

THE RELEVANT DOCUMENTS

3. This Agency received four separate referrals (described below) from the Central Intelligence Agency (CIA) concerning NSA documents located by that Agency when it was engaged in FOIA litigation concerning information pertaining to UFOs. (Ground Saucer Watch v. CIA, D.D.C. #78-859.) The first was on November 9, 1978 when this Agency received copies of fifteen Agency documents located by CIA. The NSA also received two other referrals from CIA on December 4, 1978 which provided three additional NSA documents. Subsequently by letter dated December 14, 1978, attorney for the plaintiff, Peter A. Gersten (who was the attorney of record in the CIA litigation) was informed by CIA of the referral of the documents to this Agency. Mr. Gersten then filed a request with NSA for the eighteen

documents in his own name on December 22, 1978. In a letter dated January 9, 1979, Roy R. Banner, Chief, Policy Staff, advised Mr. Gersten that the NSA records that had been referred to this Agency by CIA were exempt from release under 5 U.S.C. §552(b)(1) because they are classified in their entirety, and exempt from release under 5 U.S.C. §552(b)(3) because they are exempt from release by 18 U.S.C. §798, 50 U.S.C. §403(d)(3) and Section 6 of Public Law 86-36 (50 U.S.C. 402 note). (A copy of this letter is attached to the Complaint as Exhibit C. A true and correct copy is also attached to this affidavit as Exhibit 1.)

4. By letter dated January 29, 1979 Mr. Gersten appealed the denial of the documents referred by the CIA. (A copy of this letter is attached to the Complaint as Exhibit D. A true and correct copy of this letter (less