring through the Concourse to the A Ring);
 - E Ring from the Metro Entrance to Corridor 9;
 - E Ring from the River Entrance directly to Corridor 9;
 - Corridor 9 from the E Ring to the A Ring; 951-999
 - At the Apex of Corridors 9/10, the exit to the Courtyard;
 - A Ring from the Apex of Corridors 9/10 to the Mall Corridor between Corridor 6 and 7 and the Mall Corridor to the Mall Entrance for the purpose getting to and from the Mall Entrance for stand-ups
- On the 1st Floor, news media are authorized unescorted access to the Center Courtyard and the Food Court between Corridors 1 and 10.
- See Appendix D for a graphic of the areas where the news media are authorized unescorted access.
- News media are not authorized access to the Pentagon Athletic Center.

If news media require access to other areas or offices within the Pentagon for in-person interviews or other engagements, they must be escorted to and from those spaces by authorized DoW personnel.

As a non-government employee, while a PFAC is your authorized means of entering the Pentagon, a PFAC does not allow you unfettered access to all of the Pentagon. You have been briefed on the physical control measures for news media access and understand which areas require escort even though you have a PFAC. When in an area requiring an escort, you must remain with your escort at all times.

The list of authorized areas is expected to be modified within the next three months, as DoW intends to upgrade the space used by PFAC holders to a different area that provides WiFi access and cell phone service, as well as increased space for the expanded press corps.

Public Release of DoW Information and the Protection of Classified National Security Information and Controlled Unclassified Information

DoW remains committed to transparency to promote accountability and public trust. However, DoW information must be approved for public release by an appropriate authorizing official before it is released by any military member, DoW civilian employee or contract employee, even if it is unclassified. The Department of War must safeguard

classified national security information (CNSI), in accordance with Executive Order 13526 and the Atomic Energy Act, and information designated as controlled unclassified information (CUI), in accordance with Executive Order 13556. CUI may include, but is not limited to, information protected by the Privacy Act, information that is law enforcement-sensitive, and certain operational security information. Beyond CNSI and CUI, additional authorities may restrict the disclosure of certain information. Given the complexities of the various laws and policies concerning disclosure of information, DoW employees are required to have all information cleared for release by an appropriate authorizing official.

Military members, in particular, face potentially severe consequences for disclosing non-public information without proper authorization. Article 92 of the Uniform Code of Military Justice imposes criminal liability on military members who violate a lawful order or regulation.

Both military members and DoW civilian employees also face potential criminal liability under 18 U.S.C. §1905 for disclosure of confidential information or under the Privacy Act, 5 U.S.C. §552a, for knowing and willful unauthorized disclosures.

Only authorized persons who have received favorable determinations of eligibility for access, signed approved non-disclosure agreements, and have a need-to-know may be granted access to CNSI. DoW may only provide CUI to individuals when there is a lawful governmental purpose for doing so.

To be clear, these are the laws and regulations that apply to military members and DoW civilian employees and contractors. Members of the news media are not required to submit their writings to DoW for approval. However, they should understand that DoW personnel may face adverse consequences for unauthorized disclosures (see, e.g., Uniform Code of Military Justice Article 92 (10 U.S.C. 892); 18 U.S.C. 1905; 5 U.S.C. 552a(i)). Any solicitation of DoW personnel to commit criminal acts would not be considered protected activity under the 1st Amendment.

Unauthorized disclosure of CNSI or CUI poses a security risk that could damage the national security of the United States and place DoW personnel in jeopardy. To ensure the safety of U.S. personnel, news media who find themselves in possession of information that appears to be CNSI or CUI should discuss those materials with the PPO prior to publication.

Escort Privileges and Procedures

A PFAC authorizes media members who are U.S. citizens to access the Pentagon 24 hours a day and affords escort privileges for up to three visiting media members from the same media outlet who possess appropriate media credentials.

Visiting media members must be entered into the PFPA Visitor Management System (VMS) by the sponsoring U.S. public affairs office no later than one business day in

advance for U.S. citizens and no later than three business days in advance for non-U.S. citizens.

A PFAC also affords escort privileges for media members who are U.S. citizens for up to three visiting family members for special events, such as the Bring Your Child to Work Day, subject to the approval of the Office of the Assistant to the Secretary of War for Public Affairs (OATSW(PA)). Family members 18 years and older must be entered into the PFPA Visitor Management System (VMS) by the sponsoring public affairs office no later than 24 hours in advance for U.S. citizens and no later than 48 hours in advance for non-U.S. citizens.

PFAC holders escorting other media members or family members must stay with their visitor(s) at all times. Failure to do so may result in loss of the PFAC issued to you.

PFAC holders who are not U.S. citizens do not have escort privileges.

PFAC Issuance and Renewals

PFACs may be issued to those media members who require regular access to the Pentagon, who are accessing the building at a minimum monthly visit frequency. See PPO for the current minimum monthly visit frequency. You must continue to meet the minimum access frequency requirement to be reissued a PFAC. There are two probationary periods for an initial PFAC issuance.

An initial PFAC expires in three months, on the last day of the third month. You may submit a request for renewal at the beginning of the month of expiration. Media members who have met the minimum monthly visit frequency requirements during the initial three-month probationary period and who have not posed a security or safety risk to DoW personnel or property will generally be approved for a six-month badge.

The second probationary period is for six months. Requests for renewals of a six-month PFAC may be submitted at the beginning of the month of expiration. Media members who have met the minimum monthly visit frequency requirements during the six-month probationary period and who have not posed a security or safety risk to DoW personnel or property during both the initial three-month and subsequent six-month probationary periods, will generally be approved for a one-year PFAC.

If the two probationary periods have been completed successfully and all requirements have been met, PFACs will be renewed annually. During annual renewal reviews, if frequency requirements have not been met, PFAC renewals may be denied or revert to 3- or 6-month PFACs.

For all renewals, PFACs expire on the last day of the month of expiration. Renewal requests should be submitted at the beginning of the month of expiration, but not before the start of the month of expiration. Requests received prior to the start of the month will not be processed until the first business day of the month. Due to processing times,

renewal requests should be submitted to PPO no later than the middle of the month of expiration to ensure a new badge is available before the old one expires.

Frequency requirements may be waived by OATSW(PA) for a news organization's equipment technicians and some camera crews, if specifically identified and requested by the bureau chief. For first-time applications, equipment technicians and camera crews must still go through the two probationary periods.

PFACs may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to DoW personnel or property, or is not meeting the frequency requirements. An initial determination of a security or safety risk may result in an immediate suspension of Pentagon access during the process for making a final determination. A determination that an individual poses a security risk may be based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure of CNSI or CUI. See Appendix A for information on the applicable standard and the process for denying, revoking, or non-renewing a PFAC.

Press Parking

Parking on the Pentagon Reservation is restricted to vehicles with permanent parking permits, or which have been cleared for temporary parking for specific days. Vehicles may only be parked in the areas for which they have been cleared.

There is a designated parking area for the news media at the Pentagon. The parking spaces in two lanes of the Connector Lot, located at intersection of Connector Road and Boundary Channel Drive, have been reserved for the press (see Appendix E). These parking spaces are clearly marked with "PRESS" stenciled on the ground.

To access the building, for those with a PFAC, walk north towards Boundary Drive and go up either the stairs or the ramp to the pedestrian bridge. At the security checkpoint, swipe your badge and then show it to the PFPA officer on duty. See the route depicted at Appendix E. The checkpoint opens at 6:00 a.m. and closes at 8:00 p.m. on weekdays. The checkpoint is closed on weekends and federal holidays. All visiting press must go through the Visitor Center at the Pentagon Metro Entrance.

There are a limited number of permanent "P" parking permits for news media members. Those who have such permits may park in designated PRESS spaces with their approved "P" parking permit at any time. News media members with "P" permit are not authorized to park elsewhere on the Pentagon Reservation, except when provided specific guidance to do so for special circumstances (e.g., when the Connector Lot is being re-surfaced, or closed for a special event). For such instances, PPO will provide information on where you may park.

News media members desiring to be issued a "P" parking pass should contact PPO; there is usually a waiting list for available permit.

News media without a “P” parking permit may also park in the PRESS area provided they obtain an approved temporary parking clearance prior to their arrival at the Pentagon. News media should contact the PPO Admin Support Team at 703-697-5131 at least 30 minutes prior to their arrival to request temporary parking clearance, and must provide the PPO with the following information: date requesting to park if not the day of the call, driver’s name, email, phone number, media outlet, vehicle make, vehicle model, vehicle color, license plate number, state of registration, vehicle classification (car/truck/motorcycle/etc.), fuel type (gas/diesel/hybrid/electric), and whether it is a personal vehicle or a business vehicle. For repeat visits using the same vehicle, press need only provide date, name, and vehicle license plate. For parking on weekends, call the PPO Duty Officer at 703-678-6162.

News media may request temporary parking clearance for up to 5 days per month. Press can request an exception from the PPO for more days only on a case-by-case basis.

Overnight parking at the Pentagon is not permitted for members of the news media. Overnight parking is considered parking for more than 24 hours at a time.

If you are issued a “P” parking permit, you will be required to return it to the PPO upon completion of your media/press duties, or upon the expiration of the “P” parking permit.

Access on Weekends

If news media need to access the Pentagon on weekends, holidays, or when the pedestrian bridge between the Connector Lot and River Entrance is closed, news media may park in the press parking area and walk along Connector Road to River Road, go through a pedestrian turnstile, and continue walking up the River Road to Mug Handle to get to the River Entrance, which is open 24/7. See Appendix E for a depiction of the route. Note that those without a “P” parking permit must still provide their vehicle information to the PPO Duty Officer at 703-678-6162.

Mall Entrance Temporary Parking

News media crews that are doing a stand-up at the Mall Entrance location may request Mall parking. Mall Entrance parking is by reservation only. News media should contact the PPO Support Team at 703-697-5131 at least two hours prior to their arrival to request Mall Entrance parking clearance and must provide the same information as for regular press parking (see above) with the addition of time and arrival. Note that due to demand, there may be times when parking in the Mall Entrance lot is restricted to four hours per day. Visiting press who need to be at the Pentagon all day should park either in regular press parking or at the Mall Entrance. Parking at the Mall Entrance is by numbered spaces; PPO will provide the numbered parking space for each vehicle when Mall Entrance Parking is requested.

Filming/Photography

Filming, photography, and audio recording on the Pentagon Reservation is prohibited, unless approved in advance. In accordance with 32 CFR § 234.15 — Use of visual recording devices:

(a) The use of cameras or other visual recording devices on the Pentagon Reservation is prohibited, unless the use of such items are approved by the Pentagon Force Protection Agency, the Installation Commander, or the Office of the Assistant to the Secretary of War for Public Affairs.

(b) It shall be unlawful to make any photograph, sketch, picture, drawing, map or graphical representation of the Pentagon Reservation without first obtaining permission of the Pentagon Force Protection Agency or the Office of the Assistant to the Secretary of War for Public Affairs.

Note that this prohibition applies to the use of apps on mobile devices that utilize the front-facing camera lens, such as “FaceTime” or the taking of “selfies.”

News media visiting the National Pentagon 9/11 Memorial in their personal capacity, not as a member of the press, may take photos using their personal devices. Filming or photography in the Memorial for a news media interview or to obtain b-roll requires an exception, as described below under Filming/Photography Exception Requests.

Filming/Photography Pre-Approved Exceptions

News media do not need to obtain permission in advance for filming, photography, or audio recording in the following circumstances:

- Press events in the Pentagon Briefing Room.
- Press events announced by OATSW(PA), the public affairs office for the Office of the Chairman of the Joint Chiefs of Staff, or the public affairs offices of the Military Departments or Headquarters, U.S. Marine Corps, that are not located in the Pentagon Briefing Room. Examples would include honor cordons and events at the Pentagon River Terrace Parade Field, the Pentagon Auditorium, and the Pentagon Center Courtyard.
- Unilateral news media stand-ups in the Pentagon Briefing Room, if approved, at the designated stand-up location outside the Mall Entrance, or live or recorded shots inside the network studio rooms in the Correspondent’s Corridor.
- Recording audio of off-camera interviews approved and monitored by authorized DoW public affairs personnel.

Filming/Photography Exception Requests

The filming/photography exception requests discussed below require public affairs escort from either OATSW(PA) or the sponsoring public affairs office, regardless of whether the news media involved have a current PFAC or are visiting press.

- News media desiring to obtain b-roll or stock footage or photos of the Pentagon interior or exterior must submit a request to PPO a minimum of one week in advance

to obtain permission. If this request is in conjunction with a press event sponsored by a public affairs office other than OATSW(PA), submit the request through the sponsoring public affairs office. Requests should include date and times and either the exact location or sufficient information for the public affairs office to determine the best available locations for the footage or photos.

- News media desiring to film DoW officials standing or walking in a corridor in conjunction with an interview must submit a request through the sponsoring public affairs office to PPO a minimum of one week in advance to obtain permission. Request must include date, time, and exact location.
- News media desiring to photograph DoW officials in their offices or conference rooms in conjunction with an interview must submit their request through the sponsoring public affairs office to the security manager for that space.
- News media desiring to obtain b-roll or interview or film anyone inside the National Pentagon 9/11 Memorial must submit a DD Form 2798, "Application/Permit for Use of Space on the Pentagon Reservation," at least one week in advance to the Pentagon Facility Operations Division Special Events Office at whs.pentagon.fsd.mbx.pbmo-special-events@mail.mil. You can download a DD Form 2798 here: https://www.esd.whs.mil/Directives/forms/dd2500_2999/DD2798/

Filming/Photography from the Press Parking Area

News media desiring to do a stand-up or film from the grassy hill next to the press parking area (see Appendix E) should submit a request to PPO no later than three hours in advance. Requests should include the date, time, and the number of personnel in the crew. Once approved, filming from the grassy hill does not require public affairs escort.

Pandemics, National Health Emergencies, and Other Contingencies

During a declared pandemic or national health emergency, the DoW will protect the workforce while continuing to perform its national security mission. Protecting the workforce may entail the adoption of personal protective measures, restrictions on access to the Pentagon for essential functions only, symptom screenings, or other measures.

In the event of a declared pandemic or national health emergency, news media entering the Pentagon are expected to follow the same personal protective measures as DoW personnel and as required by Health Protection Condition (HPCON) announcements. Failure or refusal to comply may result in a loss of access, ranging from temporary suspension to revocation of PFACs.

Additionally, news media are not considered essential personnel. During a declared pandemic or national health emergency, news media may temporarily be denied physical access to the Pentagon.

During other general emergency contingencies (e.g., fires, active shooters, natural disasters, utility outages), news media physical access to the Pentagon may be temporarily curtailed or denied.

Security Risks

A PFAC may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to DoW personnel or property, in accordance with the standards and procedures outlined in Appendix A. Such an initial determination may result in an immediate suspension of your Pentagon access while the procedures preceding a final determination are pending.

This in-brief and its Appendices address DoW policy and the potential bases for such a determination and do not prohibit you as a PFAC holder from engaging in constitutionally protected journalistic activities, such as investigating, reporting, or publishing stories.

Such determination may be based on factors including, but not limited to, the unauthorized access, attempted unauthorized access, or unauthorized disclosure of CNSI or CUI, convictions for national defense offenses, threats, or unsafe activities (as listed in Appendix A). Such a determination is based on a reasonable assessment informed by the unique facts and circumstances of each case—such as whether the conduct is willful or repeated, versus isolated and unintentional—and incorporates due process (e.g., written notice of the basis, a 30-day appeal period, an opportunity for personal appearance, and a final, reviewable determination).

For clarity, the receipt of unsolicited CNSI or CUI and its subsequent publication is generally protected by the First Amendment and would not, on its own, normally trigger denial, revocation, or non-renewal of a PFAC. However, if you solicit the disclosure of such information or otherwise encourage DoW personnel to violate laws and policies concerning the disclosure of such information, such conduct may weigh in the consideration of whether you pose a security or safety risk.

There is a critical distinction between lawfully requesting information from the government and actively soliciting or encouraging government employees to break the law. The First Amendment does not permit journalists to solicit government employees to violate the law by providing confidential government information. The press's rights are not absolute and do not override the government's compelling interest in maintaining the confidentiality of sensitive information. Soliciting or encouraging government employees to break the law falls outside the scope of protected newsgathering activities.

Solicitation may include direct communications with specific DoW personnel or general appeals, such as public advertisements or calls for tips encouraging DoW employees to share non-public DoW information. For example, an advertisement or social media post by an individual journalist or media outlet that directly targets DoW personnel to disclose

non-public information without proper authorization would constitute a solicitation that could lead to revocation.

Additionally, publication that recklessly endangers American lives could factor into an assessment of whether continued unescorted access to the Pentagon poses a security risk.

All determinations under this policy are undertaken on a case-by-case basis reviewing the totality of the circumstances to ensure the policy is narrowly tailored to safeguard sensitive information without unduly restricting speech and are informed by factors such as convictions for national defense offenses, threats, or unsafe activities (as listed in Appendix A). Moreover, determinations will take into account whether such conduct is willful or repeated, as opposed to isolated and unintentional.

No Waiver of Rights

Nothing in this document requires you to waive any constitutional rights. This in-brief constitutes a description of DoW policies.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 113, Secretary of Defense; 42 U.S.C. Chapter 23, Development and Control of Atomic Energy; Executive Order 13526, Classified National Security Information; Executive Order 13556, Controlled Unclassified Information; 32 C.F.R. Part 234, Conduct on the Pentagon Reservation; DoD Directive 5122.05, Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)).

PRINCIPAL PURPOSE: To inform members of the news media being granted access to the Pentagon Reservation and issued a Pentagon Alternative Facilities Alternative Credential (PFAC) of the rules regarding conduct on the Pentagon Reservation and the rules and procedures concerning termination of such access.

ROUTINE USE(S): In certain circumstances, it may be necessary to disclose this record outside of the Department of Defense. For example, this record may be disclosed to a component of the Department of Justice for the purpose of representing the Department of Defense, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent; or to an appropriate law enforcement authority when the record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature. For a complete list of routine uses, refer to the applicable system of records notice: DPAD 12.0, DoD Media Pool and Pentagon Correspondent Files, at

<https://www.federalregister.gov/documents/2021/05/03/2021-09211/privacy-act-of-1974-system-of-records>

DISCLOSURE: Voluntary; however, failure to complete this acknowledgement may result in limiting DoD's ability to grant access to the Pentagon Reservation.

NAME: _____ DATE: _____

Acknowledgement

I have received, read, and understand the "Pentagon Reservation In-brief for Media Members," with Appendices A-E, including Appendix A, which addresses the standard and procedures for denying, revoking, or not renewing a PFAC. The in-brief describes DoW policies and procedures. My signature represents my acknowledgement and understanding of such DoW policies and procedures, even if I do not necessarily agree with such policies and procedures. Signing this acknowledgment does not waive any rights I may have under law.

Signature -- Administering Official

Signature -- Media Member

New Badge Expiration Date _____

Email address _____

Work phone _____ Cell phone _____

APPENDIX A: DENIAL, REVOCATION, OR NON-RENEWAL OF PENTAGON FACILITY ALTERNATIVE CREDENTIALS.

A. Reason for Denial, Revocation, or Non-Renewal. The Director, PFPA, or designee, shall deny, revoke, or refuse to renew the PFAC of any person reasonably determined to pose a security or safety risk to DoW personnel or property. Persons presumed to present such a risk include, but are not limited to, those who have been convicted of any offense involving:

- (1) National defense (such as treason, sabotage, terrorism, or espionage).
- (2) The use, attempted use, or threatened use of physical force against another person (such as murder, manslaughter, assault, rape, robbery, or kidnapping) or conduct that presents a serious potential risk of physical injury to another (such as arson, burglary, or the unlawful possession of explosives or firearms).
- (3) Unlawful manufacturing or distribution of drugs.
- (4) Threatening or harassing communications.
- (5) Theft, embezzlement, trespassing, or property destruction.
- (6) Fraud or deceit.
- (7) Prostitution or other prohibited sexual conduct.
- (8) Engaging in operations and activities that are unsafe, fail to abate an identified hazard, endanger others, or create a condition immediately dangerous to life health.
- (9) Unprofessional conduct that might serve to disrupt Pentagon operations.

Additionally, actions other than conviction may be deemed to pose a security or safety risk, such as discussed in the Pentagon Reservation In-Brief for Media Members

B. Procedures for Denial, Revocation, or Non-Renewal. If the Director, PFPA, or designee, anticipates that a PFAC might be denied, revoked, or not renewed, the applicant or his or her authorizing official shall be notified in writing by the Director, PFPA, or designee, of the basis for the proposed denial, in as much detail as security considerations permit. When an individual's PFAC has been denied, revoked, not renewed, or suspended for the reasons outlined above, both unescorted and escorted access to any DoW facility is terminated. This section does not apply to journalists who decide not to renew for reasons unrelated to any security or safety risk, such as a change in employment or assignment.

- (1) The notification of proposed denial, revocation, or non-renewal shall inform the applicant of the right to respond to and rebut any factual basis supporting the proposed denial, revocation, or non-renewal.

(2) The applicant will be allowed 30 days from the mailing date of the proposed denial, revocation, or non-renewal notification to make an appeal appointment with the Director, Pentagon Access Control Branch (PACB).

(3) If the applicant or representative is unable to schedule an appointment within 30 days, an extension for one additional 30-day period will be granted on receipt of a telephone request to PACB for such an extension.

(4) If mitigating information is presented at the appointment to substantiate a reversal of denial, revocation, or non-renewal, the applicant may receive a DoW Building Pass at that time.

(5) If no mitigating information is presented or if information is presented but is insufficient to substantiate the issuance of a DoW Building Pass, the applicant will be allowed 30 days from the appeal appointment to respond in writing to the Director, PFPA, or designee. The response will consist of any explanation or rebuttal considered appropriate by the applicant and must be signed by the applicant or representative under oath or affirmation.

(6) At the time of the filing of the written response to the notification of the proposed denial, revocation, or non-renewal, the applicant or representative may request, and shall normally be granted, the opportunity to make a personal appearance before the Director, PFPA, or designee, to personally support his or her eligibility for a pass and to rebut or explain the factual basis for the proposed denial. The Director, PFPA, or designee, shall exercise final review authority in the matter.

(7) On the basis of the written or oral response to the proposed denial, revocation, or non-renewal, the Director, PFPA, or designee, shall determine whether further inquiry or investigation on the issues raised is necessary.

(a) If a decision is made that no such inquiry is necessary, a final decision shall be issued.

(b) If a decision is made that further inquiry is necessary, the Director, PFPA, or designee, shall conduct such inquiry as deemed appropriate.

(8) Upon receipt of the applicant's written or oral response explaining or rebutting the factual basis for the proposed denial, revocation, or non-renewal, and upon completion of any additional inquiry, a final decision shall be expeditiously made by the Director, PFPA, or designee. If a final adverse decision is reached, the applicant shall be notified of the final decision in writing. The notification shall state, as precisely as security considerations permit, the factual basis for the denial.

(9) The decision of the Director, PFPA, or designee, under this section shall constitute a final agency decision. This section does not confer any rights on any individual or entity and is intended only as internal guidance for the administration of the Department of War.

Appendix B

Additional Press Identifier Badge

FRONT



BACK





SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAY 23 2025

MEMORANDUM FOR RESIDENT AND VISITING PRESS ASSIGNED TO THE
PENTAGON

SUBJECT: Updated Physical Control Measures for Press/Media Access Within the Pentagon

References: (a) DoDM 5200.01, "Volume 3, DoD Information Security Program: Protection of Classified Information," February 24, 2012
(b) Office of Secretary of Defense, Chief of Staff Memorandum: "Efforts to Combat Unauthorized Disclosures," March 21, 2025

The Department of Defense's (DoD) highest priority is the defense of our Nation and our national security. Per reference (a), the protection of classified national intelligence information (CNSI) and sensitive, unclassified information, including information deemed critical to operations security (OPSEC), remains an unwavering imperative for the Department. Per reference (b), the Chief of Staff to the Secretary of Defense recently directed an investigation into unauthorized disclosures.

While the Department remains committed to transparency, the Department is equally obligated to protect CNSI and sensitive information — the unauthorized disclosure of which could put the lives of U.S. Service members in danger. To attain professional balance between press access and OPSEC, the following updated security measures for resident and visiting press are needed to reduce the opportunities for in-person inadvertent and unauthorized disclosures.

Effective immediately, the Secretary of Defense directs the following control measures for all resident and visiting press who have been issued a Pentagon Facilities Alternate Credential (PFAC) for the Pentagon:

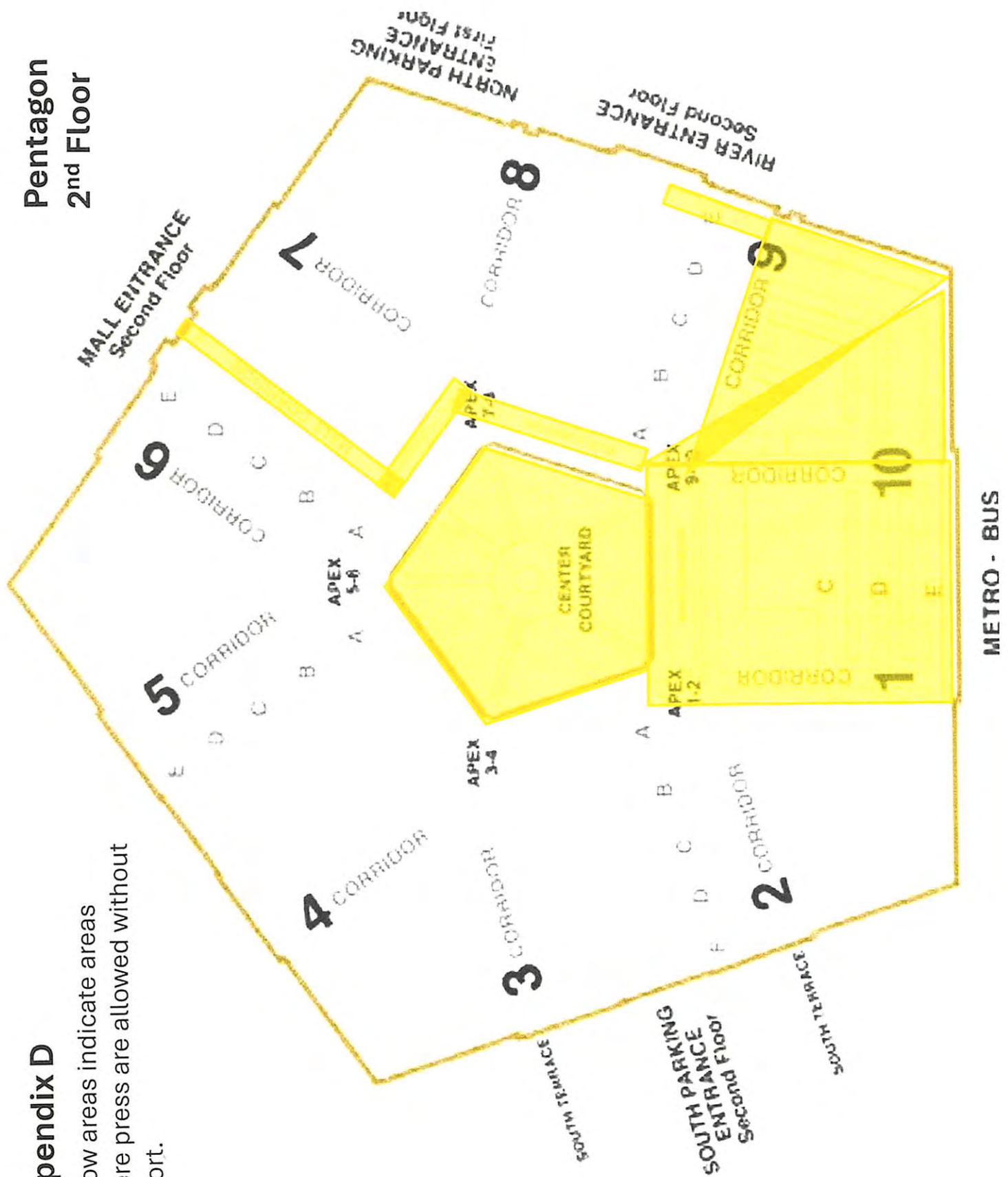
1. Press/media are not authorized entry/access to the Secretary of Defense physical office spaces located on the 3rd floor, ring E, between corridors 9 and 8 without an official approval and escort from the Office of the Assistant to the Secretary of Defense for Public Affairs (OATSD(PA)).
2. Press/media are not authorized entry/access to the Joint Staff physical office spaces located on the 2nd floor between corridors 9 and 7, rings A through E, without official approval from the Office of the Secretary of Defense for Public Affairs (OSD(PA)) and escort by personnel from the Joint Staff Public Affairs Office.
3. Press/media are only authorized unescorted access in the Pentagon on rings A through E on the 2nd floor of the Pentagon between the "Metro Entrance" at corridors 1 and 10 and the "River Entrance" at corridors 8 and 9 via and to the Pentagon Courtyard and Food Court (located between corridor 1 and 10 on the 1st Floor). The exception is noted in paragraph 2 (above).
4. If press require access to other areas/offices within the Pentagon for "in-person"



Appendix D

Yellow areas indicate areas where press are allowed without escort.

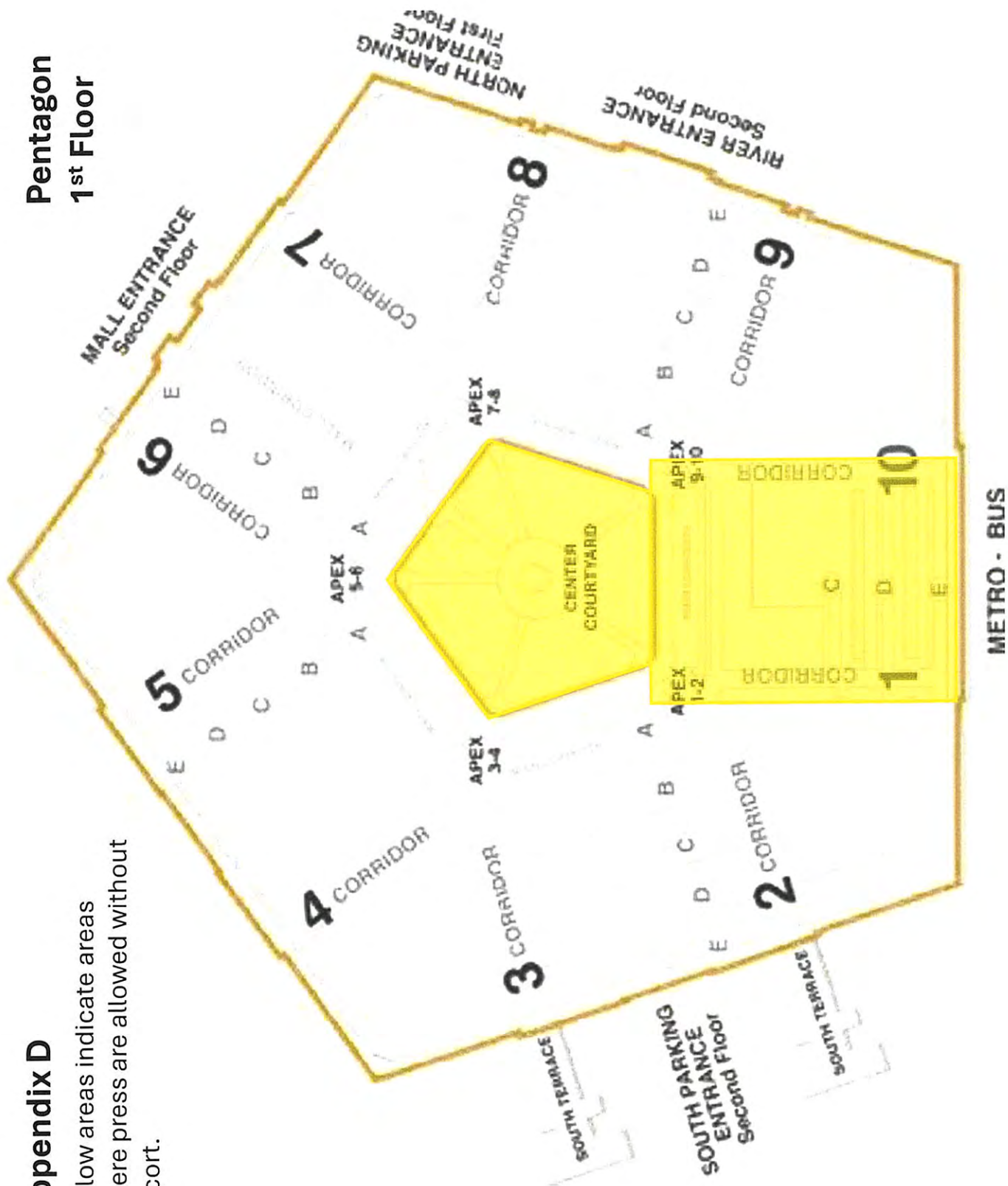
Pentagon 2nd Floor



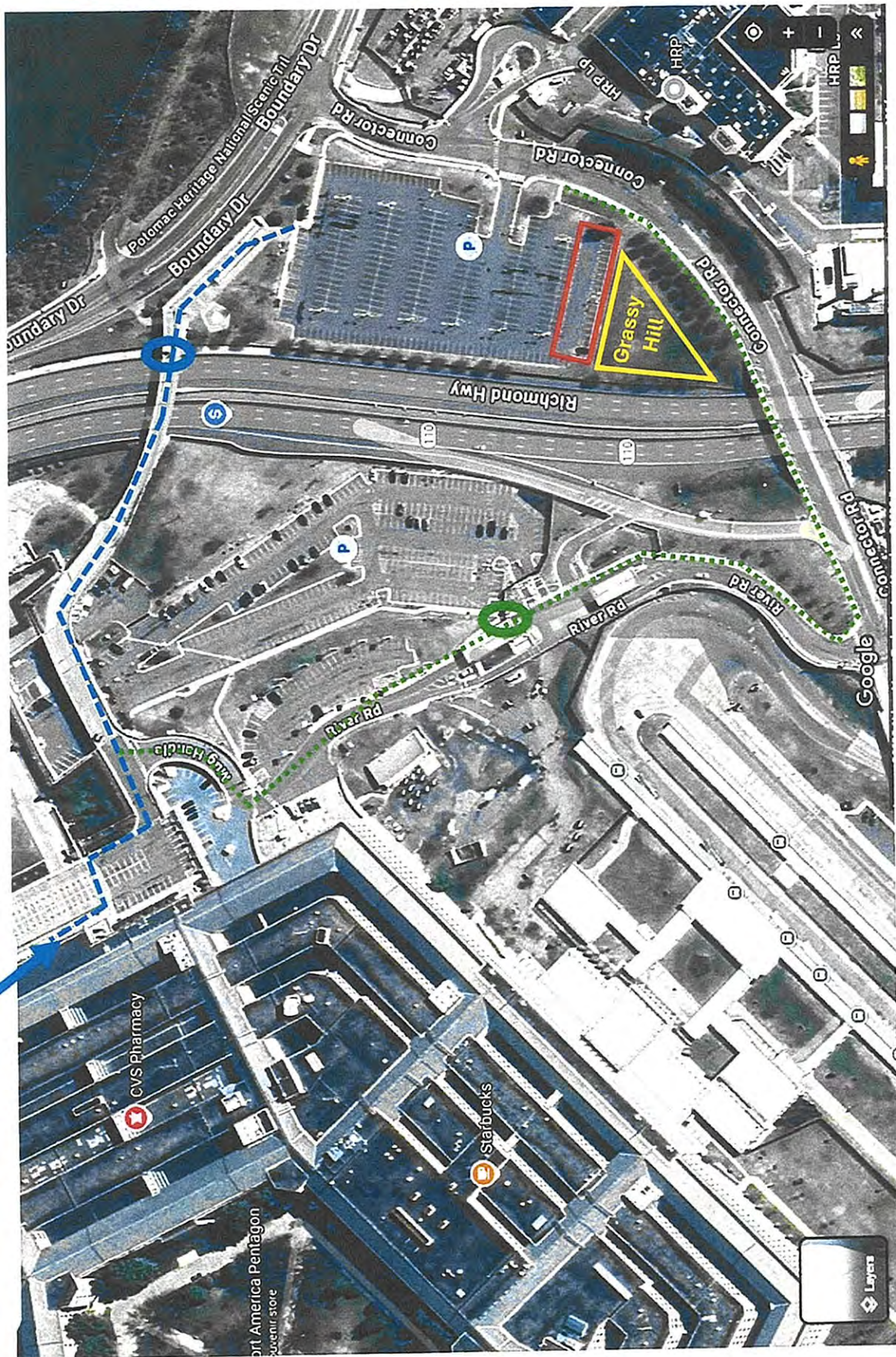
Appendix D

Yellow areas indicate areas where press are allowed without escort.

Pentagon 1st Floor



River Entrance



Personnel access
control point on
pedestrian bridge



Weekday route to
River Entrance



Personnel
access control point
at turnstile at
vehicle access
control point



Press parking



Weekend route to
River Entrance

Appendix E

EXHIBIT B

REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

PO Box 34176
Washington, DC 20043
(202) 795-9300 • www.rcfp.org

PRESIDENT

Bruce D. Brown

STEERING COMMITTEE CHAIR

STEPHEN J. ADLER

VICE CHAIR

MARGARET LOW
WBUR

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JAMES GRIMALDI
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KAREN KAISER
The Associated Press

KIMBRIELL KELLY
Chicago Public Media

ALEX MACCALLUM
CNN

MATT MURRAY
The Washington Post

NORMAN PEARLSTINE
New York, New York

CHARLIE SAVAGE
The New York Times

NABIHA SYED
Mozilla

ADAM SYMSON
The E.W. Scripps Company

MATT THOMPSON
The New York Times

VICKIE WALTON-JAMES
NPR

Affiliations appear only for purposes of identification.

By email

September 22, 2025

Sean Parnell

Assistant to the Secretary of War for Public Affairs
1400 Defense Pentagon
Washington, D.C. 20301-1400

Re: Implementation of New Media In-Brief.

Dear Mr. Parnell:

The Reporters Committee for Freedom of the Press writes regarding your memorandum dated September 18 to senior Pentagon leadership, which implements a new in-brief form for journalists who hold a Pentagon Facility Alternate Credential (PFAC). We see many ambiguities in the language of the in-brief form that would make it difficult – if not impossible – for news organizations to decide whether to sign the form. We urge the Department to pause implementation of the in-brief process until all of its ambiguous terms are clarified and respectfully request a meeting with Pentagon leadership to discuss these issues.

The Reporters Committee is the nation's largest non-profit providing free legal services for journalists and news organizations across the country. Reporters Committee attorneys frequently represent coalitions of major news organizations in matters involving reporters' access to government facilities, such as the Pentagon.

While these are illustrative, not exhaustive, of the many concerns we have heard, we note three questions relating to the "Pentagon Reservation In-Brief for Media Members," as circulated on September 19 with your implementation memorandum to Pentagon leadership. These questions arise from discussions the Reporters Committee has had with leading news organizations with Pentagon credentials seeking clarity about the meaning of the in-brief and its implications for their journalists.

First, the section of the in-brief entitled "Public Release of DoW Information and the Protection of Classified National Security Information and Controlled Unclassified Information" does not make clear whether those paragraphs describe the policies governing Pentagon personnel or purport to create obligations for reporters who hold a PFAC. The sentences that read "DoW information must be approved for public release by an appropriate authorizing official before it is released, even if it is unclassified" and that "[u]nauthorized disclosure of CNSI or CUI poses a security risk that could damage the security of the United States" would present grave First Amendment concerns if the in-brief were construed to

require that reporters holding a PFAC agree to such a pre-authorization requirement or endorse such a view.

Second, the in-brief includes a series of “Acknowledgments” on page nine that the PFAC holder must “agree to abide by,” one of which reads: “I acknowledge that such a determination [that a person poses a security or safety risk] may be based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure” of classified national security information or controlled unclassified information. That sentence can also be read in two ways – that the PFAC holder is acknowledging that he or she will not take those actions, or that the PFAC holder is merely acknowledging that this is the Pentagon’s policy. The former meaning would likewise pose serious First Amendment concerns and would make news reporting by PFAC holders unworkable in practice given the uncertainty over which disclosures could lead to a PFAC revocation. The latter meaning would not carry those risks to the same extent. As written, news organizations cannot know which obligations they would be agreeing to.

Finally, the in-brief does not make clear whether a PFAC holder’s disclosure of classified national security information or controlled unclassified information “shall” or “may” – in the Department’s discretion – result in the denial or revocation of a PFAC. If the latter, the in-brief does not explain what standards would guide the Department in deciding whether a particular disclosure might justify denial or revocation. As with the preceding examples, without that clarity, news organizations cannot understand what they are acknowledging or agreeing to by signing the in-brief.

We believe that an addendum to the in-brief – or another memo from your office – addressing these and the other ambiguities well in advance of any deadline to apply for renewal of a PFAC is warranted, as is the pause in implementation we suggest above. We also request a meeting with Pentagon leadership to seek clarity on these and other issues with the new media in-brief as soon as practicable.

The Reporters Committee’s Vice President of Policy Gabe Rottman is at your disposal to help coordinate a meeting and answer any other questions. He can be reached at grottman@rcfp.org and 202-795-9300.

Sincerely,

Reporters Committee
for Freedom of the Press

cc: Susan Gough
Pentagon Press Operations

EXHIBIT C



PUBLIC AFFAIRS

ASSISTANT TO THE SECRETARY OF WAR

1400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1400

September 24, 2025

Reporters Committee for Freedom of the Press
PO Box 34176
Washington, DC 20043

Attn: Bruce D. Brown, President

Re: Implementation of New Media In-Brief

Dear Mr. Brown:

We are in receipt of the Reporters Committee for Freedom of the Press' letter dated September 22, 2025, regarding the new in-brief form for journalists holding a Pentagon Facilities Alternate Credential (PFAC). We appreciate the Reporters Committee for Freedom of the Press engaging directly on this matter and value your role in advocating for journalists and news organizations. Your input helps ensure that our policies support both national security and a free press, and we are committed to addressing your concerns with clarity and transparency.

The in-brief form outlines Department of War (DoW) information security requirements, physical control measures, and expectations for compliance with safety and security protocols. It does not impose restrictions on journalistic activities, such as investigating, reporting, or publishing stories—rights unequivocally protected by the First Amendment. Instead, it informs PFAC holders of DoW's internal policies and the processes for managing building access, which is a privilege extended to facilitate responsible coverage, not a right to unfettered entry and access. To address your illustrative concerns, I will respond to each in turn, quoting directly from the in-brief form and related documents where relevant.

First, regarding the section entitled "Public Release of DoW Information and the Protection of Classified National Security Information and Controlled Unclassified Information," this language describes policies governing DoW personnel and does not purport to create obligations for reporters holding a PFAC. As stated in the in-brief:

DoW remains committed to transparency to promote accountability and public trust. However, DoW information must be approved for public release by an appropriate authorizing official before it is released, even if it is unclassified. The Department of War must safeguard classified national security information (CNSI), in accordance with Executive Order 13526 and the Atomic Energy Act, and information designated as controlled unclassified information (CUI), in accordance with Executive Order 13556.

Only authorized persons who have received favorable determinations of eligibility for access, signed approved non-disclosure agreements, and have a need-to-know may be granted access to CNSI. DoW may only provide CUI to individuals when there is a lawful governmental purpose for doing so.

Unauthorized disclosure of CNSI or CUI poses a security risk that could damage the national security of the United States and place DoW personnel in jeopardy.

This section outlines the responsibilities of DoW servicemembers and civilian employees under established DoW Instructions, such as DoD Instruction 5230.09 (“Clearance of DoD Information for Public Release”) and DoD Instruction 5230.29 (“Security and Policy Review of DoD Information for Public Release”), which mandate pre-publication reviews through official channels to prevent unauthorized disclosures by government personnel. It does not require reporters to seek DoW approval for their stories or endorse any viewpoint on pre-authorization. Journalists remain free to gather information through legitimate means, such as Freedom of Information Act requests, official briefings, or unsolicited tips, and to publish as they deem newsworthy. The focus is on preventing active solicitation that encourages DoW personnel to violate these disclosure rules, as such conduct is not always protected by the First Amendment.

Second, the series of “Acknowledgments” on page nine of the in-brief, which PFAC holders must “agree to abide by,” are intended as acknowledgments of DoW’s policies and potential grounds for discretionary action, not as commitments by reporters to refrain from newsgathering or disclosure. Specifically, the acknowledgment at issue states:

I acknowledge that such a determination [that a person poses a security or safety risk] may be based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure of CNSI or CUI.

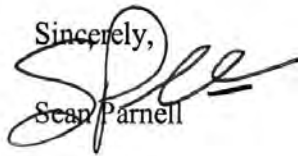
This is the latter interpretation you describe: an acknowledgment of DoW’s policy, not a pledge by the PFAC holder to avoid such actions. It informs credential holders of the potential bases for a reasonable determination of risk, ensuring transparency about the process. Receipt of unsolicited information and subsequent publication—even of CNSI or CUI—is generally constitutionally protected and would not normally, on its own, trigger revocation. However, in rare, extreme cases where publication recklessly endangers American lives, it could factor into an assessment of whether continued unescorted access to the Pentagon poses a security risk. Moreover, if a reporter solicits the gathering and providing of such information for use in the reporter’s work or is otherwise aware of and encourages the actions, such actions may also weigh in this consideration. This aligns with First Amendment precedent, including that which holds that the First Amendment does not immunize conduct facilitating legal violations, while preserving broad protections for publication.

Finally, the in-brief does not mandate (“shall”) that a PFAC holder’s disclosure of CNSI or CUI result in denial or revocation; rather, it “may” do so in the Department’s discretion, based on a reasonable determination of security or safety risk as informed by the unique facts and circumstances of each application. As detailed in Appendix A to the in-brief:

The Director, PFPA, or designee, shall deny, revoke, or refuse to renew the PFAC of any person reasonably determined to pose a security or safety risk to DoW personnel or property.

This determination is informed by factors such as convictions for national defense offenses, threats, or unsafe activities (listed in Appendix A). All decisions incorporate due process: written notice of the basis (as security permits), a 30-day appeal period, an opportunity for personal appearance, and a final, reviewable determination. This process ensures actions are narrowly tailored, not arbitrary, and support the government's compelling interest in safeguarding sensitive information without unduly restricting speech.

I trust that these clarifications address your concerns and confirm that the in-brief does not infringe upon First Amendment protections. As requested, we welcome a meeting with your organization's leadership to discuss these and other issues. Please have Mr. Rottman contact my office to coordinate a convenient time.

Sincerely,

Sean Parnell

CC: Gabe Rottman, Vice President of Policy
Susan Gough, Pentagon Press Operations

EXHIBIT D

DELIBERATIVE/PRE-DECISIONAL DRAFT // VERSION 8

NAME: _____ DATE: _____

Acknowledgements

Please read and initial each of the below:

____ I understand that PFACs are extended as a courtesy to media members who work full-time in the Pentagon or who meet the minimum monthly visit frequency. PFACs may be revoked or not renewed for individuals who do not meet the frequency requirement.

____ I understand that securing my PFAC is my responsibility. I understand that I must immediately report a lost PFAC.

____ I understand that I must wear my PFAC and APIB above my waist at all times.

____ I understand that I and my belongings are subject to inspection when on the Pentagon reservation.

____ I understand that I am responsible for the physical security of my work area, including ensuring that doors are locked and properly secured, where applicable.

____ I understand that as a non-government employee, while a PFAC is my authorized means of entering the Pentagon, a PFAC does not allow me unfettered access to all of the Pentagon. I have been briefed on the physical control measures for news media access and understand which areas require escort even though I have a PFAC. I acknowledge that I must obtain an escort for the required escort areas and must remain with my escort at all times in those areas.

____ I understand that a property pass is required to remove property from the building that is not readily identifiable as personal. Property passes may be obtained from Pentagon Press Operations, room 2D961, during normal working hours.

____ I understand that any type of visual or audio recording on the Pentagon Reservation, including the use of a cell phone camera, is prohibited, unless approved in advance, in accordance with 32 CFR § 234.15.

____ I acknowledge receipt and briefing of the “Pentagon Reservation In-brief for Media Members,” with Appendices A-E, including Appendix A, which includes the standard and procedures for denying, revoking, or not renewing a PFAC.

____ I acknowledge that a PFAC may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to DoW personnel or property, in accordance with the standards and procedures outlined in Appendix A.

I understand that such an initial determination may result in an immediate suspension of my Pentagon access while the procedures preceding a final determination are pending.

I acknowledge that this is an acknowledgment of DoW policy and the potential bases for such a discretionary determination only, and does not impose any obligations on me as a PFAC holder to refrain from constitutionally protected journalistic activities, such as investigating, reporting, or publishing stories.

I acknowledge that such a determination may be based on factors including, but not limited to, improper attempts at unauthorized access, or unauthorized disclosure of CNSI or CUI, but that any such determination is discretionary ("may," not "shall"), based on a reasonable assessment informed by the unique facts and circumstances of each case, and incorporating due process (e.g., written notice of the basis, a 30-day appeal period, an opportunity for personal appearance, and a final, reviewable determination). For clarity, I acknowledge that the receipt of unsolicited CNSI or CUI and its subsequent publication is generally protected by the First Amendment and would not, on its own, normally trigger denial, revocation, or non-renewal of a PFAC. However, if I solicit the gathering and providing of such information for use in my work or am otherwise aware of and encourage actions that violate DoW disclosure rules, such conduct may weigh in the consideration of whether I pose a security or safety risk. Solicitation may include direct communications with specific DoW personnel or general appeals, such as public advertisements or calls for tips encouraging DoW employees to share CNSI or CUI. For example an advertisement or post that states that a reporter or outlet "wants to hear from Defense Department and national security officials about changes within the Pentagon and throughout the U.S. military and intelligence community. You can contact our reporters by email or Signal encrypted message..." would constitute a solicitation that could lead to revocation. Additionally, in rare, extreme cases where publication recklessly endangers American lives, it could factor into an assessment of whether I pose a security risk. All determinations will be narrowly tailored to safeguard sensitive information without unduly restricting speech, and are informed by factors such as convictions for national defense offenses, threats, or unsafe activities (as listed in Appendix A). Moreover, determinations will take into account whether such conduct is willful or repeated, as opposed to isolated and unintentional.

I acknowledge that nothing in this document requires me to waive or give up any constitutional rights, that this form constitutes an acknowledgment of DoW policies rather than an agreement to them, and that access to the Pentagon is a privilege, not a right, which may be revoked by the Department of War. ~~I understand that such an initial determination may result in an immediate suspension of my Pentagon access while the procedures preceding a final determination are pending. I acknowledge that such a determination may be based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure of CNSI or CUI.~~

DELIBERATIVE/PRE-DECISIONAL DRAFT // VERSION 8

I acknowledge that nothing in this form constitutes an admission or concession that the disclosure of CNSI or CUI damages national security, nor does it imply liability under the Espionage Act or any other law.

____ I acknowledge that during a declared pandemic or national health emergency, I must follow the same personal protective measures as prescribed for Pentagon personnel when entering the building. This may include not entering the building if I am not feeling well or am experiencing symptoms. I acknowledge that I may be randomly selected for screening for symptoms or the pandemic disease when entering the building or may be required to participate in screening testing program. I acknowledge that failure to comply with the measures in any Health Protection Condition announcement could result in temporary denial of access or revocation of my PFAC. I acknowledge that as a civilian who is not a DoW employee, I could temporarily be denied access to the Pentagon during a declared pandemic, national health emergency, or other emergency contingency.

____ I acknowledge that if I am issued a "P" parking permit, that I will be required to return it to the PPO upon completion of my media/press duties, or upon the expiration of the "P" parking permit.

____ I have been briefed on the safety and security requirements and agree to abide by the provisions outlined above.

Signature -- Administering Official

Signature -- Media Member

New Badge Expiration Date_____

Email address_____

Work phone_____ Cell phone_____

EXHIBIT E



ASSISTANT TO THE SECRETARY OF WAR

1400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1400

18 SEP 2025

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP

SUBJECT: Implementation of New Media In-brief

Effective September 18, 2025, the attached documents implement the Secretary of War memorandum, "Updated Physical Control Measures for Press/Media Access Within the Pentagon," dated May 23, 2025. All members of the press issued a Pentagon Facility Alternate Credential (PFAC), will be required to read and sign a new in-brief form outlining information security requirements, the new physical control measures, and Department of War expectations of their compliance with safety and security requirements.

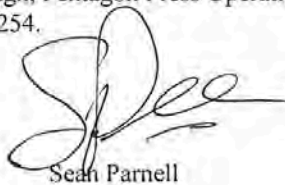
The package that will be provided to the member of the press as part of the in-brief includes the following:

- Pentagon Reservation In-brief for Media Members
- Appendix A, "Denial, Revocation, or Non-Renewal of Pentagon Facility Alternative Credentials"
- Appendix B, "Additional Press Identifier Badge"
- Appendix C, SW memo, "Updated Physical Control Measures for Press/Media Access Within the Pentagon"
- Appendix D, graphic showing the areas on the first and second floor of the Pentagon where press do not require a new escort
- Appendix E, graphic showing the route that press can take to access the River Entrance on weekends and holidays

In addition to the Additional Press Identifier Badge depicted in Appendix B, the Pentagon Force Protection Agency (PFPA), will begin issuing new PFACs to the press in coming weeks. Priority of issuance of the new PFACs will be to resident members of the media through September 30, 2025. Non-resident members of the media and crew badging begins effective October 1, 2025. These new PFACs will have "PRESS" clearly imprinted on them in red letters both vertically and horizontally to assist in identifying members of the press.

Request your assistance in ensuring that all your personnel are aware of the physical control measures, including the requirement to provide escorts for any media coming into your spaces for approved interviews. Additionally, personnel should be aware that if they see any news media outside of the areas depicted in Appendix D that do not have an escort, they should direct them back to the designated no-escort required areas and alert the Pentagon Press Operations office at 703-697-5131.

My POC for this action is Sue Gough, Pentagon Press Operations,
susan.l.gough.civ@mail.mil or 703-697-1254.



Sean Parnell

Attachments:
As stated

PENTAGON RESERVATION IN-BRIEF FOR MEDIA MEMBERS

NAME: _____ DATE: _____

The purpose of this briefing is to inform you, as a member of the news media who has been granted access to the Pentagon Reservation and issued a Pentagon Facilities Alternative Credential (PFAC), also known as a Department of War Building Pass or a Pentagon badge, of the rules regarding conduct on the Pentagon Reservation. Failure to abide by these rules may result in suspension or revocation of your building pass and loss of access. Additionally, this briefing informs you of the procedures associated with denying, revoking, or not renewing the issuance of a PFAC, including contesting such a decision (see Appendix A).

General Security

Be alert for suspicious activity and immediately report any unusual activity and/or circumstances to the Pentagon Force Protection Agency (PFPA) at (703) 697-1001.

Ensure office doors are locked and property is secure when exiting your office or cubicle.

Every individual entering the building is subject to random metal detector and X-ray inspection of personal belongings. Many events, including those involving the Secretary of War, Deputy Secretary of War, or visiting high-level U.S. government officials or foreign dignitaries, require additional security screenings to which PFAC holders would be subject.

Every individual exiting the building is subject to random checks of personal belongings. A property pass is required to remove property from the building that is not readily identifiable as personal. When you or other members of your organization (e.g., technicians, photographers) remove equipment owned by your organization, obtain a property pass in advance to avoid problems when exiting the building. Property passes may be obtained in the Pentagon Press Operations (PPO) office, room 2D961, during normal working hours.

PFAC Security

Maintaining the security of your PFAC is an individual responsibility.

PFACs must be visible and always worn above the waist while in the Pentagon, except as noted below during press or other recorded events. Remove or hide your PFAC from view when not in the Pentagon.

Exceptions for press and other events: Do not have your PFAC visible in the following circumstances: when present during an on-camera press briefing; when doing a live-shot in the Pentagon Briefing Room or stand-ups at the Mall Entrance, River Parade Field, or

on the Connector Parking Lot hill; when covering honor cordon arrival ceremonies; if on-camera during an open press event on the Pentagon Reservation; or at any other events that will be recorded via photograph or video. For those with a recording studio in the Pentagon, do not have your PFAC visible when recording in your studio.

Lost PFACs should be immediately reported to PPO at (703) 697-5131, or, after normal working hours, to (703) 678-6162 or to OSD.PA.DutyOfficer@mail.mil. Normal working hours for PPO on non-holiday weekdays are 7:30 a.m. to 6 p.m. Eastern Time.

Additional Press Identifier Badge

The Additional Press Identifier Badge (APIB) (see Appendix B) must also be visible and always worn above the waist while in the Pentagon. Note that APIBs serve only as an additional visual identifier. APIBs are not credentials and do not confer credentialing or attendance approval for any event.

News Media Physical Security Restrictions on the Pentagon Reservation

Effective May 23, 2025, in accordance with Secretary of War Memorandum, "Updated Physical Control Measures for Press/Media Access within the Pentagon," May 23, 2025 (Appendix C), new physical security restrictions have been enacted for news media, including those with valid, current PFACs:

- News media are not authorized to be anywhere on the 5th Floor, 4th Floor, 3rd Floor, Basement, or Mezzanine levels, including all corridors and rings, at any time without an escort from an authorized DoW official.
- On the 2nd Floor, news media are authorized unescorted access in the Pentagon for the below areas. For all other areas of the 2nd Floor not included below, except as otherwise addressed in this in-brief, news media must have an escort from authorized DoW personnel:
 - Rings A through E between Corridors 1, 10 and 9 (from the Metro Entrance on the E Ring through the Concourse to the A Ring);
 - E Ring from the Metro Entrance to Corridor 9;
 - E Ring from the River Entrance directly to Corridor 9;
 - Corridor 9 from the E Ring to the A Ring; 951-999
 - At the Apex of Corridors 9/10, the exit to the Courtyard;
 - A Ring from the Apex of Corridors 9/10 to the Mall Corridor between Corridor 6 and 7 and the Mall Corridor to the Mall Entrance for the purpose getting to and from the Mall Entrance for stand-ups
- On the 1st Floor, news media are authorized unescorted access to the Center Courtyard and the Food Court between Corridors 1 and 10.
- See Appendix D for a graphic of the areas where the news media are authorized unescorted access.
- News media are not authorized access to the Pentagon Athletic Center.

If news media require access to other areas or offices within the Pentagon for in-person interviews or other engagements, they must be escorted to and from those spaces by authorized DoW personnel.

Public Release of DoW Information and the Protection of Classified National Security Information and Controlled Unclassified Information

DoW remains committed to transparency to promote accountability and public trust. However, DoW information must be approved for public release by an appropriate authorizing official before it is released, even if it is unclassified. The Department of War must safeguard classified national security information (CNSI), in accordance with Executive Order 13526 and the Atomic Energy Act, and information designated as controlled unclassified information (CUI), in accordance with Executive Order 13556.

Only authorized persons who have received favorable determinations of eligibility for access, signed approved non-disclosure agreements, and have a need-to-know may be granted access to CNSI. DoW may only provide CUI to individuals when there is a lawful governmental purpose for doing so.

Unauthorized disclosure of CNSI or CUI poses a security risk that could damage the national security of the United States and place DoW personnel in jeopardy.

Escort Privileges and Procedures

A PFAC authorizes media members who are U.S. citizens to access the Pentagon 24 hours a day and affords escort privileges for up to three visiting media members from the same media outlet who possess appropriate media credentials.

Visiting media members must be entered into the PFPA Visitor Management System (VMS) by the sponsoring U.S. public affairs office no later than one business day in advance for U.S. citizens and no later than three business days in advance for non-U.S. citizens.

A PFAC also affords escort privileges for media members who are U.S. citizens for up to three visiting family members for special events, such as the Bring Your Child to Work Day, subject to the approval of the Office of the Assistant to the Secretary of War for Public Affairs (OATSW(PA)). Family members 18 years and older must be entered into the PFPA Visitor Management System (VMS) by the sponsoring public affairs office no later than 24 hours in advance for U.S. citizens and no later than 48 hours in advance for non-U.S. citizens.

PFAC holders escorting other media members or family members must stay with their visitor(s) at all times. Failure to do so may result in loss of the PFAC issued to you.

PFAC holders who are not U.S. citizens do not have escort privileges.

PFAC Issuance and Renewals

PFACs may be issued to those media members who require regular access to the Pentagon, who are accessing the building at a minimum monthly visit frequency. See PPO for the current minimum monthly visit frequency. You must continue to meet the minimum access frequency requirement to be reissued a PFAC. There are two probationary periods for an initial PFAC issuance.

An initial PFAC expires in three months, on the last day of the third month. You may submit a request for renewal at the beginning of the month of expiration. Media members who have met the minimum monthly visit frequency requirements during the initial three-month probationary period and who have not posed a security or safety risk to DoW personnel or property will generally be approved for a six-month badge.

The second probationary period is for six months. Requests for renewals of a six-month PFAC may be submitted at the beginning of the month of expiration. Media members who have met the minimum monthly visit frequency requirements during the six-month probationary period and who have not posed a security or safety risk to DoW personnel or property during both the initial three-month and subsequent six-month probationary periods, will generally be approved for a one-year PFAC.

If the two probationary periods have been completed successfully and all requirements have been met, PFACs will be renewed annually. During annual renewal reviews, if frequency requirements have not been met, PFAC renewals may be denied or revert to 3- or 6-month PFACs.

For all renewals, PFACs expire on the last day of the month of expiration. Renewal requests should be submitted at the beginning of the month of expiration, but not before the start of the month of expiration. Requests received prior to the start of the month will not be processed until the first business day of the month. Due to processing times, renewal requests should be submitted to PPO no later than the middle of the month of expiration to ensure a new badge is available before the old one expires.

Frequency requirements may be waived by OATSW(PA) for a news organization's equipment technicians and some camera crews, if specifically identified and requested by the bureau chief. For first-time applications, equipment technicians and camera crews must still go through the two probationary periods.

PFACs may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to DoW personnel or property, or is not meeting the frequency requirements. An initial determination of a security or safety risk may result in an immediate suspension of Pentagon access during the process for making a final determination. A determination that an individual poses a security risk may be based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure of CNSI or CUI. See Appendix A for information on the applicable standard and the process for denying, revoking, or non-renewing a PFAC.

Press Parking

Parking on the Pentagon Reservation is restricted to vehicles with permanent parking permits, or which have been cleared for temporary parking for specific days. Vehicles may only be parked in the areas for which they have been cleared.

There is a designated parking area for the news media at the Pentagon. The parking spaces in two lanes of the Connector Lot, located at intersection of Connector Road and Boundary Channel Drive, have been reserved for the press (see Appendix E). These parking spaces are clearly marked with "PRESS" stenciled on the ground.

To access the building, for those with a PFAC, walk north towards Boundary Drive and go up either the stairs or the ramp to the pedestrian bridge. At the security checkpoint, swipe your badge and then show it to the PFPA officer on duty. See the route depicted at Appendix E. The checkpoint opens at 6:00 a.m. and closes at 8:00 p.m. on weekdays. The checkpoint is closed on weekends and federal holidays. All visiting press must go through the Visitor Center at the Pentagon Metro Entrance.

There are a limited number of permanent "P" parking permits for news media members. Those who have such permits may park in designated PRESS spaces with their approved "P" parking permit at any time. News media members with "P" permit are not authorized to park elsewhere on the Pentagon Reservation, except when provided specific guidance to do so for special circumstances (e.g., when the Connector Lot is being re-surfaced, or closed for a special event). For such instances, PPO will provide information on where you may park.

News media members desiring to be issued a "P" parking pass should contact PPO; there is usually a waiting list for available permit.

News media without a "P" parking permit may also park in the PRESS area provided they obtain an approved temporary parking clearance prior to their arrival at the Pentagon. News media should contact the PPO Admin Support Team at 703-697-5131 at least 30 minutes prior to their arrival to request temporary parking clearance, and must provide the PPO with the following information: date requesting to park if not the day of the call, driver's name, email, phone number, media outlet, vehicle make, vehicle model, vehicle color, license plate number, state of registration, vehicle classification (car/truck/motorcycle/etc.), fuel type (gas/diesel/hybrid/electric), and whether it is a personal vehicle or a business vehicle. For repeat visits using the same vehicle, press need only provide date, name, and vehicle license plate. For parking on weekends, call the PPO Duty Officer at 703-678-6162.

News media may request temporary parking clearance for up to 5 days per month. Press can request an exception from the PPO for more days only on a case-by-case basis.

Overnight parking at the Pentagon is not permitted for members of the news media. Overnight parking is considered parking for more than 24 hours at a time.

Access on Weekends

If news media need to access the Pentagon on weekends, holidays, or when the pedestrian bridge between the Connector Lot and River Entrance is closed, news media may park in the press parking area and walk along Connector Road to River Road, go through a pedestrian turnstile, and continue walking up the River Road to Mug Handle to get to the River Entrance, which is open 24/7. See Appendix E for a depiction of the route. Note that those without a "P" parking permit must still provide their vehicle information to the PPO Duty Officer at 703-678-6162.

Mall Entrance Temporary Parking

News media crews that are doing a stand-up at the Mall Entrance location may request Mall parking. Mall Entrance parking is by reservation only. News media should contact the PPO Support Team at 703-697-5131 at least two hours prior to their arrival to request Mall Entrance parking clearance and must provide the same information as for regular press parking (see above) with the addition of time and arrival. Note that due to demand, there may be times when parking in the Mall Entrance lot is restricted to four hours per day. Visiting press who need to be at the Pentagon all day should park either in regular press parking or at the Mall Entrance. Parking at the Mall Entrance is by numbered spaces; PPO will provide the numbered parking space for each vehicle when Mall Entrance Parking is requested.

Filming/Photography

Filming, photography, and audio recording on the Pentagon Reservation is prohibited, unless approved in advance. In accordance with 32 CFR § 234.15 — Use of visual recording devices:

- (a) The use of cameras or other visual recording devices on the Pentagon Reservation is prohibited, unless the use of such items are approved by the Pentagon Force Protection Agency, the Installation Commander, or the Office of the Assistant to the Secretary of War for Public Affairs.
- (b) It shall be unlawful to make any photograph, sketch, picture, drawing, map or graphical representation of the Pentagon Reservation without first obtaining permission of the Pentagon Force Protection Agency or the Office of the Assistant to the Secretary of War for Public Affairs.

Note that this prohibition applies to the use of apps on mobile devices that utilize the front-facing camera lens, such as "FaceTime" or the taking of "selfies."

News media visiting the National Pentagon 9/11 Memorial in their personal capacity, not as a member of the press, may take photos using their personal devices. Filming or photography in the Memorial for a news media interview or to obtain b-roll requires an exception, as described below under Filming/Photography Exception Requests.

Filming/Photography Pre-Approved Exceptions

News media do not need to obtain permission in advance for filming, photography, or audio recording in the following circumstances:

- Press events in the Pentagon Briefing Room.
- Press events announced by OATSW(PA), the public affairs office for the Office of the Chairman of the Joint Chiefs of Staff, or the public affairs offices of the Military Departments or Headquarters, U.S. Marine Corps, that are not located in the Pentagon Briefing Room. Examples would include honor cordons and events at the Pentagon River Terrace Parade Field, the Pentagon Auditorium, and the Pentagon Center Courtyard.
- Unilateral news media stand-ups in the Pentagon Briefing Room, if approved, at the designated stand-up location outside the Mall Entrance, or live or recorded shots inside the network studio rooms in the Correspondent's Corridor.
- Recording audio of off-camera interviews approved and monitored by authorized DoW public affairs personnel.

Filming/Photography Exception Requests

The filming/photography exception requests discussed below require public affairs escort from either OATSW(PA) or the sponsoring public affairs office, regardless of whether the news media involved have a current PFAC or are visiting press.

- News media desiring to obtain b-roll or stock footage or photos of the Pentagon interior or exterior must submit a request to PPO a minimum of one week in advance to obtain permission. If this request is in conjunction with a press event sponsored by a public affairs office other than OATSW(PA), submit the request through the sponsoring public affairs office. Requests should include date and times and either the exact location or sufficient information for the public affairs office to determine the best available locations for the footage or photos.
- News media desiring to film DoW officials standing or walking in a corridor in conjunction with an interview must submit a request through the sponsoring public affairs office to PPO a minimum of one week in advance to obtain permission. Request must include date, time, and exact location.
- News media desiring to photograph DoW officials in their offices or conference rooms in conjunction with an interview must submit their request through the sponsoring public affairs office to the security manager for that space.

- News media desiring to obtain b-roll or interview or film anyone inside the National Pentagon 9/11 Memorial must submit a DD Form 2798, "Application/Permit for Use of Space on the Pentagon Reservation," at least one week in advance to the Pentagon Facility Operations Division Special Events Office at whs.pentagon.fsd.mbx.pbmo-special-events@mail.mil. You can download a DD Form 2798 here: https://www.esd.whs.mil/Directives/forms/dd2500_2999/DD2798/

Filming/Photography from the Press Parking Area

News media desiring to do a stand-up or film from the grassy hill next to the press parking area (see Appendix E) should submit a request to PPO no later than three hours in advance. Requests should include the date, time, and the number of personnel in the crew. Once approved, filming from the grassy hill does not require public affairs escort.

Pandemics, National Health Emergencies, and Other Contingencies

During a declared pandemic or national health emergency, the DoW will protect the workforce while continuing to perform its national security mission. Protecting the workforce may entail the adoption of personal protective measures, restrictions on access to the Pentagon for essential functions only, symptom screenings, or other measures.

In the event of a declared pandemic or national health emergency, news media entering the Pentagon are expected to follow the same personal protective measures as DoW personnel and as required by Health Protection Condition (HPCON) announcements. Failure or refusal to comply may result in a loss of access, ranging from temporary suspension to revocation of PFACs.

Additionally, news media are not considered essential personnel. During a declared pandemic or national health emergency, news media may temporarily be denied physical access to the Pentagon.

During other general emergency contingencies (e.g., fires, active shooters, natural disasters, utility outages), news media physical access to the Pentagon may be temporarily curtailed or denied.

NAME: _____ DATE: _____

Acknowledgements

Please read and initial each of the below:

____ I understand that PFACs are extended as a courtesy to media members who work full-time in the Pentagon or who meet the minimum monthly visit frequency. PFACs may be revoked or not renewed for individuals who do not meet the frequency requirement.

____ I understand that securing my PFAC is my responsibility. I understand that I must immediately report a lost PFAC.

____ I understand that I must wear my PFAC and APIB above my waist at all times.

____ I understand that I and my belongings are subject to inspection when on the Pentagon reservation.

____ I understand that I am responsible for the physical security of my work area, including ensuring that doors are locked and properly secured, where applicable.

____ I understand that as a non-government employee, while a PFAC is my authorized means of entering the Pentagon, a PFAC does not allow me unfettered access to all of the Pentagon. I have been briefed on the physical control measures for news media access and understand which areas require escort even though I have a PFAC. I acknowledge that I must obtain an escort for the required escort areas and must remain with my escort at all times in those areas.

____ I understand that a property pass is required to remove property from the building that is not readily identifiable as personal. Property passes may be obtained from Pentagon Press Operations, room 2D961, during normal working hours.

____ I understand that any type of visual or audio recording on the Pentagon Reservation, including the use of a cell phone camera, is prohibited, unless approved in advance, in accordance with 32 CFR § 234.15.

____ I acknowledge receipt and briefing of the "Pentagon Reservation In-brief for Media Members," with Appendices A-E, including Appendix A, which includes the standard and procedures for denying, revoking, or not renewing a PFAC.

____ I acknowledge that a PFAC may be denied, revoked, or not renewed if a person is reasonably determined to pose a security or safety risk to DoW personnel or property. I understand that such an initial determination may result in an immediate suspension of my Pentagon access while the procedures preceding a final determination are pending. I acknowledge that such a determination may be based on the unauthorized access, attempted unauthorized access, or unauthorized disclosure of CNSI or CUI.

____ I acknowledge that during a declared pandemic or national health emergency, I must follow the same personal protective measures as prescribed for Pentagon personnel when entering the building. This may include not entering the building if I am not feeling well or am experiencing symptoms. I acknowledge that I may be randomly selected for screening for symptoms or the pandemic disease when entering the building or may be required to participate in screening testing program. I acknowledge that failure to comply with the measures in any Health Protection Condition announcement could result in temporary denial of access or revocation of my PFAC. I acknowledge that as a civilian who is not a DoW employee, I could temporarily be denied access to the Pentagon during a declared pandemic, national health emergency, or other emergency contingency.

____ I acknowledge that if I am issued a "P" parking permit, that I will be required to return it to the PPO upon completion of my media/press duties, or upon the expiration of the "P" parking permit.

____ I have been briefed on the safety and security requirements and agree to abide by the provisions outlined above.

Signature -- Administering Official

Signature -- Media Member

New Badge Expiration Date _____

Email address _____

Work phone _____ Cell phone _____

APPENDIX A
DENIAL, REVOCATION, OR NON-RENEWAL OF PENTAGON FACILITY
ALTERNATIVE CREDENTIALS.

A. Reason for Denial, Revocation, or Non-Renewal. The Director, PFPA, or designee, shall deny, revoke, or refuse to renew the PFAC of any person reasonably determined to pose a security or safety risk to DoW personnel or property. Persons presumed to present such a risk include, but are not limited to, those who have been convicted of any offense involving:

- (1) National defense (such as treason, sabotage, terrorism, or espionage).
- (2) The use, attempted use, or threatened use of physical force against another person (such as murder, manslaughter, assault, rape, robbery, or kidnapping) or conduct that presents a serious potential risk of physical injury to another (such as arson, burglary, or the unlawful possession of explosives or firearms).
- (3) Unlawful manufacturing or distribution of drugs.
- (4) Threatening or harassing communications.
- (5) Theft, embezzlement, trespassing, or property destruction.
- (6) Fraud or deceit.
- (7) Prostitution or other prohibited sexual conduct.
- (8) Engaging in operations and activities that are unsafe, fail to abate an identified hazard, endanger others, or create a condition immediately dangerous to life health.
- (9) Unprofessional conduct that might serve to disrupt Pentagon operations.

Additionally, actions other than conviction may be deemed to pose a security or safety risk, such as attempts to improperly obtain CNSI or CUI, or being found in physical possession of CNSI or CUI without reporting it.

B. Procedures for Denial, Revocation, or Non-Renewal. If the Director, PFPA, or designee, anticipates that a PFAC might be denied, revoked, or not renewed, the applicant or his or her authorizing official shall be notified in writing by the Director, PFPA, or designee, of the basis for the proposed denial, in as much detail as security considerations permit. When an individual's PFAC has been denied, revoked, not renewed, or suspended, both unescorted and escorted access to any DoW facility is terminated.

- (1) The notification of proposed denial, revocation, or non-renewal shall inform the applicant of the right to respond to and rebut any factual basis supporting the proposed denial, revocation, or non-renewal.

(2) The applicant will be allowed 30 days from the mailing date of the proposed denial, revocation, or non-renewal notification to make an appeal appointment with the Director, Pentagon Access Control Branch (PACB).

(3) If the applicant or representative is unable to schedule an appointment within 30 days, an extension for one additional 30-day period will be granted on receipt of a telephone request to PACB for such an extension.

(4) If mitigating information is presented at the appointment to substantiate a reversal of denial, revocation, or non-renewal, the applicant may receive a DoW Building Pass at that time.

(5) If no mitigating information is presented or if information is presented but is insufficient to substantiate the issuance of a DoW Building Pass, the applicant will be allowed 30 days from the appeal appointment to respond in writing to the Director, PFPA, or designee. The response will consist of any explanation or rebuttal considered appropriate by the applicant and must be signed by the applicant or representative under oath or affirmation.

(6) At the time of the filing of the written response to the notification of the proposed denial, revocation, or non-renewal, the applicant or representative may request, and shall normally be granted, the opportunity to make a personal appearance before the Director, PFPA, or designee, to personally support his or her eligibility for a pass and to rebut or explain the factual basis for the proposed denial. The Director, PFPA, or designee, shall exercise final review authority in the matter.

(7) On the basis of the written or oral response to the proposed denial, revocation, or non-renewal, the Director, PFPA, or designee, shall determine whether further inquiry or investigation on the issues raised is necessary.

(a) If a decision is made that no such inquiry is necessary, a final decision shall be issued.

(b) If a decision is made that further inquiry is necessary, the Director, PFPA, or designee, shall conduct such inquiry as deemed appropriate.

(8) Upon receipt of the applicant's written or oral response explaining or rebutting the factual basis for the proposed denial, revocation, or non-renewal, and upon completion of any additional inquiry, a final decision shall be expeditiously made by the Director, PFPA, or designee. If a final adverse decision is reached, the applicant shall be notified of the final decision in writing. The notification shall state, as precisely as security considerations permit, the factual basis for the denial.

(9) The decision of the Director, PFPA, or designee, under this section shall be conclusive. This section does not confer any rights on any individual or entity and is intended only as internal guidance for the administration of the Department of War.

Appendix B

Additional Press Identifier Badge

FRONT



BACK





SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAY 23 2025

MEMORANDUM FOR RESIDENT AND VISITING PRESS ASSIGNED TO THE
PENTAGON

SUBJECT: Updated Physical Control Measures for Press/Media Access Within the Pentagon

References: (a) DoDM 5200.01, "Volume 3, DoD Information Security Program: Protection of Classified Information," February 24, 2012
(b) Office of Secretary of Defense, Chief of Staff Memorandum: "Efforts to Combat Unauthorized Disclosures," March 21, 2025

The Department of Defense's (DoD) highest priority is the defense of our Nation and our national security. Per reference (a), the protection of classified national intelligence information (CNSI) and sensitive, unclassified information, including information deemed critical to operations security (OPSEC), remains an unwavering imperative for the Department. Per reference (b), the Chief of Staff to the Secretary of Defense recently directed an investigation into unauthorized disclosures.

While the Department remains committed to transparency, the Department is equally obligated to protect CNSI and sensitive information — the unauthorized disclosure of which could put the lives of U.S. Service members in danger. To attain professional balance between press access and OPSEC, the following updated security measures for resident and visiting press are needed to reduce the opportunities for in-person inadvertent and unauthorized disclosures.

Effective immediately, the Secretary of Defense directs the following control measures for all resident and visiting press who have been issued a Pentagon Facilities Alternate Credential (PFAC) for the Pentagon:

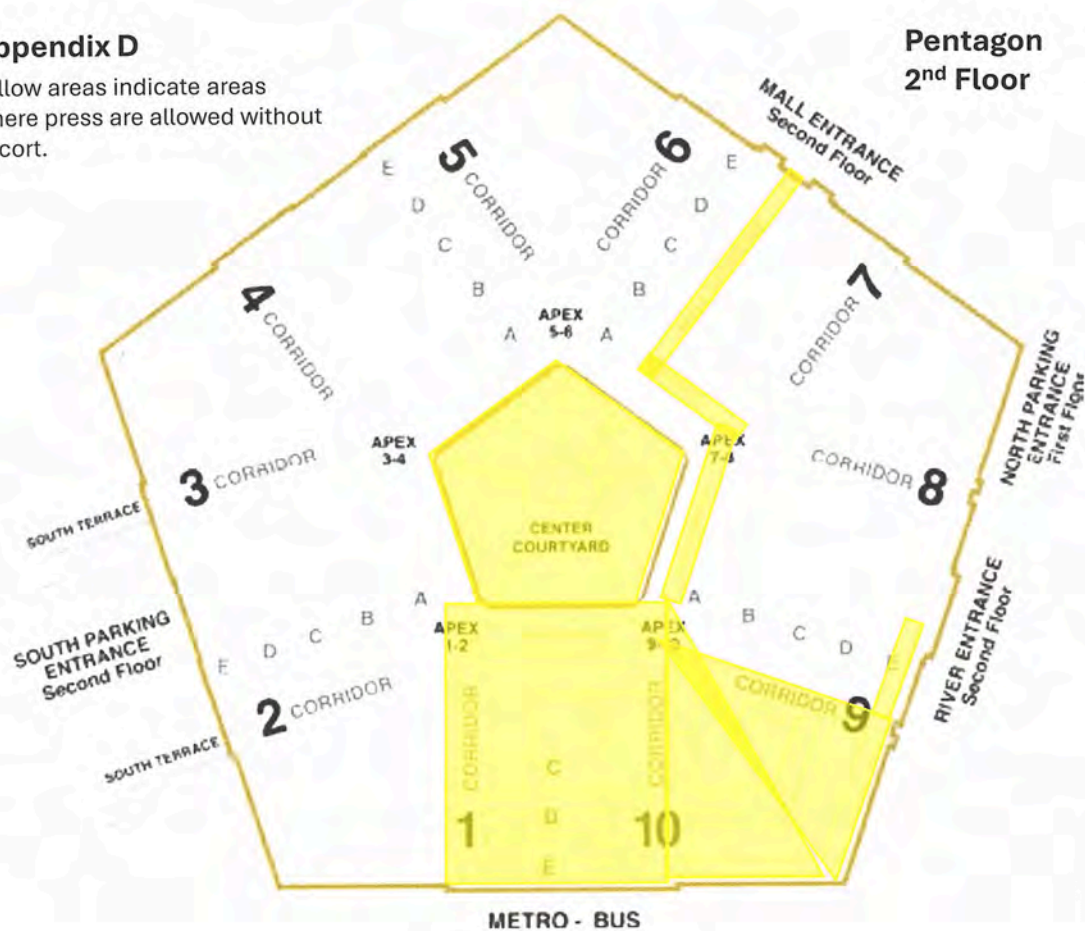
1. Press/media are not authorized entry/access to the Secretary of Defense physical office spaces located on the 3rd floor, ring E, between corridors 9 and 8 without an official approval and escort from the Office of the Assistant to the Secretary of Defense for Public Affairs (OATSD(PA)).
2. Press/media are not authorized entry/access to the Joint Staff physical office spaces located on the 2nd floor between corridors 9 and 7, rings A through E, without official approval from the Office of the Secretary of Defense for Public Affairs (OSD(PA)) and escort by personnel from the Joint Staff Public Affairs Office.
3. Press/media are only authorized unescorted access in the Pentagon on rings A through E on the 2nd floor of the Pentagon between the "Metro Entrance" at corridors 1 and 10 and the "River Entrance" at corridors 8 and 9 via and to the Pentagon Courtyard and Food Court (located between corridor 1 and 10 on the 1st Floor). The exception is noted in paragraph 2 (above).
4. If press require access to other areas/offices within the Pentagon for "in-person"



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Appendix D

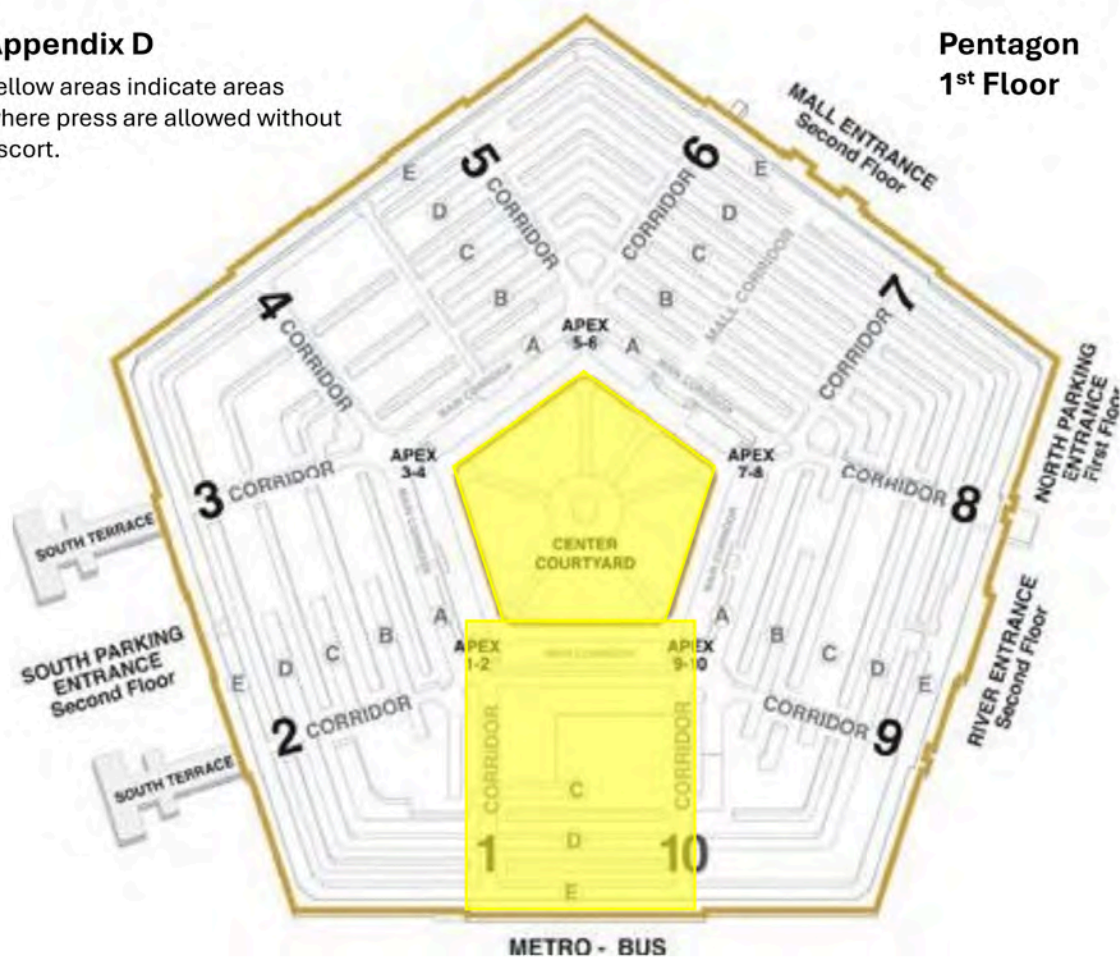
Yellow areas indicate areas where press are allowed without escort.

**Pentagon
2nd Floor**

Appendix D

Yellow areas indicate areas where press are allowed without escort.

Pentagon 1st Floor





Appendix E

EXHIBIT F



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAY 23 2025

MEMORANDUM FOR RESIDENT AND VISITING PRESS ASSIGNED TO THE
PENTAGON

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interviews (or other engagements), they are required to be formally escorted to-and-from those respective offices by authorized DoD personnel from those specific offices/Agencies/Military Departments.

5. Press/media are no longer authorized access to the Pentagon Athletic Center.

In coming weeks, Pentagon Press Corps members will be required to complete an updated in-briefing form explaining their responsibilities to protect CNSI and sensitive information and reissued a new style of PFAC with a clearer "PRESS" identifier on their badge. We also anticipate a forthcoming announcement of additional security measures and enhanced scrutiny on the issuance of PFACs.

OSD(PA) will coordinate the Pentagon Force Protection Agency to ensure compliance with these additional security controls, including new PFACs. Failure by any member of the resident or visiting press to comply with these control measures will result in further restrictions and possibly revocation of press credentials.

PRK
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