

UFO data may be of great scientific significance, (Exhibit H and I of the Petitioner's Complaint). In light of the government's decision that UFOs do not warrant further scientific study, added weight should be accorded the public interest in this case. Marks v. Turner, Civil No. 77-1108 (D.D.C. May 7, 1980). It would be unfortunate if irreplaceable data in the possession of the government was lost to private researchers.*

The NSA should have evaluated the possibility of releasing the requested data in the light of its scientific value.

The public affidavit of Eugene Yates, Chief of the NSA Office of Policy states that he reviewed the withheld documents in accordance with the provisions of Executive Order 12065. Yet what he

*43 Fed. Reg. at 28953 Section 1-602 states that basic scientific research information not clearly related to national security may not be classified.

actually did was to:

"...have weighed the significant need for openness in government [emphasis added] against the likelihood of damage to our national security at this time and determined that the records should continue to be classified...." (Yeate's Affidavit)

Given the failure of NSA to properly balance the issues, as mandated in Executive Order 12065 and even more importantly its failure to even attempt to segregate non-sensitive scientific significant UFO related content, it was necessary for the District Court to undertake its own effort to harmonize the competing interests. Unfortunately, the court erred in its refusal to examine the documents In Camera.

When a balancing test is made the needs of national security are weighed against two factors. The first is the interest of the public to be informed regarding the issue. Such an interest was found to exist by the court. The