UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CITIZENS AGAINST UNIDENTIFIED FLYING OBJECTS SECRECY,	)	
Plaintiff,	)	
v.	)	Civil Action No. 80-1562
NATIONAL SECURITY AGENCY,	)	80~1362
Defendant.	)	
	)	

#### IN CAMERA AFFIDAVIT OF EUGENE F. YEATES

County of Anne Arundel	)	
	)	SS
State of Maryland	)	

Eugene F. Yeates, being duly sworn, deposes and says:

- 1. (U) I am the Chief, Office of Policy, of the National Security Agency (NSA). As Chief, Office of Policy, I am responsible for processing all initial requests made pursuant to the Freedom of Information Act (FOIA) for NSA records. The statements herein are based upon personal knowledge, upon my personal review of information available to me in my official capacity, and upon conclusions reached in accordance therewith.
- 2. (U) This affidavit supplements my unclassified affidavit executed on September 30, 1980 regarding all documents which have been located by NSA pursuant to plaintiff's FOIA request but which have been withheld wholly or in part by NSA. I submit this affidavit in camera for the purpose of stating facts, which cannot be publicly disclosed, that are the basis for exempting the records from release to the plaintiff.
- 3. (S CCO) At the beginning of each paragraph of this affidavit, the letter or letters within parentheses designate(s) the degree of sensitivity of information the paragraph contains.



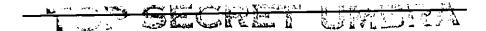
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The letters "U", "C", "S" and "TS" indicate respectively that the information is unclassified or is classified CONFIDENTIAL, SECRET or TOP SECRET. The symbols "(SC)" and "(TSC)" stand for "SECRET CODEWORD" and "TOP SECRET CODEWORD", respectively. "CODEWORD" refers to one of the distinctive five-letter words used to identify the source of the information as communications intelligence (COMINT), to distinguish between COMINT categories and sub-categories, and to facilitate the application of regulations for the dissemination and use of COMINT. The codeword "UMBRA" appearing in conjunction with the TOP SECRET classification at the top and bottom of each page of this affidavit, is the codeword applicable to Category III (the highest category) COMINT. Documents revealing sensitive details about the production of COMINT must bear the classification and codeword appropriate to the highest category or sub-category of COMINT to which they relate, even though they may not contain COMINT as such. The symbol "CCO", which stands for the caveat "HANDLE VIA COMINT CHANNELS ONLY", is used to designate information related to COMINT or COMINT activities, which, although it does not require codeword protection, must be kept within COMINT channels, i.e., disclosed only to persons eligible to receive COMINT itself.

#### THE RELEVANT DOCUMENTS

4. —(SC)— In processing the plaintiff's FOIA request, a total of two hundred and thirty-nine documents were located in NSA files. Seventy-nine of these documents originated with other government agencies and have been referred by NSA to those agencies for their direct response to the plaintiff.

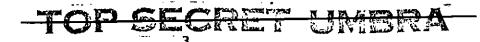
One document, which I addressed in paragraph 20c of my public affidavit, was erroneously treated as part of the subject matter of plaintiff's FOIA request. It is an account by a person



assigned to NSA of his attendance at a UFO symposium and it cannot fairly be said to be a record of the kind sought by the plaintiff. Another document, discussed in paragraph 20d of my public affidavit, was recently declassified and released to plaintiff. Two additional non-COMINT records have been released to the plaintiff with the exempted material deleted. The deletions in these documents are explained below:

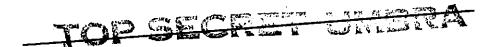
- a. A document entitled <u>UFO Hypothesis and Survival</u>

  Questions was released to the plaintiff with the deletion on page seven of the name of the employee who prepared the draft and a deletion of a reference to his NSA component. As I explained in paragraph 20, sub-paragraph a, of my open affidavit, information about NSA's organization or employees is protected from disclosure by Public Law 86-36 and, therefore, exempt pursuant to 5 U.S.C. §552(b)(3).
- b. The second non-COMINT document is a three page undated, unofficial draft of a monograph with a four page appendix by the same agency employee who authored the draft referenced in sub-paragraph a, above. This document was discussed in paragraph 20b of my public affidavit. It is entitled UFO's and the Intelligence Community Blind Spot to Surprise or Deceptive Data. In this document, the author discusses what he considers to be a serious shortcoming in the Agency's COMINT interception and reporting procedures the inability to respond correctly to surprising information or deliberately deceptive data. He uses the UFO phenomena to illustrate his belief that the inability of the U.S. intelligence community to process this type of unusual data adversely affects U.S. intelligence gathering capabilities. Deletions in this document were made as follows:
- (1) All of the title after UFO, which addresses the perceived shortcoming, and all of paragraph one, which discusses the employee's perception of the negative implications



of the handling of UFO phenomena as it demonstrates what he believes is the less than optimum ability of the intelligence community to process and evaluate highly unusual data. As I stated in my public affidavit (paragraph 20b), the type of candor that is reflected in this record must be encouraged especially in an intelligence Agency where the most meaningful suggestions regarding ways to promote the efficiency of the critical Agency mission will of necessity come from within. Public disclosure of such information, especially when it advances a novel theory, could have the effect of stifling such candor by the risk of diminution of professional standing the employee runs if subsequently found wrong. Thus, this matter was deleted pursuant to 5 U.S.C. \$552(b)(5).

- intelligence operation against the Soviet Union to illustrate the author's point. This paragraph contains information about SIGINT activities that is currently and properly classified and, thus, is exempt from disclosure pursuant to 5 U.S.C. \$552(b)(1). The material in this paragraph also concerns the organization and operational activities and functions of NSA directed against the Soviet Union. This material is exempt from disclosure under 5 U.S.C. \$552(b)(3) which exempts from release under the FOIA matters specifically exempted from disclosure by another statute. As noted in paragraph 20, sub-paragraph b of my public affidavit, Public Law 86-36 provides that no law shall be construed to require disclosure of the organization or any function of the NSA or any information with respect to activities thereof.
- (3) Paragraph four of the memorandum states the conclusions and recommendations of the author. While it talks of the ability of the Agency employees to deal with unusual phenomena it is not responsive to the plaintiff's request



regarding UFO or UFO phenomena. In any event, as I stated in my public affidavit (paragraph 20b), the subject matter of that paragraph is exempt from disclosure because it contains the employee's specific recommendations for addressing the problem of responding to surprise material. For the reasons stated in sub-paragraph (1) above, these recommendations are exempt from disclosure pursuant to 5 U.S.C. \$552(b)(5). One specific recommendation suggests an operational approach to solving the problem which reveals NSA activities and is, therefore, exempt from disclosure pursuant to 5 U.S.C. \$552(b)(3) as explained above.

(4) The final deletion is in appendix A, paragraph 10 of this report. This section talks about deceptive communications tactics used by the Vietnamese against U.S. forces and does not include any reference to UFO or UFO phenomena and is, therefore, not responsive to plaintiff's request. Nonetheless the subject matter of sub-paragraph 10 is currently and properly classified. Thus, even if it were deemed to be within the scope of plaintiff's request, it is exempt from disclosure pursuant to 5 U.S.C. \$552 (b)(1).

#### COMINT REPORTS

- 5. (TEC)—The remaining one hundred and fifty-six records being withheld are communications intelligence (COMINT) reports which were produced between 1958 and 1979. For purposes of my discussion here, these records are organized into three groups based upon the source of the report.
- a. One hundred and fifteen of these reports were produced by the signals intelligence organizations of foreign governments. These COMINT reports are provided to NSA under

various arrangements for sharing COMINT information. The countries who collaborate with NSA in SIGINT activities are designated either second party or third party sources — depending on the nature of the relationship.

(1	) Two of the recor	ds at issue here	were produced
by			The
United State	s has extremely		
		The	report from the
	was provided to	NSA	
			•
(2	) One hundred and	thirteen reports	were provided
			<del>//</del>
	b. Two of these CC	MINT reports orig	jinated from

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SIGINT operations which were conducted jointly by the United

States and a foreign government. Under such an arrangement the



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in exchange for the sharing of technology and/COMINT information.

- c. The remaining thirty-nine COMINT documents were produced by NSA or relate to NSA SIGINT operations. That is, these reports originated at NSA itself or in field sites under the operational and technical control of NSA.
- 6. (U) All of the COMINT reports are in either message or summary format. A report in message format contains a single underlying communication presented in a classic cable format, i.e., the verbatim text of the particular transmission, preceded and followed by "externals" consisting of: data about the sender and the recipient; the dates and times of transmission; and other technical information. A summary, as the label suggests, provides in summary form the contents of a single message or of a small number of related intercepted communications, often accompanied by some technical data.

7.—(SC) One hundred and fifty-four of the one hundred
and fifty-six COMINT reports are based wholly upon intercepted
communications of foreign governments transmitted on non-public
"government net" communications links or systems. Of the two
reports not included in this total, one report is the text of a
decrypted communication transmitted by an international
communications common carrier. I have described the distinction
between these two kinds of communications facilities in my public
affidavit at paragraph 10. The other record which is not based
on intercepted communications from "government net" facilities,

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is a description of an incident purported to have been learned	
from U.S. interception and analysis of	
communications.	
8. (TSC) The COMINT reports øriginated by	
can be further described in terms of	
sources and intelligence targets as follows:	
a. COMINT Reports Which	
Target Communications Transmitted on Com-	
munications Facilities. One report, in summary	
format, was produced by	
from the intercepted communications between two	
aircrafts and a ground controller in April	
report a "phenomena"	
in the sky north of Three reports are	
summaries of decrypted messages intercepted from	
communications. The messages were transmitted from	
ground radar operators to a central control station. In these	
encoded messages, the operators report everything that	
appears on their radar screens. When they cannot identify a	
particular object, they report it as an unidentifiable object.	
In translating these messages, the U.S. cryptolinguist uses	
"unidentified flying object" as the equivalent of the	
text.	
COMINT Reports Which Target the	
Communications System of the	
One hundred and nine documents in summary format report	
on intercepted communications between ground radar	
operators and a central control point. These summaries are	
similar to the reports described in sub-paragraph a above and,	

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again, contain decrypted information pertaining to the radar
operator's report of objects on his radar screen which he
cannot identify.
C. COMINT Report Which Targets
Communications. This document is a
summary of intercepted messages prepared in 1976 which report
radar tracking information from a ground radar station to a
central control point. It is similar to the reports described
in sub-paragraphs (a) and (b) above.
d. COMINT Report Which Targets
Communications. This symmary was prepared
in 1966 by the/It contains a
summary of intercepted communications which were transmitted
between the commander and the
air commander regarding a yellow object that
was reported to have fallen into the sea. These messages
were transmitted along a "government net" facility.
e. Two COMINT Reports Were the Product of Joint
SIGINT Operations and Targeted the Communications
The two reports were
produced from a field site which is jointly operated by the
U.S. and a collaborating foreign government. The reports
were prepared in 1966 and contain summaries of the communica-
tions transmitted by ground radar operators as discussed in
sub-paragraph b, above. One of the two reports is a follow-up
report to the other. The relevant activity reported deals
with the tracking of an object approximately 50 nautical
miles northeast of by the
Facility. As with the messages described above, these COMINT
reports are summaries of the decrypted messages.

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9. (TSC) NSA-originated reports - Thirty-eight documents
are the direct product of NSA SIGINT operations and one document
describes classified SIGINT activities. These documents can be
further described as follows:
a. The document describing SIGINT operations report
an alleged intercept of communications. The
factual circumstances of the incident reported in this record
were received by NSA from an FOIA requester other than the
plaintiff and are considered to be fictitions by NSA analysts.
However, the report does contain details about existing SIGINT
intercept activities against the
For example, the
is identified
as having the task to monitor military communications.
b. One record is a 1973 report which summarizes
the decrypted text of message transmitted
the decrypted text of message transmitted from the
the decrypted text of message transmitted from the
the decrypted text of message transmitted from the



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c. Twelve NSA-originated COMINT reports/talget
the communications links and systems of
Two documents, in summary format, report the decrypted text
of military communications. Two of the records are in message
format and report the decrypted texts of communica-
tions which relate that an unidentified flying object was
sighted in the air by a
contains a summary of activity based upon communica-
tions in reaction to an unidentified flying object along the
Two documents report on communications
transmitted between and
who report visual observations of luminous spheres. One
report is a summary of a transmission/between
Finally,
four documents in this group of twelve were intercepted from
four documents in this group of twelve were intercepted from
four documents in this group of twelve were intercepted from other non-military communications targets. One document is based
four documents in this group of twelve were intercepted from other non-military communications targets. One document is based on the intercepted transmission of a
four documents in this group of twelve were intercepted from other non-military communications targets. One document is based on the intercepted transmission of a reporting a bright light. The second record is based on the
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four documents in this group of twelve were intercepted from other non-military communications targets. One document is based on the intercepted transmission of a reporting a bright light. The second record is based on the intercept of a transmission of an to station seeking a report on any shining phenomena or falling meteorites observed on specified dates. The third and
four documents in this group of twelve were intercepted from other non-military communications targets. One document is based on the intercepted transmission of a reporting a bright light. The second record is based on the intercept of a transmission of an to a station seeking a report on any shining phenomena or falling meteorites observed on specified dates. The third and fourth reports are a summaries of on-going debates on UFOs among
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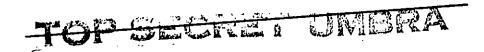
e. Four NSA-originated COMINT reports talget
communications links or systems. Three reports are in
summary format and are based on an intercepted message trans-
mitted between two sites
reporting an unidentified flying object at a very high altitude;
an intercepted message transmitted from
reporting that an unidentified flying object with two
lights had passed over and an intercepted
voice message transmitted to facility by a
who reported an unidentified flying
object. The fourth report is based upon a message between
units regarding a UFO sighting.
f. Sixteen NSA-priginated COMINA reports target
the "government net" communications systems and links of
several different countries. This group contains summaries
of intercepted transmissions between military units
(two reports based on communica-
tions of unit and an unidentified sender reporting
sightings of a UFO), (two reports based
on communications by unit commanders reporting unidentified
flying objects), (a report based on a message from a
military commander to an unidentified receiver in
reporting a sighting of unidentified flying objects),
(a report from an officer to the
reporting an object that appeared
to be a rocket over (a report based on
communications between and
an unidentified station in which reported
sightings of bright or light spots), (a report based

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on a transmission from a military unit to a commander
reporting a sighting of an unidentified flying object),
(a report based on a message from to an an unidentified
recipient which provided instructions for reporting the sighting
of flying objects), and (a report based upon a trans-
mission between reporting that some soldiers
saw a ball of light about the size of an orange moving overhead).
One document in summary format is the product of an intercepted
transmission reporting the sighting of an elongated
ball of fire. One document in message format reports the text
of a 1973 message sent by the
to the reporting an
unidentified flying object. One document in summary format
reports the decrypted text of an message
from the to the
which was transmitted along a "government net" facility.
It reports, among other items, an increase in UFO activity.
The last three documents in this group report on intercepted
communications of Each report
contains information derived from intercepted transmissions
reporting the tracking of unidentified aircraft by radar
operators.

#### EXEMPTION OF THE COMINT REPORTS

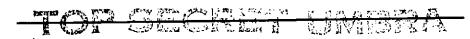
10. (S-CCO)—A primary and often overriding consideration regarding the classification of COMINT reports is that the need to protect communications intelligence sources and methods is greater than the need to protect sensitive contents of the underlying intercepted messages. Nevertheless, no portion of the contents of COMINT reports may be disclosed, where, as here, revealing the information would have the effect of identifying



for the target communicators the specific communications that had been intercepted and exploited. One hundred and fifty-four of the COMINT reports being withheld are the product of intercept operations directed against foreign government controlled communications systems within their territorial boundaries. Revealing the contents of these reports would disclose the capability of NSA to target these government controlled communication systems. Even where the underlying communications are not specified, foreign governments could easily recognize and readily identify the government net from which the communications had been intercepted for processing by NSA. Moreover, the disclosure of these reports would reveal much more than the identity of the targeted communications systems. It would reveal as well NSA's capability to read the codes and ciphers employed by the foreign governments whose communications were targeted because most of these messages were encrypted when transmitted. 11. (TS-CCO) The communications sources involved in this case -- which are specified or implicitly identified in the COMINT reports being withheld by NSA -- are the source of extremely valuable communications intelligence covering a broad range of kinds of information from and other military activities to economic, political and matters. Release of these documents would seriously damage the ability of the United States to gather this vital intelligence information for the following reasons: Disclosure of the report discussed in paragraph 9b a) would inform that their communications by international common carrier facilities can be intercepted and selected out by NSA, and, even more importantly, that the

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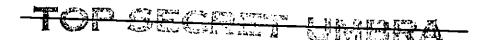


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Further-
more, revealing the NSA intercept operation against the interna-
tional common access carrier route which yielded the
message could cause the United States to lose access
to the communications of other foreign governments who use that
same communications route.
(b) The disclosure of reports, such as the
one at issue here, based on messages transmitted via
international common access carrier facilities would also reveal
this Agency's capacity to select from such intercepted communi-
cations those messages having potential intelligence value. This
essential step in the processing of intercepted communications
is one that, in the face of the millions of messages being
transmitted daily by increasingly rapid means, requires sophis-
ticated, advanced technology. NSA usually

this regard is not generally known and information about it would be of value to foreign intelligence officials.

(c) As I have stated in my open affidavit, when alerted to the extent of NSA's capability, and if given information from



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which inferences could be drawn as to the processing methods used, foreign intelligence services would be able to evade or defeat portions of NSA's present foreign intelligence efforts targeting international common carrier links. These countries could be expected to use different routes of communication or

	The	costs	involved	would	be	substantial	but	not	prohibi-
tive;	the to	chnolo	gy requi	red is	now	available			

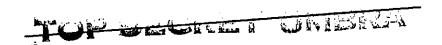
- 12. The disclosure of other records at issue here, would result in the loss of the intelligence information gathered from the interception of the government net communications systems. The value of the intelligence data collected from these sources is obvious.
- (a) For example, analysis of data collected from the intercept of the military communications systems of a foreign government—whether relating to communications (paragraphs 8a, b, c, e and 9f), communications (paragraph 9c), or transmissions between military units (paragraphs

8d and 9d, e, f) immeasurably aids U.S. analysts' studies of
the
foreign military forces. Analysts are able to report
on the operational capabilities of foreign
generally. This information enables planners in turn to assess
the capability of system
and The data
transmitted in communications is useful in evaluating
the performance capabilities of the
being reported. By monitoring theactivity and other
military transmissions and relating it to geographic areas, the
U.S. analyst can
Other targeted military community
cations provide critical technical information, such as data
which is vital to
the development of U.S. countermeasures. Foreign
communications are among the most timely and reliable
sources of intelligence information regarding their nation
intentions, in both the short and long terms. Moreover, the
government net systems described here continue to yield valuable
intelligence data including the communica-
tion systems discussed in paragraph 9d, not withstanding the
change in government.
(2) Also, the data collected from intercept operations
against the government net systems (described in paragraph
9c) provides invaluable information to our policymakers.
From these sources U.S. analysts are able to compile reports on
significant economic activity, scientific advances, weather
conditions and political events. Also, by monitoring these
transmissions, analysts are able to obtain data to
17

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The intelligence collected
from these sources is no less vital to U.S. planners than the
military intelligence information discussed above.
PROTECTION OF COLLABORATING COUNTRIES
13. (TSC) The need to protect against any identification
of the targets of intercept operations is equaled by the need
to protect against revealing the identity of the second or
third party sources which provide to NSA COMINT reports.
Disclosure of the records originated by second parties
could have extremely adverse repercussions
to the U.S. over and beyond the loss of the COMINT information
produced from the underlying COMINT targets. The most serious
possible reaction on the part of these countries would be a
termination of COMINT collaboration between our government and
theirs on the grounds that by its unwillingness or inability to
protect their reports against disclosure, the U.S. had abrogated
our agreements with them. At the very least they would have a
significant loss of confidence in the capability of the U.S.
officials to keep secrets. This could be expected to dampen
further extensions of collaborative efforts. It could cause
them to curtail coordination of plans for future projects of
mutual interest,
Furthermore,
disclosures which would tend to identify third party arrangements



and thirteen reports were provided by foreign sources whose

for COMINT collaboration would have a similar negative effect.

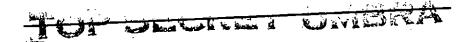
This is especially true in the instant case where one hundred

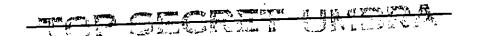
Disclosure of our COMINT arrangements with them

#### CLASSIFICATION OF THE WITHHELD COMINT REPORTS

affidavit, I have determined that the one hundred and fifty-six U.S. and foreign collaborators' reports relating to COMINT activities at issue here are based on intercepted communications of foreign governments or SIGINT operations and, thus, remain properly classified. In conducting this review I have weighed the significant need for openness in government against the likelihood of damage to our national security at this time and have determined that each record should continue to be classified. No meaningful portion can be segregated from the records without revealing classified information about the intercepted communications underlying the COMINT reports. Because each record and each portion thereof is properly classified under Executive Order 12065, it is exempt from disclosure pursuant to 5 U.S.C. \$552(b)(1).

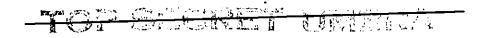
of foreign communications sent on international common carrier facilities or by government net channels are within the COMINT mission of NSA. So, too, is the carrying out of second and third party collaboration with other foreign governments. These functions and activities of NSA are particular types of matters that may be withheld under 5 U.S.C. \$552(b)(3), since Section 6





of Public Law 86-36 permits the Agency to refuse to release them. In this case, the COMINT reports reflecting those functions and activities must be withheld to avoid compromising the efficacy of the sources of COMINT information involved.

- 16. (S-CCO)—Information about the interception, processing and exploitation of the foreign communications underlying the records being withheld by NSA is classified information concerning communications intelligence activities of the United States and collaborating foreign governments, the unauthorized disclosure of which is prohibited by 18 U.S.C. \$798, paragraphs (a)(3) and (a)(4). This information because it is prohibited from disclosure by statute, is exempt from release under the FOIA pursuant to 5 U.S.C. \$552(b)(3).
- 17. (U) As stated in my public affidavit, the information that would be disclosed by these records is information about intelligence sources and methods protected from unauthorized disclosure under 50 U.S.C. §403(d)(3). The reports are therefore exempt from release under Exemption 3 of the FOIA. 5 U.S.C. §552(b)(3).
- 18. (U) In view of the foregoing, and in order to protect existing sensitive and important foreign intelligence sources and processing techniques vital to the national security, I certify that disclosure of past and present foreign intelligence communications activities of NSA revealed in the records the plaintiff seeks would endanger highly valuable sources of foreign intelligence.
- 19. (U) Finally, I respectfully request that the Court treat this affidavit in the same secure manner as it has been handled in submission to the Court, and to return it to appropriate personnel of the Department of Justice as soon as possible after review by the Court. The Department



of Justice will retain custody of this document under the Court's seal, subject to any further orders of this Court or any other court of competent jurisdiction.

EUGENE F. YEATES Chief, Office of Policy

Subscribed and sworn to before me this 4th day of October 1980.

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My commission expires on July 1, 1982.