

STATEMENT OF THE CASE

In a letter dated December 22, 1978 the petitioner Citizens Against UFO Secrecy (hereinafter known as CAUS) filed a Freedom of Information Act (FOIA) 5 USC Section 552 request with the National Security Agency (NSA). CAUS sought the release of eighteen documents relating to unidentified flying objects (UFOs) that had been located in the course of an unrelated FOIA lawsuit.¹ These documents were referred back to the originating agency, NSA, for evaluation and possible release.

By letter dated January 9, 1979 NSA informed CAUS that it had received the documents but considered them to be exempt in their entirety pursuant to 5 U.S.C. Section 552(b)(1) and (b)(3). By letter

1. Ground Saucer Watch, Inc. v. Central Intelligence Agency, 10 C.D.C. No. 78-859.

dated January 29th the petitioner appealed the decision under 5 U.S.C. 552(a)(b)(7). By letter dated March 2, 1979 NSA notified CAUS that the Agency FOIA Appeals Authority had sustained the Agency's withholding of the requested documents.

On February 16, 1979 CAUS filed a general request, with NSA, for "all documents in the possession or under the control of the National Security Agency relating to or pertaining to Unidentified Flying Objects (UFOs) and the UFO phenomena." NSA's response acknowledged withholding one hundred thirty-five UFO related documents. NSA based their decision on exemptions (b)(1) and (b)(3). CAUS appealed but the appeal was denied on March 24, 1980.

On June 24, 1980 CAUS filed a complaint in the District Court of the