

ARTHUR GARFIELD HAYS CIVIL LIBERTIES PROGRAM
ANNUAL REPORT

1979-1980 (re-created)

The Hays Fellows this year were Richard M. Bethel, Elaine E. Fink, Karen J. Freedman, Jed Ringel (Robert Marshall Fellow) and Richard J. Zall.

Richard M. Bethel. The Progressive magazine commissioned freelance writer Howard Morland to produce a series of articles on nuclear weapons, the second of which, *The H-Bomb Secret: How We Got It, Why We're Telling It*, caught the attention of the Department of Energy. After the Progressive refused to allow the Department to rewrite a significant portion of the piece, the government sought an injunction to prevent publication. The government argued that publication of the article would violate the Atomic Energy Act and endanger national security, and that an injunction was necessary despite the prior restraint it visited upon the First Amendment rights of the magazine. Richard worked with the ACLU to defend the Progressive in what became a landmark First Amendment case that resulted in the publishing of Morland's article in November 1979. (See also Patty Hennessey's report on the same case in the 1978-1979 narrative.)

Elaine E. Fink. Elaine conducted extensive research and writing for Chris Hansen at the NYCLU Mental Patients' Rights Project. For part of the year, she also participated in a seminar taught by Bruce Ennis, then Legal Director of the ACLU. Elaine remembers with great appreciation the mentorship and supervision Chris Hansen provided, and she credits him and Bruce Ennis with exposing her to a variety of legal issues facing mentally ill patients and persons with other disabilities.

Karen J. Freedman. Karen worked at the NAACP LDF conducting capital punishment research. The Supreme Court of Nevada had restrictively interpreted its role in appellate review and had upheld the death sentence of a capital defendant. Karen analyzed Nevada's death penalty statute and helped LDF to assess whether to petition the Supreme Court to review the Nevada Supreme Court's determination. Karen outlined the contours of appellate review under current constitutional principles, and she researched whether such review could or should be reduced to a mandatory formula.

Richard J. Zall. Richard worked in the office of Ramsey Clark, under the supervision of Alan Levine. He wrote memoranda on a number of civil rights cases, focusing on employment discrimination in various settings.