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No procedural safeguards.

⇒ Unconstitutional.

See *Bernstein v. U.S.* and in part *Junger v. Daley*.

Lesson #2: We should have eliminated approval procedure, simply banned everything.

**Warrants for searches**

Eavesdropping requires warrant.

Fourth Amendment “requires adherence to judicial processes: searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable—subject only to a few specifically established and well delineated exceptions.”
Judicial review

Classic “prior restraint”:
before communicating you must submit content to a censor who decides whether communication is allowed.

Freedman v. Maryland, 380 U.S. 51 (1965): Prior restraint must have procedural protections:
(1) judge deciding whether content is protected speech;
(2) burden of proof on censor;
(3) adversarial proceedings;
(4) brief time limits.

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We need to undermine these court decisions.

Strategy: Accuse communicators of being child pornographers, drug dealers, etc.

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