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# Judge rules The New York Times must destroy documents and not publish reporting on conservative group

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A New York state court ruled that the New York Times had to return legal memos written by an attorney for Project Veritas. Mike Coppola/Getty Images.

- A New York state judge ruled on Friday that The New York Times should return documents it obtained about the conservative group Project Veritas.
- The court ruled that the documents, written by a lawyer for the group, are privileged.
- The New York Times said it would appeal the decision, with publisher A.G. Sulzberger saying it should "raise alarms" for press freedom.
- "Justice Wood has taken it upon himself to decide what The Times can and cannot report on. That's not how the First Amendment is supposed to work," the paper's [editorial board wrote](#).

The New York Times must return memos it obtained that were written by an attorney for the conservative activist group Project Veritas, a judge in New York ruled Friday.

[The ruling](#) by New York state court judge Charles Wood affirms his temporary order last month in favor of the conservative activist group. The developments prevent The New York Times from reporting on memos written years ago by Project Veritas' attorney Benjamin Barr, which the paper had published last month, along with a story about how the conservative group, notorious for sting operations often conducted under false names or with hidden cameras, obtains information.

The New York Times story in question, "[Project Veritas and the Line Between Journalism and Political Spying](#)," had



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then-President Donald Trump.

Wood, a Republican who has held office since 2010, rejected The New York Times' argument that the memos involved issues of public concern. "It is not the public's business to be privy to the legal advice that this plaintiff or any other client receives from its counsel," he wrote in his ruling.

The ruling also orders The New York Times to give back the documents obtained by its journalists over the course of reporting on Project Veritas' methods, a development The Times' publisher, A.G. Sulzberger, said has "no apparent precedent," and argued that it "could present obvious risks to exposing sources," according to his statement Friday.

"This ruling should raise alarms not just for advocates of press freedoms but for anyone concerned about the dangers of government overreach into what the public can and cannot know," Sulzberger said. "In defiance of law settled in the Pentagon Papers case, this judge has barred The Times from publishing information about a prominent and influential organization that was obtained legally in the ordinary course of reporting."

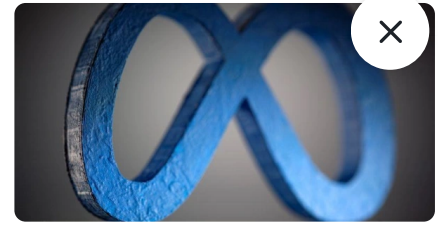
"Justice Wood has taken it upon himself to decide what The Times can and cannot report on. That's not how the First Amendment is supposed to work," the paper's editorial board [wrote on Friday](#).

The newspaper is appealing the ruling, according to Sulzberger's statement.

Wood's order is the latest development in the ongoing defamation suit filed by Project Veritas in November 2020 over the New York Times' coverage of a Project Veritas video that purported to demonstrate alleged voter fraud efforts in Minnesota. A series of NYT stories at the time had reported that the video was part of an orchestrated "disinformation campaign" by Project Veritas.

While the parties await a decision on how their dispute over those stories should proceed, Wood's latest ruling

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Project Veritas founder James O'Keefe's name in New York, apparently as part of an investigation into a diary missing from Ashley Biden, the daughter of President Joe Biden.

"Today's ruling affirms that the New York Times' behavior was irregular and outside the boundaries of law," Elizabeth Locke, an attorney for Project Veritas, said in a statement. "The Court's thoughtful and well researched opinion is a victory for the First Amendment for all journalists and affirms the sanctity of the attorney-client relationship."

O'Keefe said in his own statement Friday, "the Times is so blinded by its hatred of Project Veritas that everything it does results in a self-inflicted wound."

The New York Times' attorneys have argued in the case that the memos written by Barr were fair game and had public interest value.

"A news organization is not prevented from reporting on newsworthy information (even attorney-client privileged information) that is independently obtained outside of the discovery process," attorneys for The New York Times argued in a November filing in the case.

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