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H-bomb story's appeal risks free press rights

United Press International
MILWAUKEE — Saying "the

ht to life is greater than the right publish," a federal judge has shed the case of The Progressive gazine's hydrogen bomb article ser to a historic test in the Sume Court.

The magazine's editors Monday ected a compromise proposed by S. District Judge Robert Warren allow at least partial publication of

"First Amendment freedom can-t be mediated," Erwin Knoll, tor of the small circulation liberal onthly, said in rejecting the commise. Both Knoll and the arti-'s author say all the information t is from previously published ar-

Warren, noting the historic imtance of his decision, then barred blication of the entire article. The gazine's editors said they would peal and Warren called their de-ion a "great risk" to press free-

The judge called his decision "the st instance of prior restraint ast publication in this fashion in e history of this country, to this urt's knowledge."

During a hearing on the governent's request for a temporary innction, Warren proposed the impromise under which a five-ember panel would mediate the pute over 1,300 words in a hygen bomb article by freelance riter Howard Morland.

The Federal Energy Department attends data in the article is re-cricted and could spread theronuclear weaponry around the orld if released.

Warren's previous temporary rening order expired Monday, the adline date for the magazine's ext issue, in which the article was ned. Warren replaced the order th the temporary injunction the vernment requested. Knoll said e order would be appealed. The case, which could wind up in

Supreme Court, is only the secin the nation's history testing rights of freedom of the press nst the interests of national seurity. The government lost the first is in the Pentagon Papers case of

Warren, however, said The rogressive's case is different than be Pentagon Papers case, because a

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federal statute was violated and the government has proved publication of the article would do "grave and irreparable harm to this country."

"You cannot enjoy freedom of press if you cannot breathe or live. The right to life is greater than the right to publish," Warren said.

Morland, who produced the article in six months of research, stood on the front steps of the federal building after the decision and said he viewed the decision as a victory of sorts, as "the beginning of the end

of secrecy" in the area of nuclear

weapons.
The magazine's attorney charged the government had, ironically, created "a pile of information" about the H-bomb by taking the case to court. Now, any diligent reporter can produce an article such as

Morland's, they said.

The judge disagreed. While the article is not a "handydandy guide to building a hydrogen bomb," he said, "it does provide a ticket to by

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