

second factor is the value of the content sought and its potential contribution to the issue in controversy. By placing itself in a position of absolute dependence on NSA's affidavits, one of which was not subject to adversary challenge, the District Court was unable to reach an informed decision as to whether the public's right to secure information under the FOIA was indeed overborne by sufficiently powerful and unavoidable security considerations.

CONCLUSION

For the above reasons, a writ of certiorari should issue to review the District of Columbia Circuit's judgement of November 3, 1981.

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APPENDICES

	<u>Page</u>
District Court Memorandum and Order.....	22
Court of Appeals Judgement.....	27
January 10, 1980 NSA Letter.....	29
March 2, 1979 NSA Letter.....	33
March 24, 1980 NSA Letter.....	37
Freedom of Information Act.....	42
Public Law 86-36 Section 6.....	53
Executive Order 12065 Fed. Reg. 28949 (1978).....	53
Yeate's Public Affidavit.....	56