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# Feds investigating burning of hazardous waste at Area 51

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Federal agents are investigating allegations that hazardous wastes burned in open pits at a secret military base in Southern Nevada, lending credence to former workers' claims that they became ill from inhaling toxic smoke.

The Environmental Protection Agency and the Air Force have refused for two years to respond to the six workers' allegations that repeated contact with the chemicals throughout the 1980s caused health problems ranging from skin lesions to cancer.

Two lawsuits brought by the former workers were dismissed by a federal judge who said that one case fell outside his jurisdiction and the other compromised national security.

But now the Justice Department has revealed that it has taken the workers' claims seriously -- even when the official word was quite the opposite.

In a motion filed Wednesday in Las Vegas federal court, prosecutor James Morgulec said that in December 1994 -- four months after the lawsuits were filed -- the EPA launched an investigation.

The motion asks permission to interview one of the unidentified workers who allegedly witnessed environmental crimes at the military base, dubbed Area 51, 125 miles northwest of Las Vegas.

Also known as Groom Lake, the base housed the top-secret Stealth fighter and U-2 spy planes.

A court order issued in the civil cases prohibits federal investigators from contacting the workers, whose names have remained a secret. Only one of the workers' names is known, that of Robert Frost. The sheet metal worker died in 1989. His wife, Helen, represented him in the lawsuit.

Despite the possible validation of the workers' claims, their attorney, Jonathan Turley of Washington, D.C., is not pleased by news of the investigation. In fact, he is angered.

Turley, a law professor with George Washington University's Environmental Crimes Project, believes the criminal investigation is retaliation against the former workers' whistleblowing efforts.

"We asked the government for two years to allow these workers to disclose evidence of criminal conduct they witnessed at the base," Turley said. "The government was unwilling to grant the level of protection granted to drug dealers and racketeers who are guilty of crimes."

Turley believes the government wants to prosecute his clients for allegedly committing environmental crimes while working at Area 51.

There are nine federal laws that detail the criminal penalties a person or company can receive for harming the environment. Punishments range from fines to prison time.

Although the alleged burning of toxic chemicals occurred on federal property and, ostensibly, under government supervision, the United States cannot be sued, said EPA Special Agent-in-Charge David Wilma of San Francisco.

Although Wilma would not discuss the ongoing Area 51 investigation, he said generally environmental crime cases involve an element of fraud and usually seek to punish the "highest-level responsible person." In other words, that means managers, owners or, in this case, military contractors.

Area 51 contractors in the 1980s were Reynolds Electric & Engineering Co., EG&G Inc., Wackenhut and Applied Physics Laboratory of Johns Hopkins University.

Wilma's statement counters Turley's worries for his clients, who were craftsmen. Additionally, government attorneys agreed in good faith that the anonymous workers were not targets of the investigation, the motion said.

"They were, unless otherwise informed, to be considered witnesses only," Morgulec wrote.

But the workers' lawyer remains unconvinced for two reasons.

First, before the civil lawsuits were filed, the workers encouraged and volunteered to cooperate with a criminal investigation but were instead "threatened with criminal and civil reprisals," Turley said.

And second, the lawyer points to the government's unwillingness to grant complete immunity for all the environmental crimes the workers may have committed and for all unauthorized disclosures of classified information except those made to foreign spies.

Past attempts by investigators to talk with former workers were blocked by Turley, who accused them of violating a court order that banned them from contacting his clients.

Today, Turley asked U.S. District Judge Philip Pro, who granted the original order, to not immediately grant investigators the right to interview his clients.

Rather, he asked that both sides be allowed to fully research the request and argue the issue at a public hearing before a decision is made.

"We are prepared to protect our workers from this irresponsible action," Turley said. "We anticipated this type of hostile filing."

The Justice Department and Nevada U.S. Attorney Kathryn Landreth did not return telephone calls.

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