

White House Press Pass Policy Ordered Changed

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The U.S. Court of Appeals yesterday ruled that the Secret Service must draw up guidelines concerning the issuance of White House press credentials, and allow rejected reporters to appeal any denial of those press passes.

The ruling sets aside a policy by which the Secret Service could refuse to issue press passes to reporters without giving reasons for the denial.

In affirming a lower court ruling by U.S. District Court Judge William B. Jones, the appellate court noted that the standard for denial of a press pass "has never been formally articulated or published."

The court said the phrase often used by the Secret Service for denying the passes—"reasons of security"—is "unnecessarily vague and subject to ambiguous interpretation."

In its opinion, written by U.S. Circuit Court Judge Carl McGowan, the three-judge appellate panel said the Secret Service must "make publicly known the actual standard employed in determining whether an otherwise eligible journalist will obtain a White House press pass."

The suit was brought by the American Civil Liberties Union on behalf of writer Robert Sherrill, who was denied a press pass at the White House in 1966 without explanation.

In 1972, Sherrill attempted through the ACLU to find out why the pass had been denied him and received a letter that reminded him that he "had been arrested and fined for physical assault in the State of Florida."

Sherrill said that was the first indication that he might be considered a security risk because of his arrest and fine for assaulting the press secretary

to the Florida governor several years earlier. In addition, according to the opinion, Sherrill had been charged with assault in Texas in 1962.

There was no specific finding by the Secret Service, however, that Sherrill was considered a threat to the President's safety and that he was denied a pass for that reason, if that in fact was the reason.

Sherrill argued in his suit that the denial of press credentials may have been linked to the publication at that time of one of his books, "The Accidental President," which was highly critical of then-President Johnson.

"Given these important First Amendment rights implicated by refusal to grant White House press passes to bona fide Washington journalists, such refusal must be based on a compelling governmental interest," the court said. U.S. Circuit Court Judges Harold Leventhal and Roger Robb agreed with McGowan's opinion.

If the Secret Service denies a request for a press pass, it must inform the applicant in writing of the reasons for the refusal and give the applicant an opportunity to respond, the court added.