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U.S. Investigation into Air Force Base Winds Down

By Warren Bates

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A 20-month-long criminal investigation into allegations of environmental crimes near the Air Force's classified Groom Lake base is winding down.

The investigation into activities at the base has been conducted at the same time as a civil case that sought to expose military secrets at the Nye County facility, 30 miles west of Alamo.

Meanwhile, an attorney who represents former base workers who brought the civil suit is resisting government attempts to have his clients interviewed as part of the investigation, saying they could be exposed to retaliation.

James Morgulec, special attorney with the Department of Justice's Environmental Crimes Section, is asking a federal judge to clarify a protective order that, so far, has kept secret the identities of the workers.

Morgulec claims witnesses can be interviewed about the underlying facts of the case without jeopardizing the protection that the order, signed by U.S. District Judge Philip Pro early on in the lawsuit, has given them.

In motions filed Wednesday in federal court in Las Vegas, Morgulec said the order has kept the Environmental Protection Agency's Criminal Investigative Division from completing its work, and it wants to "tie up loose ends."

The workers alleged in the civil suit that environmental crimes such as the burning of solvents in open trenches occurred in the 1980s. That suit, which is under appeal after having been tossed out of court on national security grounds earlier this year, was fought by a separate group of government attorneys.

Morgulec said the Environmental Crimes Section is conducting an independent investigation and does not wish to discover whether any witness it interviews is a worker who filed suit.

Investigators, he argued, "have no stake or interest in protecting either the Air Force or those businesses that work with it. The only interest (they) seek to protect are those of the United States."

But workers' attorney Jonathan Turley said he will oppose the move, calling it an "extremely hostile act" by an agency that was dilatory in bringing the investigation and that "has no intention of prosecuting individuals in this case."

Any breach in national security laws allows for criminal charges to be filed, Turley said, adding that the Air Force has repeatedly placed him and the workers under threat of such charges.

A key issue is whether the workers have been granted immunity in speaking with the Environmental Crimes Section and whether the protection would go far enough.

Morgulec said the section's attorneys, during the lengthy investigation, became "reasonably confident in their knowledge of events and activities at the facility ... and were able to take the unusual step of offering (complete) immunity" for any violations.

The government said it also promised not to ask workers if they had divulged classified material.

But Turley said it was his clients who repeatedly made good-faith efforts in approaching the government, and the government's offer was essentially irrelevant.

"From the outset we said that we would agree to any condition that would allow my clients to reveal evidence of these

crimes while being protected from retaliation," he said. "The government insisted only to grant immunity for crimes committed. Obviously my clients are witnesses to, not perpetrators of, crimes."

The attorney said he is not reassured by Morgulec's representations that two government entities are handling the case independently. The appeal in the civil case is expected to be filed by Aug. 28.

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