

# Judge throws out Groom Lake suit

Workers' case called threat to security

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A Las Vegas federal judge tossed out a lawsuit brought by former workers at a secret Nevada military base where illegal toxic-waste burning is alleged to have occurred.

U.S. District Judge Philip Pro dismissed the suit Wednesday on grounds that national security at Groom Lake base must take a priority over alleged health and environmental damage.

"The court ... finds that disclosure of any further information or a trial on this matter risks significant harm to the national security," Pro wrote.

The move marks the second significant blow against the workers, who recently lost a similar case filed against the Environmental Protection Agency. Their attorney, Jonathan Turley of Washington, D.C., has indicated to a federal court official that he will appeal.

The workers, who have remained anonymous, have accused the government of burning hazardous material in open pits at the base 150 miles north of Las Vegas. They alleged that the fumes caused serious injuries and at least one death.

Worker Robert Frost died in 1989 and his widow claims the death was linked to inhaling the poisonous smoke. Helen Frost unsuccessfully sued over her husband's death in 1993 and is a plaintiff in this suit.

Frost worked as a sheetmetal worker at the Groom Lake base in the 1980s when some of the military's most secret aircraft, including the F-117 stealth fighter, were tested there. He allegedly suffered from skin rashes and cracked, bleeding skin that is blamed on the exposure.

His widow and others accused the Air Force of 11 environment-related violations under the Resource Conservation and Recreation Act and other federal laws.

In response, the government set up numerous legal roadblocks - even disputing the name of the military site commonly referred to as Groom Lake base and Area 51.

The government's main defense was national security. Air Force attorneys argued that the workers could not build a credible case without releasing military secrets.

The workers' lawyer disputed the claims, arguing the government could not hide behind the cloak of national security to hide environmental crimes and the case should go forward.

The attorney submitted 11 photographs of Groom Lake that he says verify the legitimacy of the suit. The photos were unsealed last Friday.

All but one of the color photos depict a grainy compound of buildings, automobiles and an airstrip nestled among some brown hills. The last photograph is a close-up of a white jet plane with a red stripe running from nose to tail.

The government has refused to either confirm or deny that those photos are of the Groom Lake base and was able to convince Pro that the suit should be dismissed on face value.

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