## D. INNOVATIONS IN CENSORSHIP

### Can the government use cyberattacks against sites like Wikileaks?

### What about going after all the information about WikiLeaks supporters?

### What about books that are already published?

#### What did DOD do with *Operation Dark Heart*?

#### How can the publisher fight this?

#### Would the publisher want to?

### What does the eventual fate of the *Progressive* case tell us about the modern world in which documents get put on the internet and are quickly so dispersed that it is impossible to retrieve them?

### Does blogging merge publishing and reporting – thinking about *Rosen* and the *Pentagon Papers*, how would you argue that a blogger/reporter has more legal protection than a traditional reporter who is not also the publisher?

### What about laws that criminalize publication of certain classified information without a scienter requirement that you believe it would hurt the US?

#### Can these circumvent 1st Amendment protections?

## Department of Justice Report on Review of News Media Policies

### Parse the policy using the handout on the screen.

### What does this memo concern?

### What is the presumption of advance notice?

### When can the AG waive this notice?

### What are Enhanced Approvals and Heightened Standards for Use of Search Warrants and Section 2703(d) Order?

## United States v. Sterling

### What is this case about?

### What legal demand is he fighting?

### When did the Branzburg Court find that a reporter did have some protection against this type of request?

### What crime does defendant have knowledge of?

### What is the only available constitutional claim?

### Does the common law recognize a reporter privilege?

### What does Federal Rule of Evidence 501, in its current form, provide?

### What is the problem with this court trying to create a privilege?

### How is this different from the psychotherapist-patient privilege that the United States Supreme Court created?