

## GROOM LAKE RULINGS FILED

Government seeks dismissal of lawsuit

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By Warren Bates

A federal judge has refused to penalize a government lawyer who was accused in two environmental lawsuits of lying about the name of the classified air base near Groom Lake.

Also Wednesday the United States stepped up its urging to get rid of the litigation, claiming that there have been recent incidents that pose a threat to national security.

The developments come as U.S. District Judge Philip Pro decides whether to throw out the lawsuits brought by former workers and widows of one-time employees at the facility at Groom Lake, situated 35 miles west of Alamo in Lincoln County.

Attorney Jonathan Turley alleges the workers contracted disease after exposure to toxins released in open pit burning. He had asked Pro to sanction Department of Justice attorney Richard Sarver, alleging the government lawyer was deliberately misleading by stating that the facility is not known as Area 51.

Turley said he has offered eight witnesses and a handful of the government's own documents attesting that Area 51 is a common base reference. Sarver has denied the moniker has been used by the government.

In a two-paragraph decision Pro said that Turley "failed to demonstrate" the government "engaged in any sanctionable conduct."

"We understand the court's reluctance to sanction an attorney without the clearest possible evidence," Turley said afterward.

"We had hoped for a decision after the court had read the affidavits from workers at the site."

Included among the affidavits was a statement by William Cleghorn, a sensitive assignment specialist who worked 25 years with a security contractor at the base. Cleghorn said Area 51 and Project 51 were widely known as operations under U.S. Air Force control.

Also in the case Wednesday:

--Government attorney Russell Young told Pro that in recent weeks "incidents have occurred that demonstrate the necessity of terminating this action quickly in order to prevent further damage to national security. Because those matters are under seal they cannot be discussed ... but they are well known to the court. This case must be dismissed now."

Turley and Department of Justice spokesman Jim Sweeney said they could not speculate on what the language meant.

--The government argued that the case should be dismissed because, if potential evidence is protected under the state secrets clause, the United States would be prevented from putting on a defense. Turley responded that the material he has generated in the case isn't subject to such security considerations and that there were still factual issues in doubt that would keep the case alive.

--Pro denied a request to unseal certain hearings in the case and an affidavit from a former worker who recently died. He allowed substituting the worker's widow into the case as a plaintiff.

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