



January 29, 2026

VIA ELECTRONIC MAIL

Speaker Laurie Jinkins
339C Legislative Building
416 Sid Snyder Ave. S.W.
Olympia, WA 98504

Bernard Dean
Chief Clerk of House of Representatives
Legislative Building
Room 338B
Olympia, WA 98504

Jerry Cornfield
Representative
Washington State Capitol Correspondents Association (CCA)

RE: Denial of Press Pass for Ari Hoffman

Dear Speaker Jinkins, Chief Clerk Dean, and Mr. Cornfield,

I have the pleasure of representing Mr. Ari Hoffman, I understand via communication from the House clerk's office that he is being denied a press pass for today's session which happens to be also Jewish Advocacy Day. *See attachment A, Jan. 28, 2026, Letter from Bernard Dean, Chief Clerk.* Although the email to my client lists no process, procedure or legal grounds for an appeal and the legislature is exempt from the Administrative Procedures Act under RCW 34.05.010(2), please accept this email as an appeal of the denial and a respectful request for the reasons outlined in this letter that the House of Representatives reconsider this decision. To the extent that the Washington State Capitol Correspondents Association has a role in providing and enforcing guidelines and approving which members of the press get access to legislative areas I am also asking them to reconsider the decision to deny my client's permit.

The first issue is that the failure of the House to publish clear guidelines in this matter and its delegation to a professional association to determine who is a "bono fide journalist" violates my client's right to freedom of press and free speech. It should be noted that the Capitol

Correspondents Association does not have a website, and we can find no registration with the Secretary of State's office.

As courts across the nation have long affirmed, “newsgathering is an activity protected by the First Amendment,” *United States v. Sherman*, 581 F.2d 1358, 1361 (9th Cir. 1978), which includes the “right of access for the press ... to observe government activities,” *Leigh v. Salazar*, 677 F.3d 892, 897–98 (9th Cir. 2012). A free press is of utmost importance to our Nation, as “the media are ‘surrogates for the public’” and “the guardian of the public interest.” *Id.* As such, any restrictions on the right of a free press to collect and report on news concerning the government's activities constitutes a serious harm that must immediately be remedied, because “[w]here the precious First Amendment right of freedom of the press is at issue, the prevention of access to a public forum is, each day, an irreparable injury.” *Jacobsen v. U.S. Postal Serv.*, 812 F.2d 1151, 1154 (9th Cir. 1987).

Based on the importance of the free press and the corresponding right to access public forums, courts routinely strike down restrictions used to deny press credentials to reporters for spurious or conflicting reasons. As a principal matter, any restrictions on the issuance of press passes and their specific requirements must be published and cannot be based on vague claims regarding “security” concerns or ambiguous criteria. *See Sherrill v. Knight*, 569 F.2d 124, 130 (D.C. Cir. 1977). In fact, the failure to publish those requirements is itself a separate violation of reporters' due process rights under the Fourteenth Amendment. *See Alaska Landmine, LLC v. Dunleavy*, 514 F. Supp. 3d 1123, 1134 (D. Alaska 2021) (granting injunction because “Plaintiffs are likely to succeed on their due process claims given the government's failure to memorialize an explicit and meaningful standard governing its denial of press conference access”).

Nor does the availability of a “day pass” constitute an adequate substitute for full credentials, as it also burdens reporters' First Amendment rights by requiring advanced screening or limiting the extent of their access. *See Ateba v. Jean-Pierre*, 706 F. Supp. 3d 63, 77–78 (D.D.C. 2023) (denying alternative of a day pass and noting “that the White House Correspondents Association has remarked in previous litigation that ‘without the access that a hard pass grants, a White House correspondent cannot effectively perform his or her duties’”). Moreover, restrictions cannot be imposed on the tenuous grounds that a reporter is simply a part-time “blogger,” *see Dunleavy*, 514 F. Supp. 3d at 1134, or that they “take sides, especially in political contests,” *Borreca v. Fasi*, 369 F. Supp. 906, 910 (D. Haw. 1974); *see also TGP Commc'ns, LLC v. Sellers*, 2022 WL 17484331, at 4 (9th Cir. 2022) (enjoining restriction of press pass, which relied on claim that the reporter “participate[d] in political party events and associate[d] with people and groups that demonstrate an inability to avoid real or perceived conflicts of interest”). As a fundamental matter, such content and viewpoint-based restrictions violate core First Amendment rights, and there is no compelling government interest in avoiding criticism from reporters or commentators who they wish to avoid. *See Id.*

You may recall that these exact arguments were raised last year when other members of the media were denied press access. To paraphrase Yogi Berra this feels like de je vu all over again. Please reconsider the denial in light of the constitutional and legal arguments raised above.

Furthermore, the guideline relied upon by the clerk for the denial that “[t]he press should act as an independent observer and monitor of the proceedings, not an involved party” is not being consistently applied. For example, here is a link on an article regarding the testimony by multiple press outlets in support of SB 5400 in 2025. <https://newspapers.org/stories/incredible-support-for-washington-bill-for-local-journalism.4165508> This is not to say that these organizations and reporters should not have supported this legislation, but rather to point out that the line “between professional journalism and political policy work” is not clear and is difficult to enforce effectively or legally.

In addition, the letter from Mr. Dean erroneously implies that the chamber wings during floor activity are “otherwise viewable from the House galleries and TVW.” This is not correct. Although brief glimpses of the wings may be viewable through curtains depending upon a particular camera angle, the wings are not usually viewable on TVW in the galleries in the same manner as floor action. Also, as I’m sure you are aware, members of the press have the opportunity to ask members of the legislature for comment in the wings which my client will not be able to do in the absence of a press pass. It is simply incorrect to say that the denial of the press pass will not impact my client’s ability to do his work as a member of the media.

PUBLIC RECORDS REQUEST

Please also consider this letter as a public records request to each of you individually as well as any employee or Legislator of the House of Representatives and to the Washington State Capitol Correspondents Association (to the extent it constitutes an agency of the state regarding press access to the Legislature) pursuant to Washington state law for the following:

- (a) Any records regarding the denial of the press pass to Ari Hoffman that is the subject of this letter including any rules, policies, or guidelines used by the House of Representatives, Chief Clerk Bernard Dean, and/or Washington State Capitol Correspondents Association in making the decision to deny the press pass to Ari Hoffman.

Please produce any responsive records in electronic format via email to jackson@citizenactiondefense.org or through a file-sharing service. If you do not have a cloud-based sharing method and the responsive records are too large to send via email, please let us know and our office will coordinate with you to utilize a file-sharing service. If records responsive to these requests may be produced in installments, please do so as soon as they are available. If there are any fees associated with searching for and copying the requested records, please inform us if those costs exceed \$100.00 prior to producing those documents to our office.

If you deny any part of this request or redact any information from responsive records, please provide a log in compliance with applicable law that describes the reason for the denial and cite each specific exemption that justifies the refusal to release the record, in whole or in part.

Thank you for your time and attention to this matter. Please feel free to contact me should you have any questions or wish to discuss further.

Respectfully,

A handwritten signature in blue ink, reading "Jackson Maynard, Jr." in a cursive style.

Jackson Maynard
Executive Director and Counsel
Citizen Action Defense Fund
111 21st Ave SW
Olympia, WA 98501
(850) 519-3495

ATTACHMENT 1

OFFICE OF THE
CHIEF CLERK

State of
Washington
House of
Representatives



January 28, 2026

Mr. Hoffman,

The House, in part, looks to the Capitol Correspondents' Association (CCA) to make recommendations regarding whether a press pass applicant is a bona fide journalist or not. Based on your recent engagement in public policy development and advocacy, your request for a House Press pass was denied. This decision was made irrespective of your broadcast work.

As stated in the CCA guidelines: "It is important that a line be established between professional journalism and political or policy work. This is the spirit in which the Legislature has offered access: The press should act as an independent observer and monitor of the proceedings, not an involved party."

That said, they also state: "In some cases, professional journalists have crossed back and forth between being a journalist and being involved in political work. Some even have run for office. Since credentials must be renewed with each legislative session, an assessment of a credential-seeker's current or potential political involvement will be undertaken each year – meaning that someone might qualify for a press credential one year, but not the following, depending on their outside activities."

Also, please note that a press pass does not impact your ability to participate in Jewish advocacy day. The press pass provides you with access to the House chamber wings during floor activity, which is otherwise viewable from the House galleries and TVW. Jewish advocacy day is not a House sponsored event, and there are no scheduled activities in House spaces, including the wings.

Absent additional information, the decision to not issue a press pass is upheld. If you have anything else you would like me to consider, please provide it to me. I understand you applied for a pass for tomorrow, January 29, on Monday, January 26. In the future, it is recommended to apply for a daily press pass no later than two weeks prior to when you seek access. Nonetheless, I will endeavor to review any information you provide and get back to you with a timely response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bernard Dean", is written over a light blue horizontal line.

Bernard Dean
Chief Clerk