

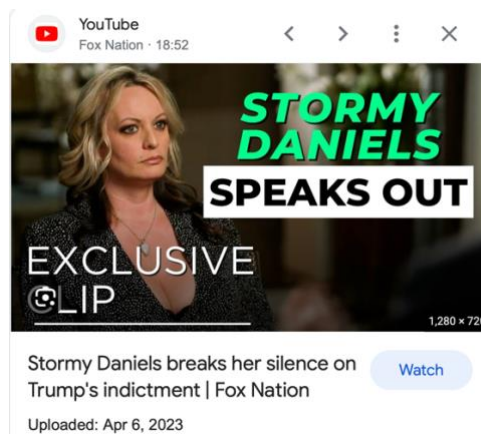
## Questions on Milton, *Aeropagitica*, and Rosenberg, “Stormy Daniels, Prior Restraints, etc”

1. Milton held that the “order of licensing [requiring government permission before a book may be published] conduces nothing to the end for which it was framed.” What is that end? Why does it “conduce” nothing to it?

2. Milton wrote: “The scanning of error [is necessary to] the confirmation of truth.” And: “scouting the regions of... falsity” is done most “safely and with less danger” by “reading all manner of tractates and hearing all manner of reason.” Later, famously: “though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously...to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?” These are his premises in his argument against licensing. Are they true? Would they make for a good argument, not just against prior restraint, but also against punishment for speech after-the-fact?

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3. Judge Stewart asked, during oral arguments in *Times v US*: What if the court were convinced that “disclosure [of the Pentagon Papers] would result in the sentencing to death of a hundred young men whose only offense had been that they were nineteen years old and had low draft numbers. What should we do?” The *Times* lawyer said: prevent publication. Judge Black implied: allow it to go forward. Who do you think was right? Do the details of how this would “result” matter?



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Fall 2023

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