



Forms

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Part A. Requester Information

Prefix

First
Ken

Middle
D

Last
Bensinger

Suffix

Address 1

Address 2

Address 3

City
Los Angeles

State
CA

Zip Code
90041

Country
USA

Phone #1

Email Address
ken.bensinger@buzzfeed.com

Part B. Request

Prefix

First Name

Middle Name

Last Name

Suffix

Date of Birth

Place of Birth

SSN

ARN

FBI Number

Alias's

Upload Attachment
No Input

Are you making a request on something other than a deceased individual? If so, please give detailed information regarding the organization, business, investigations, historical event, incident or, group. Please ONLY MAKE ONE FOIA REQUEST PER SUBMISSION.

I am seeking the complete case file for the FBI investigation of a bombing that occurred at Yale Law School on May 22, 2003, as well as any related documents and materials that touch on the alleged bombing. Please see attached PDF for more details of the incident and the fact that the FBI was involved in the investigation. To the extent that the entirety of the responsive documents cannot be provided, I ask that they be sent in redacted and segregated form.

Unload Attachment

Exhibit 1

application/pdf: 79177 bytes

Part C.

Please select the appropriate fee category so that we may properly and accurately assess fees for your request.

B. I am a representative of the news media and I am seeking this information as part of a news gathering effort and not for commercial use. (**Please list your affiliation.

** Media Affiliation
BuzzFeed News

I am willing to pay fees for this request up to a maximum of
\$50

Part D.

Additional Comments

I am a working member of the news media and am requesting a waiver of all fees under 5 U.S.C. Section 552(a)(4)(A)(iii). The information I seek is in the public interest because it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

Additional Comments

I am seeking expedited processing because there are indications that this incident has ties to much more recent and pressing events related to national security. A better understanding of the event could prove of vital significance to the public and public safety.

reCaptcha
x



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

July 9, 2021

MR. KENNETH BENSINGER
BUZZFEED NEWS
5228 HIGHLAND VIEW AVENUE
LOS ANGELES, CA 90041

FOIPA Request No.: 1499427-000
Subject: Yale Law School Bombing

Dear Mr. Bensinger:

The enclosed 380 pages of records were determined to be responsive to your subject and were previously processed and released pursuant to the Freedom of Information Act (FOIA). Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- In an effort to provide you with responsive records as expeditiously as possible, we are releasing documents from previous requests regarding your subject. We consider your request fulfilled. Since we relied on previous results, additional records potentially responsive to your subject may exist. If this release of previously processed material does not satisfy your request, you may request an additional search for records. Submit your request by mail to **Initial Processing Operations Unit, 200 Constitution Drive, Winchester, VA 22602, or by fax to (540) 868-4997**. Please cite the FOIPA Request Number in your correspondence.
- Please be advised that additional records responsive to your subject exist. If this release of previously processed material does not satisfy your request, you must advise us that you want the additional records processed. Please submit your response within thirty (30) days by mail to **Initial Processing Operations Unit, 200 Constitution Drive, Winchester, VA 22602, or by fax to (540) 868-4997**. Please cite the FOIPA Request Number in your correspondence. **If we do not receive your decision within thirty (30) days of the date of this notification, your request will be closed.**
- One or more of the enclosed records were transferred to the National Archives and Records Administration (NARA). Although we retained a version of the records previously processed pursuant to the FOIA, the original records are no longer in our possession.

If this release of the previously processed material does not satisfy your request, you may file a FOIPA request with NARA at the following address:

National Archives and Records Administration
Special Access and FOIA
8601 Adelphi Road, Room 5500
College Park, MD 20740-6001
- Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA), and they were not previously processed pursuant to the FOIA. You may file a request with NARA using the address above.
- One or more of the enclosed records were destroyed. Although we retained a version of the records previously processed pursuant to the FOIA, the original records are no longer in our possession. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 as implemented by Title 36, Code of Federal Regulations, Part 1228; Title 44, United States Code, Section 3310 as implemented by Title 36, Code of Federal Regulations, Part 1229.10.

Exhibit 2

- Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10.
- Documents or information referred to other Government agencies were not included in this release.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **“Part 1”** of the Addendum includes standard responses that apply to all requests. **“Part 2”** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **“Part 3”** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

Please be advised that if you are seeking a new search for records, you may wish to narrow the scope of your request based on material that you have already received, e.g., timeframe or locality. Additionally, be advised that “unusual circumstances” may apply. See 5 U.S.C. § 552 (a)(6)(B)(iii). These “unusual circumstances” will delay our ability to make a determination on your request within 20 days. See 5 U.S.C. § 552 (a)(6)(B). Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii). The application of “unusual circumstances” is not a determination of how the FBI will respond to your substantive request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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. This request seeks expedited processing.

REQUESTER INFORMATION

Name: Ken Bensinger

Position: Senior Investigative Reporter, BuzzFeed News

Address: 5228 Highland View Ave., Los Angeles, CA 90041

Email: kenbensinger@gmail.com

RECORDS SOUGHT

I previously requested records from the FBI mentioning or referring to a bombing at Yale Law School. On July, 9, 2021, FBI responded to my request with the case number 1499427-000 and turned over 360 pages of previously processed records. FBI noted in its production letter that additional records exist and requested that if I am interested in those records that I should contact the bureau within 30 days. I am interested in receiving those records despite the fact that 30 days have elapsed since I received the FBI’s letter. The FBI should interpret this submission as a **new** FOIA request for the unprocessed records pertaining to the Yale Law School bombing. I will note that in my initial request for these records I asked for “all documentation” about the subject matter. The FBI violated the FOIA by failing to process my request for all records and instead provided me with pre-processed records. Moreover, the FBI further violated FOIA by failing to conduct a new review of the pre-processed records it disclosed to me to determine if additional information in the redacted pages could be disclosed.

For this new request, the FBI should conduct a search of the CRS as well as an ECF, TEXT and ELSUR search for responsive records. Additionally, I request that the bureau provide me with all 302s related to this subject.

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. . . .

FBI should not fail to comply with this mandatory part of the FOIA as recently amended by Congress. The Agency is required to identify what reasonably foreseeable harm would flow from release of the information withheld, nor did it consider a partial disclosure of the information, taking reasonable steps to segregate and release nonexempt information.

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 agency 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, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. 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 WAIVER

I request to be categorized as a representative of the news media. 5 U.S.C. § 552(a)(4)(A)(ii). I am a reporter for BuzzFeed News and formerly the Los Angeles Times and Wall Street Journal, and my articles reach thousands of readers. The requested records will inform my reporting and I intend to use these records in my capacity as a reporter.

Further, I request that any remaining fees be waived because disclosure of the responsive records "is in the public interest" as "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." 5 U.S.C. § 552(a)(4)(A)(iii). The subject of the records is the Yale Law School bombing. The records are likely to contribute to the general public's understanding of its government because one or more suspects in that alleged bombing are now tied to the events of January 6, one of the most serious threats to government in US history. Moreover, as a reporter for BuzzFeed News, I am able to distribute this information broadly to the public.



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 24, 2021

MR. KENNETH D. BENSINGER
BUZZFEED NEWS
5228 HIGHLAND VIEW AVENUE
LOS ANGELES, CA 90041

FOIPA Request No.: 1499427-001
Subject: Yale Law School Bombing

Dear Mr. Bensinger:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
 - We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
 - We have reviewed your request and determined it is not consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be sent through standard mail.
- The subject of your request is currently being processed and documents will be released to you upon completion.
- Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 26, 2021

KENNETH D. BENSINGER
BUZZFEED NEWS
5228 HIGHLAND VIEW AVENUE
LOS ANGELES, CA 90041

FOIPA Request No.: 1499427-001
Subject: Yale Law School Bombing
(May 22, 2003)

Dear Mr. Bensinger:

Please be advised that "unusual circumstances" apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B)(iii). "Unusual circumstances" include one or more of the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components.

These "unusual circumstances" will delay our ability to make a determination on your request within 20 days (excluding weekend and legal public holidays). Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii).

The application of "unusual circumstances" is not a determination of how the FBI will respond to your substantive request, this letter provides notice that these "unusual circumstances" apply to processing and delay the determination of your request. See 5 U.S.C. §§ 552 (a)(6)(A)(viii); (a)(6)(B).

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please advise in writing if you would like to discuss reducing the scope of your request. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Initial Processing Operations Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 200 Constitution Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Initial Processing Operations Unit.

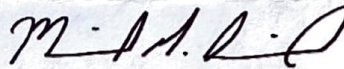
For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

Exhibit 5

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 29, 2021

KENNETH D. BENSINGER
BUZZFEED NEWS
5228 HIGHLAND VIEW AVENUE
LOS ANGELES, CA 90041

FOIPA Request No.: 1499427-001
Subject: Yale Law School Bombing
(May 22, 2003)

Dear Mr. Bensinger:

This is in response to your request for a fee waiver for the above referenced Freedom of Information/Privacy Acts (FOIPA) request. Fee waivers are reviewed on a case by case basis, and your request was denied for the reason(s) selected below. See 5 U.S.C. § 552 (a)(4)(A)(iii) and 28 C.F.R. § 16.10(k).

- You failed to demonstrate that the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.
- Disclosure of the information is primarily in the commercial interest of the requester.

You have the opportunity to reduce the scope of your request. If records are located, reducing the scope could potentially place your request in a quicker processing queue. In addition to allowing for timelier processing, it may also reduce applicable costs associated with your request.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

Exhibit 6



Ken Bensinger <ken.bensinger@buzzfeed.com>

RE: [EXTERNAL EMAIL] - FOIPA #149927-001

5 messages

FOIPAQUESTIONS@FBI.GOV <FOIPAQUESTIONS@fbi.gov>
To: Ken Bensinger <ken.bensinger@buzzfeed.com>

Mon, Dec 6, 2021 at 10:37 AM

Good afternoon,

If you are not satisfied with the determination made in response to this request, you may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, U.S. Department of Justice, Sixth Floor, [441 G Street, NW](#) Washington, DC 20001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following web site: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of the letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov for dispute resolution services from the FBI. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services," and you should also cite the FOIPA Request Number assigned to your request. Your use of dispute resolution services does not toll the time limit to file a timely appeal with the Director, OIP, U.S. Department of Justice.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>
Status updates are performed on a weekly basis.

Exhibit 7

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.



From: Ken Bensinger <ken.bensinger@buzzfeed.com>
Sent: Friday, December 3, 2021 4:24 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Cc: Ken Bensinger <ken.bensinger@buzzfeed.com>
Subject: [EXTERNAL EMAIL] - FOIPA #149927-001

To Whom It May Concern:

I am writing in reference to my recent FOIA request, #1499427-001.

In correspondence dated November 24, the FBI identified me in written correspondence as a "general (all others) requester" for the basis of determining a fee waiver. On Nov. 29, the FBI indicated it had denied my request for a fee waiver because I "failed to demonstrate that the requested information is in the public interest." (see attached)

In fact, I am a representative of the news media, and my fee waiver request should have been determined on that basis. As I indicated in my FOIA request, I am a staff reporter at BuzzFeed News, a digital outlet with a large domestic and international readership.

Moreover, I intend to use the records I have requested for news gathering purposes in order to publish articles for publication. This request is not for commercial purposes or private interest.

Please issue me a new acknowledgment letter as a member of the news media for fee waiver purposes, or advise me if I should appeal the determination.

I look forward to your reply. My cell phone is 213 572 8578 should any questions arise.

Thank you.

Ken Bensinger

--

Ken Bensinger | BuzzFeed News | Reporter

(213) 572-8578 | @kenbensinger

6824 Lexington Ave. Los Angeles, CA 90038

[REDACTED]

[REDACTED]

U.S. Department of Justice



Federal Bureau of Investigation

Washington, D.C. 20535

December 22, 2021

KENNETH D. BENSINGER
BUZZFEED NEWS
5228 HIGHLAND VIEW AVENUE
LOS ANGELES, CA 90041

FOIPA Request No.: 1499427-001
Subject: Yale Law School Bombing
(May 22, 2003)

Dear Mr. Bensinger:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

By e-mail dated 11/18/21, you indicated your willingness to pay \$50 in FOIA processing fees. The Federal Bureau of Investigation (FBI) has located approximately 15609 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Below you will find check boxes and informational paragraphs about your request. Please read each one carefully.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

If all potentially responsive pages are released on CD, it is estimated that you will owe \$475.00 in duplication fees (32 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, it is estimated that you will owe \$775.45 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.

You submitted your request via the FBI's eFOIPA system. Releases will be made to you electronically, and it is estimated that you will owe \$_____ in duplication fees (____ releases at \$15.00 each, less \$5.00 credit for the first release).

The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, it is estimated that you will owe \$_____ (____ CDs at \$15.00 each, less \$5.00 credit for the first CD).

It is estimated that you will owe approximately \$____ in international shipping fees.

The estimated total cost for processing your request is approximately \$475.00 for CD releases or \$775.45 for paper releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIPA releases. You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.

I am willing to pay fees of a different amount.

Please specify amount: _____

Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.

Cancel my request.

Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Initial Processing Operations Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 200 Constitution Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Initial Processing Operations Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel".

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division



A-2022-00518

Requester: Bensinger, Ken

Status: In Progress



Appeal

Appeal Information

Received Date	12/23/2021	Agency	OIP
		Document Delivery Method	Email

Request Information

Request Number	1499427-001
Component	FBI

Basis for Appeal

Description of Appeal	<p>I am writing to appeal the basis of the FBI's determination to deny my request for a fee waiver for FOIA request 14994278-001, which identified me in written correspondence as a "general (all others) requester" for the basis of determining a fee waiver. On Nov. 29, the FBI indicated it had denied my request for a fee waiver because I "failed to demonstrate that the requested information is in the public interest." (see attached)</p> <p>In fact, I am a representative of the news media, and my request for a fee waiver should have been determined on that basis. As I indicated in my FOIA request, I am a staff reporter at BuzzFeed News, a digital outlet with a large domestic and international readership.</p> <p>Moreover, I intend to use the records I have requested for news gathering purposes in order to publish articles for publication. This request is not for commercial purposes or private interest.</p> <p>I expect this appeal will allow my request to be considered to have come from a member of the working news media for fee waiver determination purposes.</p> <p>Thank you.</p>
Based on Denial of Fee Waiver	Yes
Based on Denial of Expedited Processing	No
Requester Item Type 1	Supplemental Information
Requester Items 1	FOIPA 1499427-001 response letters.pdf
Requester Item Type 2	
Requester Items 2	
Requester Item Type 3	
Requester Items 3	

Requester Contact Information

Salutation		Address Type	Work
First Name	Ken	Country	United States
Middle Name		Address Line 1	

Last Name	Bensinger	Address Line 2	
Email Address	ken.bensinger@buzzfeed.com	City	Los Angeles
Organization	BuzzFeed News	State	California
Register Number		Zip/Postal Code	90041
Phone Number	213-572-8578		
Fax Number			
Other Information			

Expedited Processing Information

Expedited Processing Requested?	No
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Ken Bensinger <ken.bensinger@buzzfeed.com>

RE: [EXTERNAL EMAIL] - FOIPA #149927-001 (processing fees)

1 message

FOIPAQUESTIONS@FBI.GOV <FOIPAQUESTIONS@fbi.gov>
To: Ken Bensinger <ken.bensinger@buzzfeed.com>

Mon, Jan 3, 2022 at 8:34 AM

The FBI has received your additional correspondence regarding your Freedom of Information/Privacy Act (FOIPA) request and it has been forwarded to the assigned analyst for review and determination.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>
Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.



From: Ken Bensinger <ken.bensinger@buzzfeed.com>
Sent: Thursday, December 30, 2021 6:38 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>

Exhibit 10

Cc: Ken Bensinger <ken.bensinger@buzzfeed.com>

Subject: [EXTERNAL EMAIL] - FOIPA #149927-001 (processing fees)

To Whom It May Concern:

I am writing in reference to my FBI FOIA request, #1499427-001.

In correspondence dated Dec. 22, the FBI asked me to indicate in writing my preference for payment for processing and delivery of the approximately 15,609 pages of responsive documents I requested. To that end, I am writing now to state that:

- I am willing to pay the estimated \$475 cost stated in the letter of Dec. 22
- That I prefer the releases be in CD format

A scan of the letter and my indicated willingness to pay for the costs is attached to this email for reference purposes.

However, I wish to note that I have formally appealed the FBI's prior fee waiver determination for my pending FOIA request, which was based upon me not being a representative of the news media but instead a standard member of the public. In fact, I a working reporter on staff at an international news outlet, BuzzFeed News and thus the fee waiver determination should have been based on that criteria. The appeal number is **A-2022-00518**.

Should any questions arise, please don't hesitate to call me at (213) 572-8578.

Thank you for your attention to this matter,

Ken Bensinger

--

| **BuzzFeed News** | Reporter
(213) 572-8578 | @kenbensinger
[6824 Lexington Ave. Los Angeles, CA 90038](https://www.buzzfeednews.com/)

[REDACTED]



Ken Bensinger <ken.bensinger@buzzfeed.com>

RE: [EXTERNAL EMAIL] - Re: FOIA request 1499427/Yale Law School bombing

1 message

FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@fbi.gov>

Mon, Jan 10, 2022 at 11:13 AM

To: Ken Bensinger <ken.bensinger@buzzfeed.com>

Dear Mr. Bensinger,

Thank you for your email; as an fyi, we contacted you at the email you provided in your request. We'll continue processing your request as-is in the extra-large track.

Best regards,

Negotiation Team

Federal Bureau of Investigation

Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Ken Bensinger <ken.bensinger@buzzfeed.com>

Sent: Monday, January 10, 2022 1:49 PM

To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>

Cc: Ken Bensinger <ken.bensinger@buzzfeed.com>

Subject: [EXTERNAL EMAIL] - Re: FOIA request 1499427/Yale Law School bombing

Hello. I am responding from my work email, although your recent correspondence came in through my personal email. In any event, both work for present purposes.

Exhibit 11
1

Thank you for informing me of the options for processing my FOIA request 1499427.

I am writing now to decline to narrow my request and ask that the FBI begin processing the full request immediately.

Please let me know if you have any questions. I can also be reached by phone at 213 572 8578.

Thank you,

Ken Bensinger
BuzzFeed News

On Mon, Jan 10, 2022 at 8:28 AM Ken Bensinger <kenbensinger@gmail.com> wrote:

----- Forwarded message -----

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@fbi.gov>
Date: Mon, Jan 10, 2022 at 5:50 AM
Subject: FOIA request 1499427/Yale Law School bombing
To: kenbensinger@gmail.com <kenbensinger@gmail.com>

Good morning Mr. Bensinger,

We're contacting you about the FOIPA request above. The FBI located approximately 15,609 pages potentially responsive to your request.

Requests are processed in the order in which they are received through our multi-track processing system:

Small track requests (0-50 pages) current average time is approximately 5 months to complete;

Medium track requests (51-950 pages) current average time is approximately 31 months to complete;

Large track requests (951-8000 pages) current average time is approximately 66 months to complete; and

Extra-large track requests (over 8000 pages) current average time is approximately 79 months to complete.

The current average time to complete your extra-large track request is at least 79 months. Reducing the scope of your request may accelerate the processing, allow for a timelier receipt of the information you seek, and reduce the duplication costs, if applicable. If you would like to receive material the soonest, you may wish to reduce the request to no more than 50 pages to place it in the small track. If your timeline allows, you may also wish to consider reducing to the medium track (up to 950 pages). You would be welcome to make a new request for additional information once your negotiated request has been completed, subject to applicable fees.

Please let us know if you would like to move forward with reducing the scope of your request.

Best regards,

Negotiation Team

Federal Bureau of Investigation

Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



[Redacted signature]

--

Ken Bensinger | **BuzzFeed News** | Reporter

(213) 572-8578 | [@kenbensinger](https://twitter.com/kenbensinger)

6824 Lexington Ave. Los Angeles, CA 90038

[Redacted signature]

[Redacted signature]