

Judge bombs in free speech ruling

Indicating he'd rather be wrong than sorry, federal district Judge Robert Warren has prevented *The Progressive* magazine from publishing "The Hydrogen Bomb Secret: How We Got It, Why We're Telling It." The decision, undoubtedly headed for higher judicial ground, is a dangerous one.

When *The Progressive* assigned freelance writer Howard Morland last fall to write a piece on secrecy in the United States' nuclear weapons program, it hoped to discover whether the blanket of national security is thrown over too much federal information. Morland chose to focus on one of the government's most mystic secrets — how to blow up whole cities with a single bomb.

The government successfully argued earlier this week that publication of the story would endanger the

nation's security by detailing technical information that could aid foreign nations in developing H-bombs of their own. Federal lawyers contended the article disclosed information protected by the Atomic Energy Act of 1954.

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Warren agreed with the latter, ruling that the government had met its burden of proof under the 25-year-old statute.

But in doing so, the court disallowed nearly 200 years of constitutional tradition, a dangerous first. Perhaps aggravating the danger, the court agreed that Morland and *The Progressive* had disclosed protected information, even though Morland said he

gathered the data through interviews and unclassified materials.

The government's argument that the information in the Morland story would aid foreign nations in developing a nuclear arsenal rings a little hollow. Even if the magazine article contained secret information — *The Progressive* maintains it doesn't — how are other states to acquire enough weapons-quality plutonium and excite it to a "critical mass"? Even with a blueprint and fuel, those nations would need an expensive complement of machinery and a triggering device to set the bomb off. The real secret of nuclear weaponry may not be how to do it, but rather how to get hold of the gear to pull it all off and blow it all up.

At most times, government attempts to end the proliferation of nuclear weapons are to be applauded,

but in dealing with *The Progressive*, federal lawyers have performed the job by muscling a cornerstone of American law — with a federal judge as helper.

Never before has the government successfully halted publication on the ground of security, nuclear or otherwise. Indeed, if the First Amendment means anything, it means non pre-publication censorship.

When dealing with information from the public sector gained by a reporter pursuing a story from on-the-record sources, the court has set a dangerous precedent — one that is not backed by constitutional law.

The decision against *The Progressive* should be overturned in the appellate process.

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Capitol dollars: protecting #1

U. S. senators and representatives seem to relish portraying themselves as "public servants." They appear decidedly less eager, however, to settle for servant's pay.

Recent events in Washington, D.C., demonstrate anew a perennial and apparently compelling Congressional interest in enriching the conditions of public service — a preoccupation that in less genteel parlance might best be called "feathering one's own nest."

Earlier this month, the Senate decided — without a roll-call vote — to delay for four years the imposition of an \$8,600 limit on the amount of outside income they could receive from speaking fees. That limit had been approved by the Senate two years ago to mute criticism for the \$12,900 annual raise Congressmen had given themselves in 1977. Members of Congress now receive \$57,500 in salaries as well as generous personal and staff expense accounts.

Wednesday, by a 54-44 vote, the senators held firm to their postponement of income ceilings — a "temporary" action that one can hardly believe will not become a permanent condition once the public memory lapses sufficiently.

Meanwhile, a House Ways and Means subcommittee is working on a proposal to allow members to the House and Senate a \$50-a-day income tax deduction to help offset the cost of living in Washington. The proposal, which appears to have considerable support in Congress, would bring annual estimated deductions of between \$13,000 and \$14,000. This would translate into an average tax savings of \$4,600 annually per member.

Coming as it does in what social commentators have increasingly designated the "me-first" decade, congressional anxiety over its members' well-being seems congruent with current trends. Members of Congress, of course, have been putting their interests high on the list of public issues for years. In the face of the critical problems facing America, however, this preoccupation with their own incomes becomes noisily short-sighted.

Congress sets an undesirable example for business and labor groups pressing for higher profits and wages while inflation percentages climb back into double digits.

A better example would be provided if the legislators would match their salaries more closely with the average household income of their constituents. Ultimately, those constituents might best ease the expensive pain of D. C. life borne by their representatives by bringing the latter home permanently, say in the next election.



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Atiyeh hurts council's work

Governor Atiyeh's recent actions regarding the Energy Facility Siting Council threaten to destroy the Council's credibility. This seven member Council has been struggling for eight years to decide whether or not to permit construction of the two Pebble Springs Nuclear Plants (at an initial construction cost of over \$3.5 billion).

To remove two members who have served on the Siting Council and its predecessor, the Nuclear and Thermal Energy Council, over eight years each, destroys the purpose of allowing public citizens to decide this question free from political pressure.

To remove two members now when the decision is about to be made, when those two members have expressed doubts about the wisdom of building another plant before safe, permanent waste disposal has been developed is like tampering with a jury. And it has

the effect of stacking the deck, especially when two other members are being left on who have indicated strong favor for more nuclear plants. Those two, Chi Wong and Phil Schneider has served as long as the two who are being tossed off.

The Governor is destroying a process of fair government. If you agree, please write me at the State Capitol, write your legislator demanding the retention of Bill Luch and John Thorpe, write your newspaper, and write to the Governor.

Jan Wyers
State Senator
District 6
Portland

Quotes qualified

With regards to the front page article on March 27th concerning the resignation of our ASUO lobbyist, Ronnie Friedman, I would like to clear up a possible misunderstanding with regards to the

paragraph quotes, "Ronnie was burned out. She wasn't used to this kind of work," Warren said. "She didn't know how dirty the opposition could get."

These were my observations, and my observations only. This quote is in no way should be construed as having come from Ronnie. The entire ASUO shall miss the services of Ronnie Friedman greatly.

Jeff Warren
ASUO Vice-President
State and Federal Affairs

Criticizes ID lack

I found it extremely unfortunate that one of the two winners of the special Olympics (photo, front page, 3/12/79) was not identified. Would the winners of any other sports events be published in the Emerald without their names?

Nancy Pobanz High
graduate, community education
program