

# Editor: Speech freedom may die if not exercised

By Kim Hachiya

Freedom of speech granted by the First Amendment of the U.S. Constitution is a precious national treasure which may die if it is not exercised, according to an editor of a magazine which has its press freedom stifled by the U.S. government in 1979.

Samuel Day, managing editor of *The Progressive Magazine* spoke to a small audience Friday afternoon at the UNL College of Law on press freedom and his magazine's fight to publish an article about the nuclear weapons industry.

The article, written by Howard Morland, a former Air Force pilot with little scientific training, dealt with the secrecy involved in the manufacturing of hydrogen bombs. All of the material used in the article came from Morland's personal research at public libraries, use of industrial brochures and plant tours and interviews with plant personnel.

Copies of the article were sent by *The Progressive's* editors to nuclear experts for an accuracy check. The article was leaked to the Department of Energy without the permission or knowledge of *The Progressive's* editors.

The energy department informed the magazine that the article contained classified information and offered to rewrite the article for the magazine, but forbade the magazine from printing the original story.

*The Progressive* refused this offer and a lawsuit ensued with the magazine being temporarily prohibited from publishing in May 1979.

"I am a legal freak," Day said. "You are looking at one of three people in the 203-history of our republic who has been restrained and enjoined from uttering and publishing on the ground of national security."

The government argued that the article represented a great and irrevocable harm to the nation and the "secrets" divulged would aid other countries or terrorists in getting nuclear weapons.

Day said the government arguments were wrong because it takes several billion dollars simply to build the plants to manufacture the parts for the weapons, regardless of the ability to procure the nuclear fuel.

"Our point is, if Israel or South Africa wanted to build a hydrogen bomb, the last place they'll look is *The Progressive Magazine*," Day said. He pointed out that if Morland and subsequent researchers could gather the information from public sources in a matter of weeks, other governments and agencies could do the same thing.

Day said the magazine also argued that the Atomic Energy Act, which prohibits the release of any information pertaining to nuclear weaponry, was in direct conflict with the First Amendment which states, "Congress shall make no law abridging the freedom of the press."

Day said the government walked away from the case after it saw that other reporters were easily duplicating Morland's story. He said the government also realized the weakness of its case and that public sentiment had turned against it.

The article was finally published in November 1979.

Day said the fundamental lesson learned from the case is that there are no secrets in science or technology because ideas can not be kept secret or suppressed.

He added that Americans must work to keep their First Amendment rights.

"The First Amendment is a very radical principle. It is the heart of the American revolution, allowing us to say any damn thing we want," he said.

"Ours is the only society on earth without an official secrets act. The fact we remain strong without one is a tribute to Americans."

"Only if we speak and if we speak freely will we be able to maintain that right. The First Amendment is a living, breathing instrument which remains strong only so far as it is being used. It will die if it is not exercised."



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