

that the NSA has intercepted a communique transmitted by an embassy located in the United States. The message is intercepted on November 4, 1980 and after reporting the result of the election goes on to evaluate its implications. Surely the release of certain factual content (i.e. the election of Mr. Reagan) could not compromise security or even reveal the channel that had been monitored.

This example serves to highlight a major argument of the petitioner that was ignored by the lower courts. Content can be segregated from document context and be released without risk especially where the source is not unique or is already partially public.⁴

4. For example the 1967 Cuban Mig/UFO encounter, the 1976 Iranian Air Force/UFO encounter, or the 1980 Peruvian Air Force/UFO encounter.

III

WHETHER THE DISTRICT COURT ACTED IMPROPERLY IN REFUSING TO CONDUCT AN IN CAMERA REVIEW OF THE WITHHELD DOCUMENTS

Executive Order 12065 was intended "to balance the public's interest in access to government information with the need to protect certain national security information from disclosure." 43 Fed. Reg. at 28949. Section 30303 expressly states that:

"In some cases, however, the need to protect such information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified." (Emphasis added. 43 Fed. Reg. at 28955.)

Public interest in UFOs was recognized by the court. This phenomena has been observed for the past thirty-five years by reliable and responsible individuals including scientists and military personnel. Even certain NSA staff members concur with the assessment that