## *US v. The Progressive, Inc.*, 467 F. Supp. 990 (W.D. Wis. 1979)

### This may be the only actual federal judge ordered prior restraint.

### What was the article about?

### What made the restraint so absurd?

### Why did the government eventually drop the case?

## Notes

### What did Edward Teller advise about government science secrets?

### How do the intent provisions of the espionage laws complicate prosecuting journalists and publishers?

### How does the conspiracy law, 18 U.S.C. §793(g) complicate the scienter requirement?

#### Can you violate the conspiracy law without the intent necessary to be convicted under the espionage laws?

### 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?

### Where does Wikileaks fit in this analysis?

#### Is it a publisher?

#### A journalist?

#### Did the information arrive unsolicited as in the *Pentagon Papers* case?

#### What was its intent?

#### 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?