

Briefs filed in haz. waste lawsuit appeal [News Article]

From: campbell@ufomind.com (Glenn Campbell, Las Vegas)
Date: Wed, 15 Jan 1997 14:48:18 -0800
Subject: Briefs filed in haz. waste lawsuit appeal [News Article]

BRIEFS CLAIM GOVERNMENT MISLED PUBLIC ABOUT GROOM LAKE CASE

By Glenn Puit
Las Vegas Review-Journal, Jan. 15, 1997, Page 8B

The federal government deliberately misled the public and media about court proceedings addressing allegations that hazardous wastes were illegally burned at a classified Nevada military base, according to documents scheduled to be filed today in a San Francisco appeals court.

According to the documents the government, under the shield of closed court proceedings, also sought the names of media agencies and contacts that it believed had dealings with an attorney who represents former base workers.

In 1994, several workers who were granted a shield of anonymity filed suit against the federal government. They claimed chemicals were burned in open pits at the U.S. military's operating location near Groom Lake, contributing to worker illnesses and possibly two deaths.

The Lincoln County base, informally known as Area 51, has long been believed to be the site where military aircraft such as the Lockheed U-2 spy plane and the F-117 stealth fighter were tested.

One of the many case controversies took place during a June 1995 closed hearing before U.S. District Judge Philip Pro, who has kept the record confidential to the present day.

During the hearing, it is alleged the government threatened to seize and classify unclassified documents in possession of attorney Jonathan Turley, a George Washington University law professor representing the workers and their spouses.

In appellate briefs to be filed in the 9th U.S. Circuit Court of Appeals today, Turley and cocounsel Joan Manley argue that the government and its lawyers intentionally misled the public and media when discussing the closed hearing.

Turley contends that in public statements made to various media organizations about the case, the government claimed it simply asked him for voluntary disclosure of information pertaining to the case.

The workers' attorneys today were to present the contents of a letter sent to the government before the matter became a public controversy, which reiterates the demands it is alleged were made to Turley during the hearing.

Those demands include documentation that would reveal the names of sources of the workers' information, material stamped classified and material presumed classified. Turley and Manley argue the letter proves the U.S. Department of Justice statements were deliberately misleading.

"The government's statements were all false and, in argument before the court, defense counsel (the government) has never contested that the statements were false," Turley wrote.

Attempts to contact officials with the Justice Department in Washington D.C., for comment Tuesday evening, shortly after the briefs were obtained by the Review-Journal, were unsuccessful. Turley declined comment.

In the letter Turley alleged the government also demanded the names of the workers' media contacts. The appellate briefs argue that such information is protected under the First Amendment.

Last year Pro threw out the lawsuit, stating that national security interests overrode worker requests for base information. Because no

information was available, no controversy could be shown and the suit could not continue, Pro ruled.

That decision is currently under appeal and today's briefs were filed as part of that appeal. After Pro's decision, Turley claimed victory in parts of the suit, stating the workers were able to force the government against its will to reveal the existence of the base and conduct environmental inspections there.

KLAS-TV, Channel 8 has filed a brief in U.S. District Court seeking access under the First Amendment to the transcript of the sealed hearing.

[[Next Message](#) | [Previous Message](#) | [This Day's Messages](#)]
[[This Month's Index](#) | [Archive Main Index](#) | [UFO UpDates Mailing List](#)]
[[Area 51](#) | [UFO Topics](#) | [Ufomind What's New](#) | [Top Level](#)]

Area 51 Mailing List - [Standards and General Information](#)

Sponsored by the [Area 51 Research Center](#). Moderated by Glenn Campbell.
Technical contact: webmaster@ufomind.com

Financial support for this web server is provided by the [Research Center Catalog](#).