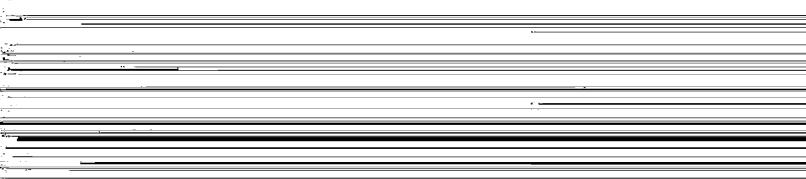
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a statute that was silent as to judicial review with a statute that contemplates judicial review that is constitutionally inadequate at best and, in many cases, wholly illusory.<sup>2</sup>

wholly illusory."	
A. The amended gag scheme imposes a prior restraint and is therefore	
presumptively invalid.	
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	"burden of going to court" rests on the speaker rather that	an the censor. Although
	the Act requires that the government, prior to the imposi	tion of a gag, certify the
	need for a gag according to specified criteria, see 18 U.S.	S.C. § 2709(c)(1) (as
_	amended by Act 8 116(a)) no court reviews that initial of	
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	a gag is in fact warranted and, if so, what the scope of th	e gag should be and how
	long the gag should endure.3 Instead, the executive imp	oses the gag unitaterally,
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	that where any of a set of specified government officials certifies that lifting a gag
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	"may" endanger national security or interfere with diplomatic relations, the reviewing court must take such a certification as <i>conclusive</i> absent bad faith. 18 U.S.C. § 3511(b)(2), (b)(3) (as inserted by Act § 115(2)). This near-complete deference is a
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e e e e e e e e e e e e e e e e e e e	see Gov't Ltr., at 5, is tantamount to abandonment of its appeal in that case: the
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	31 ("The defendants are hereby enjoined from enforcing 18 ILS C 8 2709(c)
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<b>&gt;</b>	
· · · · · ·	against the plaintiffs with regard to Doe's identity."). The Court should therefore dismiss the appeal in No. 05-4896.

The government's argument that it is entitled to vacatur is foreclosed by U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship, 513 U.S. 18 (1994). Here, as in Bancorp, the judgment at issue "is not unreviewable, but simply unreviewed by