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WHETHER THE DISTRICT COURT ACTED IMPROPERLY IN FINDING THAT NSA PRESENTED SUFFICIENT EVIDENCE TO SUBSTANTIATE ITS CLAIM THAT NO INFORMATION CONCERNING OR CONTAINED IN THE WITHHELD DOCUMENTS COULD BE RELEASED WITHOUT HARM TO NATIONAL SECURITY

NSA's affidavits failed to justify the suppression of all information, especially "non-sensitive" UFO related content. In fact when certain information was inadvertently released by the CIA no injury to national security occurred. The CIA had given CAUS the dates of eighteen UFO documents. In the absence of any specific evidence injury the District Court should have concluded that release of similar information contained within the other one hundred seventeen documents was warranted.

The NSA should have been compelled to prove that release of identifiable material would provide an adequate data

base from which a foreign power could discern patterns of interception. See Weberman at 14.

The District Court accepted on faith NSA's representations that patterns of interception could be discerned from the release of even innocuous segregated data. Yet for this to be so it would seem that the material must only be obtainable from a unique source. Otherwise any foreign power would be faced with alternative sources each leading to different assumptions concerning NSA interception activities. Such a multiplicity of alternatives seems likely with regard to UFO incidents since numerous sources might have transmitted the information.

A hypothetical example will demonstrate the flaw in the NSA's claim that no intercepted information can ever be released without risk. Let us postulate