

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

GARY SHAW, )  
 )  
Plaintiff, ) C. A. 80-1056  
 )  
v. )  
 )  
DEPARTMENT OF STATE, et al, )  
 )  
Defendants. )  
\_\_\_\_\_ )

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

Before the undersigned, a duly commissioned and qualified notary public, there personally appeared Thomas W. Ainsworth, who, having been duly sworn, did depose and say that the following is true to the best of his knowledge.

1. I am Acting Deputy Assistant Secretary for the Classification/Declassification Center of the Department of State (A/CDC). In that capacity I am responsible for the review of documents for release pursuant to the Freedom of Information Act (5 U.S.C. 552), commonly referred to as FOIA.
2. Some information in the Central Intelligence Agency's (CIA) documents involved in this case originated with the Department of State. The CIA has asked this Department to determine whether portions of 4 of CIA's documents should continue to be classified or otherwise denied pursuant to the provisions of 5 U.S.C. 552(b). The result of that review is stated in this Affidavit.
3. It has been determined that:

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Paragraphs 2 and 3 discuss matters relating to the extradition of certain alleged drug smugglers to the U.S.

The passages deleted include assessments by U.S. government officials on how certain aspects of U.S. negotiations with a foreign country should take place with respect to these extraditions. Release of the deleted paragraphs would also violate the confidentiality of discussions that took place between officials of the United States and that country. Paragraphs 2 and 3 are properly classified CONFIDENTIAL pursuant to Section 1-301(d) of Executive Order 12065 and denied pursuant to 5 U.S.C. 552(b) (1). The assessments made by U.S. officials in paragraphs 2 and 3, as noted above, constitute interagency deliberations within the meaning of 5 U.S.C. 552(b) (5).

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The name of a senior foreign country police official has been deleted in paragraph 2 as its release would breach an implied understanding of confidentiality with this law enforcement source. The deletion is made pursuant to 5 U.S.C. 552(b) 7(D). Release of that name would also be considered highly inappropriate by the foreign government and would likely impact negatively on our relations with that government. Thus, the name is properly classified as CONFIDENTIAL under Section 1-301(d) of Executive Order 12065 and is denied pursuant to 5 U.S.C. 552(b) (1). The names of individuals not germane to plaintiff's FOIA request have also been deleted in that their release would constitute an unwarranted invasion of the privacy of the persons identified. Deletions made pursuant to 5 U.S.C. 552(b) (7) (C).

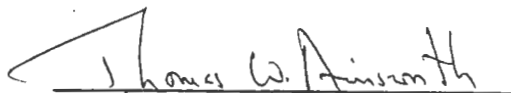
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Paragraph 2 contains information relating to discussions between the United States and a foreign government concerning

the turnover to the United States of certain alleged drug smugglers. The deleted portion discusses a possible modus operandi for the proposed turnover, and is denied as an interagency memorandum within the meaning of 5 U.S.C. 552(b)(5). Release of this passage would also violate the confidentiality of the discussions then taking place with that foreign government and is, therefore, properly classified CONFIDENTIAL pursuant to Section 1-301(d) of Executive Order 12065. As such the passage is deleted pursuant to 5 U.S.C. 552(b)(1). In addition, the passage contains the names of individuals not germane to plaintiff's FOIA request. These names have been deleted in that their release would constitute an unwarranted invasion of the privacy of the persons identified. Deletions made pursuant to 5 U.S.C. 552(b)(7)(C).

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Paragraph 4 describes negotiations that took place between U.S. officials and officials of two foreign governments concerning narcotics smuggling. Such discussions were conducted with an implied understanding of confidentiality. The passage referring to these discussions if released would be considered highly inappropriate by the two foreign governments and would likely jeopardize our relations with those governments. This paragraph is properly classified as CONFIDENTIAL under Section 1-301(d) of Executive Order 12065, and is denied pursuant to 5 U.S.C. 552(b)(1).

  
Thomas W. Ainsworth

Subscribed and sworn to before me this 1<sup>st</sup> day  
of December, 1980, at Washington, D.C.

