

MEMORANDUM OPINION AND ORDER GRANTING MOTION
FOR SUMMARY JUDGMENT
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

CITIZENS AGAINST UFO SECRECY,

Plaintiff,

v.

NATIONAL SECURITY AGENCY,

Defendant.

Civil Action No. 80-1562

MEMORANDUM AND ORDER

This Freedom of Information Act case is before the Court on defendant's motion for summary judgment. Plaintiff is seeking all documents in defendant's possession relating to UFOs and UFO phenomena. Defendant has provided some material but has withheld other material pursuant to various FOIA exemptions, see 5 U.S.C. § 552(b) (1976). The bulk of the material withheld consists of communications intelligence reports, which defendant asserts are protected by Exemptions 1 and 3 of the Freedom of Information Act. Four documents at issue are not communications intelligence reports; defendant has withheld one of these documents in its entirety, and portions of three others, pursuant to these exemptions, and exemptions 5 and 6.

The Court first carefully reviewed the public affidavit of National Security Agency official Eugene Yeates and then, after receiving plaintiff's opposition, examined personally a top secret affidavit from Yeates, submitted by defendant in camera. The public affidavit provides a general statement of the defendant's position that is strongly bolstered by the extremely detailed, 21-page in camera filing. On the basis of these affidavits, the Court finds that the claimed exemptions have been properly and conscientiously applied.

The communications intelligence reports clearly relate to the most sensitive activities of the defendant and thus fall squarely within the protection of Public Law 96-36.