



Rukmini Callimachi <rukmini.callimachi@nytimes.com>

Request # 2020-0673-A NARA Appeal No. NGC20-041A Bush Pres Library and Museum

Wanda Williams <wanda.williams@nara.gov>
To: Rukmini.callimachi@nytimes.com
Cc: FOIA <foia@nara.gov>

Wed, May 13, 2020 at 2:48 PM

Sent via Email to <Rukmini.callimachi@nytimes.com>

May 13, 2020

Rukmini Callimachi
International Investigative Reporter, *The New York Times*
521 Highland Avenue
Montclair, NJ 07043
332-999-5734

Re: 2020-0673-A NARA Appeal No. NGC20-041A

Dear Ms. Callimachi:

On April 22, 2020, we received on behalf of the Deputy Archivist of the United States, your administrative appeal, dated April 14, 2020, that you submitted via email to the George Bush Presidential Library and Museum. Library staff referred your appeal to NARA's Office of General Counsel. You are appealing the response you received from library staff to your FOIA request assigned tracking number 2020-0673-A. Your appeal has been assigned case number NGC20-041A. You sought documents regarding the meeting between President George H.W. Bush and Mikhail Gorbachev at the Malta Summit on December 2-3, 1989. You stated: "I am writing to appeal the decision to continue to classify these records, and I wish to point you to the Department of Justice's instructions for automatic declassification of documents that are 25 years or older: <https://www.justice.gov/open/declassification/declassification-faq>. The documents I am seeking, the bulk of which you indicated are being withheld based on the (b)(1), or the National Security Classified Information Exemption to the Freedom of Information Act. Yet the records I am seeking are nearly 31 years old. I am requesting that you review these records to please see if the classification can be lifted and if these documents can be made available for the purpose of journalistic research."

The Deputy Archivist of the United States has the responsibility to adjudicate such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt.

Due to the COVID-19 pandemic, and pursuant to guidance received from the Office of Management and

Exhibit K

Budget (OMB), NARA has adjusted its normal operations to balance the need for completing its mission-critical work while also adhering to the recommended social distancing for the safety of our staff. As a result of this re-prioritization of activities, you may experience a delay in receiving a substantive response to your FOIA request. We apologize for the inconvenience and appreciate your understanding and patience.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact us at foia@nara.gov. Please cite your case number (NGC20-041A) in all future correspondence with our office.

Sincerely,

Wanda Williams

Wanda Williams
Deputy Freedom of Information Act Officer
National Archives and Records Administration
Office of General Counsel
College Park, Maryland
301-837-0773
wanda.williams@nara.gov



The New York Times

620 Eighth Avenue
NEW YORK, N.Y. 10018

Supervisory Archivist (FOIA)
George Bush Presidential Library
1000 George Bush Drive West
College Station, TX 77845

February 24, 2020

Dear Supervisory Archivist FOIA -

I am Rukmini Callimachi, an investigative reporter for *The New York Times*.

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. Please note that it has been almost 25 years since the death of my stepfather,

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:

Exhibit L

1. Any and all studies, memos, assessments, and intelligence products, mentioning or referring to **Nicolae Ceausescu, the leader of Communist Romania, who was overthrown in 1989.**
2. Any and all emails mentioning or referring to **Nicolae Ceausescu.**
3. Any and all correspondence to or from a member of Congress or a Congressional Committee mentioning or referring to **Nicolae Ceausescu.**
4. Any and all records sent to or received from the FBI or the CIA mentioning, or referring to **Nicolae Ceausescu.**
5. Any and all records sent to or received from the National Security Council mentioning, or referring to **Nicolae Ceausescu.**
6. Any and all records sent to or received from the US Department of State mentioning **Nicolae Ceausescu**, including cables, telegrams, diplomatic notes, including those sent or received by **Nicolae Ceausescu.**
7. Any notes or minutes of meetings or telephone calls between **Nicolae Ceausescu**, or else members of his staff and administration, and President Reagan, or else members of his staff and administration.

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

-

- (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. . . .

The FBI 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.

-

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. 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.

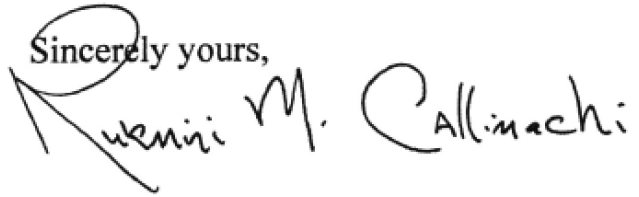
I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

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" and a distinct "M." before the last name.

Rukmini Maria Callimachi



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

Freedom of Information Request / Ceausescu

Bush Library <Bush.Library@nara.gov>
To: Bush Library <Bush.Library@nara.gov>
Cc: library.bush@nara.gov, rukmini.callimachi@nytimes.com

Tue, Feb 25, 2020 at 7:34 AM

Dear Ms. Callimachi:

Thank you for contacting the George H.W. Bush Presidential Library. We have received your request. We will send you a letter with additional information concerning your request shortly. If you have any questions, please let us know.

Sincerely
Elizabeth Staats
Archivist
George H.W. Bush Presidential Library
National Archives and Records Administration

[Quoted text hidden]



GEORGE H.W. BUSH PRESIDENTIAL LIBRARY and MUSEUM
1000 GEORGE BUSH DRIVE WEST | COLLEGE STATION, TX 77845

February 25, 2020

Ms. Rukmini Callimachi
The New York Times
521 Highland Ave.
Montclair, NJ 07043

Dear Ms. Callimachi:

This letter is in response to your Freedom of Information Act (FOIA) request dated February 24, 2020 for access to Bush Presidential records pertaining to Nicolae Ceaucescu. FOIA requests for Bush Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

A preliminary search of our processed collection holdings revealed approximately 60 responsive to your request that are publicly available. Historical records at NARA are not governed by the FOIA fee and fee waiver provisions in section 552(a)(4)(A)(vi). Accordingly, the (Library) does not provide fee waivers for copying. NARA charges standard reproduction fees for copying of historical records in accordance with our statutorily based fee schedule, codified at 44 U.S.C. § 2116(c). We will be happy to provide you with copies of the open and partially open records upon receipt of the reproduction fee of \$.80 per page. You may also view the documents in our research room at the George Bush Presidential Library and Museum where a self-service copier is available for the price of \$.25 a page. The Library accepts checks or money orders made out to the National Archives Trust Fund. When you provide a check as payment to the National Archives and Records Administration, please be advised that you authorize them to use the information from your check to make a one-time electronic funds transfer from your account or to process the payment as a check transaction. When NARA uses information from your check to make an electronic funds transfer, funds may be withdrawn from your account as early as they day, we receive your payment, and you will not receive your check back from your financial institution. The Library also accepts Visa, Master Card, American Express, or Discover/Novus orders.

We have also identified approximately 18 pages of potentially responsive records that must be processed in order to respond to your request. Please keep in mind that these totals are an estimate and that all material processed may not be applicable to your specific topic.

The staff of George Bush Presidential Library and Museum is currently processing and reviewing FOIA requests that precede your request. To treat everyone equitably, we have placed your request in our queue by the date it was received in our office.

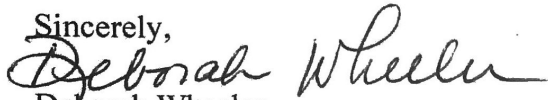
FOIA requests are processed and reviewed for access under provisions of the PRA and FOIA and are subject to the provisions of NARA regulations at 36 C.F.R. § 1270.46, which require that we notify the representatives of the former President and the incumbent President prior to the release of any Presidential records. Also, it should be noted that documents processed in response to your request may be closed in whole or part in compliance with applicable PRA restrictions and FOIA exemptions.

When processing is complete and the notification period has passed, we will inform you of the availability of these additional requested records. At that point, you may request copies of these records.

Exhibit N

If you wish to order copies or need any further assistance, please contact our staff at (979)691-4041 or library.bush@nara.gov. Your FOIA case log number is 2020-0555-F. Please have this number accessible for reference during any future contact concerning this case.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Wheeler". The signature is written in dark ink and is positioned above the printed name and title.

Deborah Wheeler
Supervisory Archivist

DKW:es



Rukmini Callimachi <rukmini.callimachi@nytimes.com>

Request for Status of Pages and Photocopies / FOIA / Ceausescu

Rukmini Callimachi <rukmini.callimachi@nytimes.com>

Tue, Apr 14, 2020 at 4:49 PM

To: library.bush@nara.gov

Dear Freedom of Information Administrator,

Please find enclosed my response to your letter regarding my FOIA request seeking records about Romanian dictator Nicolae Ceausescu. I am requesting the status of the 18 additional pages you mentioned and looking to order photocopies.

Sincerely,

Rukmini Callimachi

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Rukmini Callimachi
Foreign Correspondent
The New York Times
C: +1-332-999-5734
O: +1-212-556-2608

2 attachments**FOIA-Bush Sr-Ceausescu-Second-Letter.docx**

80K

**FOIA - Bush Sr - Ceaucescu .pdf**

1836K

Exhibit O

The New York Times

620 Eighth Avenue
NEW YORK, N.Y. 10018

Supervisory Archivist (FOIA)
George Bush Presidential Library
1000 George Bush Drive West
College Station, TX 77845

April 14, 2020

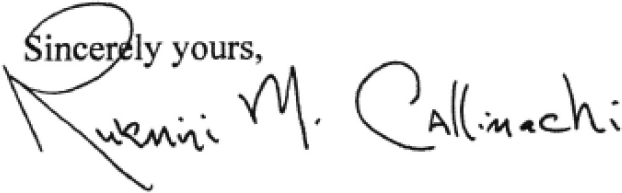
Dear Supervisory Archivist / FOIA –

Thank you for your response to my request regarding **Romanian dictator Nicolae Ceausescu** dated February 24, 2020, in which you confirmed that your collection has 60 records that are publicly available, and another 18 pages that are potentially responsive.

I am writing today:

- (1) To ask if the 18 additional pages have been located and if so if they are considered responsive to my request?
- (2) If I can go ahead and ask for photocopies of the total pages? If so, how do I go about processing the payment?

I am enclosing my original Freedom of Information request and your response for your perusal.

Sincerely yours,

Rukmini Maria Callimachi

ORIGINAL REQUEST

Supervisory Archivist (FOIA)
George Bush Presidential Library
1000 George Bush Drive West
College Station, TX 77845

February 24, 2020

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

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Email: rukmini.callimachi@nytimes.com

Phone: 332-999-5734

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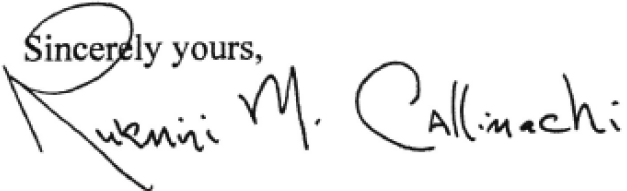
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operations or activities of the government and is not primarily in the commercial interest of the requester." Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request 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.

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Rukmini Maria Callimachi