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GW LAW PROFESSOR JONATHAN TURLEY FILES
FOR CHANGE OF VENUE FROM NEVADA TO WASHINGTON, D.C.
IN GROOM LAKE ENVIRONMENTAL CRIME CASE

Turley Cites Violation of Plaintiffs'
Fifth Amendment Rights and
Lists Witnesses/Sources for Trial

Washington, D.C. -- The George Washington University National Law Center Professor of Environmental Law Jonathan Turley, consonant with actions filed against the EPA, Department of Defense and National Security Advisor, filed a motion today for a change of venue in the case involving environmental crimes at Groom Lake, a top-secret Air Force base in Nevada. The change of venue would nullify the court's earlier, unexpected decision to relocate the case from Washington, D.C. -- where it was filed originally -- to Nevada. The Project for Government Oversight, another public interest group, is assisting Turley in his investigation of the case.

"The district of Nevada has only one tangible connection to the basis of this suit: the location of Groom Lake Base, which is over 100 miles from Las Vegas," says Turley. "Since this base is closed to both the court and the public, the advantage of having the trial in Nevada is remote at best. The prohibitive burden for the Plaintiffs, however, may allow the government to avoid accountability for egregious conduct through simple forum selection."

Turley argues that the D.C. District Court has jurisdiction over the subject matter of the action and that the majority of witnesses the Plaintiffs intend to call for deposition and trial testimony reside within a 100-mile radius of the United States District for the District of Columbia. Since the case centers on legal questions under the Resource Conservation and Recovery Act, the John Doe Plaintiffs themselves will not testify at trial.

"There is certainly precedent for locating the trial in D.C.," says Turley, "It has been recognized by the Court of Appeals for the District of Columbia that when a case touches upon policy decisions of federal agencies which are headquartered

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in Washington, D.C., and testimony from policy makers is required, the convenience of having the case tried in the

District of Columbia should be considered." Specifically, the Plaintiffs must call senior officials and several government employees including the EPA administrator, the secretary of the Department of Defense, the secretary of the Air Force, the national security advisor and the White House counsel.

In making a motion for venue, Turley is forced to "show his hand" early and detail his expected witnesses and sources in this first action against a top-secret "black program." Perhaps most surprising, Turley has listed a senior Russian embassy official and former intelligence officials as potential witnesses. In his motion, Turley states that "in the absence of willing representatives from the United States government, Plaintiffs will call on these [Russian] witnesses to inform the court of the existence of this base in order to assist them in securing judicial relief."

"While the United States Government refuses to acknowledge the existence of this base to the American public, the Russian government recently declassified much of its intelligence information as part of a new openness policy following the fall of the communist regime and the adoption of democratic process." Turley informs the court that he will also submit Russian satellite pictures of the base.

In addition to the Russians, Turley lists two experts on the so-called Open Skies Treaty, signed by the United States last year. Turley will show that this treaty not only obligates the United States to allow other countries to photograph the base, but, if necessary, even supply the planes and cameras. "The government's continued refusal to acknowledge the existence of Groom Lake base and the threats against citizens who attempt long distance photographs stands in direct contradiction of a large and growing public record abroad."

"The central element motivating a transfer of this case to Nevada appears to be the presence of Groom Lake base in this judicial district," says Turley. "The Groom lake base, however, is completely sealed from review, inspection, or access by governmental agencies....Counsel for the government is unwilling to give the names of people with access to, or experience with, Groom Lake base. Consequently, only the military and intelligence witnesses that are known to have the knowledge and access to Groom Lake base can answer basic environmental questions posed at trial. These military and intelligence witnesses are located in Washington, D.C., the Plaintiffs' original choice of forum."

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Turley's suit against Groom Lake -- also known as Dreamland or Area 51 -- alleges that the Environmental Protection Agency

failed to live up to its duties to inspect the base for violations of federal environmental laws and cites serious

injuries, and at least one death, to employees due to the burning of hazardous and toxic wastes at the facility. His suit further alleges that workers were denied requests for protective clothing -- including gloves -- in handling hazardous wastes, and that hazardous wastes were intentionally trucked in by a California-based defense contractor in order to be disposed at the site.

"We have compelling evidence that the government and its contractors have used the secrecy of Groom Lake not to protect national security but to shield the illegal disposal of hazardous waste," says Turley.

In his original complaint, Turley alleged that the activities conducted at the Groom Lake base have involved the use of hazardous waste and material producing hazardous wastes when burned -- including hardeners, plastics, solvents, sealants and paint wastes -- and that these wastes are stored on site at the base. Plaintiffs allege that these hazardous wastes -- including wastes releasing dioxins, and methyl ethyl ketone, trichloroethylene and dibenzofurans -- were thrown into open, unlined trenches at Groom Lake base, doused with jet fuel or other inflammable substances and then ignited.

The plaintiffs claim they were required to be in close proximity to the burning wastes and that some workers had to enter the trenches to ignite the wastes; stand around the trench to secure the area during incineration; or work next to, or down wind from, the trenches. After incineration, defendants or their agents allegedly instructed workers to enter the trenches and sort through the residue to guarantee complete destruction of classified materials. Workers complain of a number of symptoms -- blackouts, skin rashes, headaches, respiratory problems and eye irritations. They allege that requests for protective clothing, respirators and gloves were denied.