



Callimachi, Rukmini <rukmini.callimachi@nytimes.com>

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## FOIA Regarding Harold James Nicholson

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Callimachi, Rukmini <rukmini.callimachi@nytimes.com>

Thu, Jan 30, 2020 at 8:55 PM

To: cia\_foia@ucia.gov

Dear Coordinator,

Please find enclosed my FOIA regarding Harold James Nicholson. I have also sent this by fax to the number cited on your website.

Sincerely,

Rukmini Callimachi

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Rukmini Callimachi  
Foreign Correspondent  
*The New York Times*  
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 **FOIA-CIA-Harold-James-Nicholson.docx**  
74K

Exhibit J

**The New York Times**

620 Eighth Avenue  
NEW YORK, N.Y. 10018

Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

Jan. 30, 2020

Dear Coordinator -

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

**Name:** Rukmini Callimachi

**Affiliation:** International Investigative Reporter, *The New York Times*

**Address:** 521 Highland Avenue, Montclair NJ 07043

**Email:** rukmini.callimachi@nytimes.com

**Phone:** 332-999-5734

RECORDS SOUGHT

I request disclosure of the following records:

1. Any and all studies, memos, assessments and intelligence products, mentioning or referring to **Harold James Nicholson**, the former CIA

station chief in Bucharest, Romania from 1990 to 1992, who was later discovered to be a Soviet spy.

2. Any and all emails or correspondence mentioning or referring to **Harold James Nicholson**.
3. Any and all correspondence to or from a member of Congress or a Congressional Committee mentioning or referring to **Harold James Nicholson**.
4. Any and all records sent to or received from the State Department or the Congress mentioning, or referring to **Harold James Nicholson**.

**Reasonably Foreseeable Harm.** The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

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(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

CIA should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

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#### **INSTRUCTIONS REGARDING SEARCH**

1. *Request for Public Records:*

Please search for any records even if they are already publicly available.

2. *Request for Electronic and Paper/Manual Searches:*

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted in its Europe and Eurasia Mission center, Office of Strategic Programs, Office of Analytic Production and Dissemination, Open Source Enterprise, Intelligence and Foreign Affairs, Office of Special Activities, Office of Global Access, Office of Congressional Affairs, Executive Secretariat, Director and Deputy Director. I further request that the agencies conduct a search of its "soft files" as well as files in its locked cabinets.

3. *Request regarding Photographs and other Visual Materials:*

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. *Request for Duplicate Pages:*

I request disclosure of any and all supposedly "duplicate" pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all "duplicate" pages.

5. *Request to Search Emails:*

Please search for emails relating to the subject matter of my request.

6. *Request for Search of Records Transferred to Other Agencies:*

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

## FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

## FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I am an international investigative reporter for *The New York Times*, and a four-time Pulitzer Prize Finalist in International Reporting.

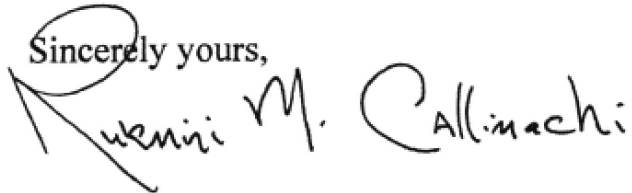
I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

Sincerely yours,

A handwritten signature in black ink that reads "Rukmini M. Callimachi". The signature is written in a cursive style with a large, looped initial "R".

Rukmini Maria Callimachi