



Written by [R. Cort Kirkwood](#) on November 19, 2018

White House to Acosta: Buh-Bye; CNN: We Run White House Press Room

It's official. [The White House will again](#) ban CNN's Jim Acosta because of his antics on November 7.

And CNN has already filed for an emergency hearing with the federal court that reinstated Acosta after the White House kicked him out the first time.

The question is whether the judge will respect the separation of powers, or turn effective control of the White House press room over to CNN and the anti-Trump leftist media.



For now, however, Acosta's days agitating for the Left inside the White House are numbered.

The Letter

Acosta received the bad news [in a letter](#) from White House spokeswoman Sarah Huckabee Sanders and communications chief Bill Shine, who explained very clearly why they would suspend Acosta's press pass.

The letter cites [Acosta's ridiculous behavior](#) at the presser of November 7, where he argued with the president and refused to turn over a microphone to an intern. The video shows Acosta struggling to keep the mic away from the intern while continuing to babble at Trump.

The letter then lays out the reasons clearly. The White House, [they wrote](#), "does not have a written code of conduct" for Acosta and his colleagues. Officials didn't think they needed a "set of formal rules" because they were generally understood.

A reporter can ask one question and must "yield the floor unless, at the discretion of the President or other White House official answering questions, a follow-up question or questions is permitted, after which follow-up(s), the journalist will then yield the floor; and (2) when a journalist has had his or her question(s) answered, the journalist is expected to yield the floor and, when applicable, physically surrender any microphone the journalist is using to White House staff for use by the next questioner."

But [Acosta broke](#) those unwritten rules, [they wrote](#), and "violated the basic standards governing such events," and thus, provided a "sufficient factual basis to revoke your hard pass."

Acosta had until last night until 5 p.m. to submit an e-mailed answer, otherwise the suspension was final. If he had contested the decision, he would have received an answer by 3 p.m. today.

Acosta keeps his hard pass while the temporary restraining order is in effect for two more weeks.

CNN Goes to Court

CNN immediately went to the U.S. District Court of Appeals for relief. Judge Timothy J. Kelly, a Trump appointee, [gave CNN what it wanted](#) last week.



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The new filing, [CNN reported](#), claims that the White House did not answer a CNN “offer to cooperate” in settling the matter, as if the White House has to “settle” with a media organization in making rules for press conference.

CNN accused the White House of an “attempt to provide retroactive due process.” The judge cited CNN’s and Acosta’s due-process right under the Fifth Amendment as one reason for reinstating Acosta’s pass.

[CNN wants](#) the judge “to set a schedule of deadlines for motions and hearings that would give the network the chance to win a preliminary injunction, a longer form of court-ordered protection to Acosta’s press pass,” the anti-Trump network reported. CNN wants a hearing next week or as soon afterward as possible.

[The White House argued](#) that the matter was hardly an emergency. “Far from constituting an ‘emergency,’” the government’s lawyers argued, “the White House’s initiation of a process to consider suspending Mr. Acosta’s hard pass is something this Court’s Order anticipated.”

The judge’s order last week called for an update at 3 p.m. today, but the government asked for an extension of that deadline given that it will issue a final determination at that same time.

If Acosta Acts Up, He’s Gone

The president, meanwhile, explained what will happen to Acosta if he doesn’t behave himself.

First, [he told Chris Wallace of Fox News](#), he’ll bolt the conference. Additionally, the White House is writing rules for decorum in news conferences, and if Acosta acts up, “we’ll throw him out or we’ll stop the news conference.”

“If I think somebody is acting out of sorts, I will leave,” Trump said. “And those reporters will not be too friendly to whoever it is that’s acting up.”

The question, as [The New American has reported](#), is whether the president [has the power](#) to control his own press conferences without interference from meddling judges. That is, does a federal judge have the constitutional authority to micromanage the rules of the White House press room? If the White House cannot remove a recalcitrant reporter, who can it remove and what reasons must it provide?

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