

enclosures) is also attached to this affidavit as Exhibit 2.) On March 2, 1979 the NSA Freedom of Information Act/Privacy Act Appeals Authority affirmed the denial of the request for release of the information on the same grounds, i.e. that the information is classified in its entirety and therefore exempt from release under 5 U.S.C. §552(b)(1) and that the information is exempt from release under 5 U.S.C. §552(b)(3) for the reason that other statutes prevent its disclosure, to wit: 18 U.S.C. §798, 50 U.S.C. §403(d)(3) and Section 6 of Public Law 86-36. (A copy of this letter is attached to the Complaint as Exhibit E. A true and correct copy is also attached to this affidavit as Exhibit 3.)

5. On February 16, 1979 plaintiff in the instant case, by counsel, filed an FOIA request with NSA for all documents

in possession or under the control of NSA relating to UFOs and the UFO phenomena.

(A copy of this letter is attached to the Complaint as Exhibit F. A copy is also attached hereto and marked Exhibit 4.)

By letter dated January 10, 1980, Mr. Banner released two documents within the scope of the request; deletions of information exempt under the provisions of 5 U.S.C. §552(b)(1) and (b)(3) were taken prior to that release. Plaintiff was also advised in this letter that other NSA documents existed but were exempt from release under 5 U.S.C. §552(b)(1) because they are classified in their entirety; exempt from release under 5 U.S.C. §552(b)(3) because disclosure of them was prohibited by 18 U.S.C. §798, 50 U.S.C. §403(d)(3) and Public Law 86-36; exempt from disclosure under 5 U.S.C. §552(b)(5) because they are intra agency memoranda, or letters