

TITLE: "IT DARES NOT SPEAK ITS NAME"

SUBTITLE: "Environment: How to stymie a toxic-waste lawsuit"

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What's in a name? Maybe the key to a pathbreaking environmental lawsuit. Five former and current government employees and the widow of a sixth, charge that the workers suffered blackouts, rashes, respiratory problems and dime size open sores after they were exposed to burning toxic wastes at a secret air force facility in Nevada. The widow, Helen Frost, contends that poisonous fumes, from plastics and chemicals that were thrown into open pits and doused with jet fuel, contributed to her husband's death in 1989. Lawyers have a tough enough time pinning illness, let alone death, on exposure to toxics. But the worker's attorney, Jonathan Turley of George Washington University's law school, faces a more basic problem. For four months after the suit was filed, the government denied the very existence of the facility; now it acknowledges that there is an "operating location" in the area, but refuses to reveal its name. (The workers know the site by several names, but the Feds won't say whether any is right.) And in a Kafkaesque technicality, without the officially recognized name, which Turley filed a motion last week to get, the suit cannot proceed.

If the site's a secret, it's badly kept. Russian spy satellites have amassed a nice albumful of snapshots of the facility, 90 miles northwest of Las Vegas on Nellis Air Force Base. UFO groupies know it as Area 51, or Groom Lake: hundreds have flocked to the perimeter, convinced the air force is reproducing a captured flying saucer at the site. It was also the testing ground for the U-2 spy plane and the F-117A stealth. But just as you can't sue someone you know only by nickname, so Turley's clients can't sue the Pentagon over a site whose proper moniker the government won't disclose. The plaintiff's request for the name, says a government brief, is "vague, overbroad, and unreasonably burdensome." If the Feds remain mum about the name, Turley plans to call on the witness stand the military attache at the Russian Embassy, whose testimony would show that Area 51 is eminently real, and no secret.

If he gets past the procedural hurdle, Turley says, he has a strong case. He has evidence that the Air Force denied the worker's requests of protective clothing, and that Frost's body had high levels of dioxins and furans (produced when plastics burn) when he died. The Department of Justice and the Environmental Protection Agency have launched a probe into hazardous waste violations at Area 51; an air force spokesman says

it "takes its environmental responsibilities very seriously." Of course, if the Pentagon blocks the suit by refusing to release the name of the site, the validity of the charges won't matter.

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