

Turley at Rocky Flats

Vernon Brechin (vbrechin@igc.apc.org) sent us the following on Aug. 9, 1996. His introduction is followed by a news article.

Introduction

Jonathan Turley has gotten involved in another interesting case. Previously, I noticed that he had done some comments on the Whitewater affair. Now he has taken on a case that is more closely related to the Area 51 toxic harm lawsuit case.

I have been interested in this Rocky Flats grand jury situation because it is an example of the concept that "rank has its privilege" and that certain high-level people, who may have committed white-collar crimes, may be regarded as too important to be held accountable. Members of the grand jury have indicated that the fine, that was levied against the Rocky Flats contractor, was backed up by evidence of wrongdoing by specific contractor managers and perhaps by specific federal DOE managers. It appears, to some of these grand jurors, that these identified people were considered immune from prosecution, and that blame could only take the form of a fine against the contractor.

Rocky Flats manufactured the Pu-239 pits that form the heart of almost all our nuclear weapons. They manufactured well over 30,000 of these pits.

The Rocky Flats plant has had a very sad safety record which finally resulted in some internal whistle blowers revealing enough dirt to bring about a raid by the FBI.

Since the trial and fine, the traditional purpose of Rocky Flats has been distributed to other nuclear weapons production and research facilities (Partly due to the pit manufacturing problems identified at Rocky Flats, Congress has now provided high levels of funding to develop more advanced pit manufacturing techniques.) DOE then renamed the place, "Rocky Flats Environmental Technology Site." This is a reflection of the fact that its primary function now is to figure out ways of stabilizing and/or cleaning up the massive contamination problems before the site is turned over to other uses. Its sort of a super-superfund site with the "proper" sales spin attached.

-- V.B.

Article

From: Aimee Houghton

The following article appeared in the Denver Post on Friday, August 2nd.

ROCKY FLATS GRAND JURY SUES TO TELL ALL

"Eighteen members of the breakaway Rocky Flats grand jury returned to court yesterday, taking the extraordinary step of asking a federal judge to let them publicly disclose secret information about wrongdoing at the nuclear weapons plant.

"Four years after the U.S. Justice Department bypasses the grand jury -- and struck the government's own plea bargain with the former Rocky Flats contractor for environmental lawbreaking -- the jurors are seeking permission to talk about allegedly improper conduct by federal prosecutors and plant managers. Six jurors did not join in the action.

"The jurors took an oath of secrecy when they were empaneled in 1989 to investigate criminal law violations at the plutonium trigger factory 16 miles northwest of downtown Denver. When the Justice Department settled the case in 1992, levying an \$18.5 million fine against the plant operator, Rockwell International, jurors privately expressed anger to reporters that no executives were charged with crimes.

"In 1,000 pages of court documents filed yesterday, grand jurors asked the court to waive their oaths of secrecy and sought a closed hearing on the matter.

"The court should lift the secrecy rule to let the public know the facts about Rocky Flats," said Jonathan Turley, the jurors' attorney and a professor at George Washington University in Washington (D.C.).

"Turley conceded that the statute of limitations almost certainly has expired on crimes investigated by Rocky Flats grand jurors. But he said it was important to affirm a legal principle that grand jurors should serve as independent investigators, not rubber-stamps for government prosecutors.

"Two years ago, Congress considered but never acted on a request by grand jurors to publicly testify about Rocky Flats. Rep. Pat Schroeder, D-Denver, filed an affidavit yesterday in support of the grand jurors.

"After splitting with federal prosecutors during the Rocky Flats probe, grand jurors drew up their own document that highlighted wrongdoing at the nuclear weapons plant. But in the process, they misapplied laws and made technical legal errors. A shortened version of that report, edited by the Justice Department and U.S. District Judge Serman Finesilver, was made public in 1993.

"Since then, several major civil lawsuits have been filed over Rocky Flats. Jurors now say they have information indicating that, in those lawsuits, "potentially false statements (have been) made by attorneys to federal courts."

"Jurors say the Justice Department obstructed justice by refusing to help the citizens draw up a legally accurate report."

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