**Press Advisory**

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**Judge Orders DOE to Release Lab**

**Records to Public Interest Group;**

**DOE Sought to Exempt Its Nuclear Weapons**

**Labs From Freedom of Information Act**

**Santa Fe**--Today in Albuquerque, U.S. Magistrate Judge Donald Svet ruled that the Department of Energy (DOE) must release a variety of documents to the Los Alamos Study Group under the Freedom of Information Act (FOIA). The documents include unclassified summaries of nuclear weapons programs at Los Alamos National Laboratory (LANL), never before made public. The Study Group was represented by Santa Fe attorney Steven Sugarman.

The Court's ruling hinged on Judge Svet's determination that all the records sought from the Los Alamos National Laboratory (LANL) are "agency records" subject to release under FOIA, and not "contractor records," which must be released under certain conditions only. DOE had not sought to apply any of the standard FOIA exemptions to the documents, and instead made the sweeping argument that the Court had no jurisdiction to apply FOIA to LANL at all.

"Had DOE succeeded in its quest to exempt its nuclear weapons labs--and with them, all its contractors--from the Freedom of Information Act, any vestige of public oversight over these clandestine facilities would have been lost," said Greg Mello, Study Group Director. "It is not hyperbole to say that DOE's culture of secrecy poses a serious threat to democracy in this country. They failed this time, but they will no doubt try again. They have too much to hide."

The lawsuit, filed last October by the Study Group, sought the long-overdue fulfillment of six separate requests for information filed between April and July of 1997. The statutory response time under FOIA is twenty days. In addition to the six litigated requests, many other Study Group FOIA requests remain unanswered. The six requests litigated concerned:

• The purpose, general description, and status of nuclear weapons projects at LANL;

• DOE's program to develop replacement warheads for the Navy's submarine-launched missiles;

• An unclassified report containing descriptions of current LANL nuclear weapons projects;

• LANL's plans to upgrade its defunct Nuclear Materials Storage Facility in order to bring several additional tons of plutonium to Los Alamos for permanent storage, processing, and manufacture into new weapons parts;

• Travel records regarding the more than one thousand trips LANL employees take to Washington, DC and foreign destinations each year; and

• Budgets and personnel involved in DOE and LANL public relations activities in New Mexico.

The ruling orders DOE to "provide complete and final responses to the six FOIA requests" within twenty days, and to "comply with FOIA in responding to Plaintiff's requests."

\*\*\*ENDS\*\*\*