

United States District Court
District of Columbia

FILED

OCT 12 2006

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Andrew Bestor, *pro se*
144 11th St. SE, No. 4
Washington D.C. 20003
(202) 320-3638

v.

CASE NUMBER 1:06CV01745

Federal Bureau of Investigation [FBI]
J. Edgar Hoover Building
935 Pennsylvania Ave. NW
Washington D.C. 20535-0001
(202) 324-3000

JUDGE: Ricardo M. Urbina

DECK TYPE: Pro se General Civil

DATE STAMP: 10/12/2006

COMPLAINT


May it please the Court,

1. Acting under the Freedom Of Information Act 5 U.S.C. 552 and all related entitlements,

Bestor files this Complaint against the Federal Bureau of Investigation (FBI) in the United States District Court for the District of Columbia as authorized in the attached letters from the FBI [Evidence 1 and 2].

2. Bestor seeks access to all documents, files, systems of files and data the FBI has on him, particularly focusing on the 1990s and Seattle Washington where he contacted them and now very much believes they documented the contact. All information the FBI has in their 'main vaults' or in their headquarters retrieval system will also be of great interest; the authorization to act in court covers everything prior to his arrival in Washington D.C. in July 2001 [he has 'exhausted' his administrative appeals trying to obtain the data].

3. Bestor previously sought information from the FBI and now believes they lied to him on previous occasions as the third attached letter from the FBI [Evidence 3] will show - with consequential damages. Given those experiences he alleges they act in 'bad faith.'


Andrew Bestor, 144 11th St SE, Washington D.C. 20003, (202) 320-3638

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Evidence

Evidence 1 and 2: Letters from the FBI authorizing court action under the Freedom Of Information Act 5 U.S.C. 552 to obtain all files, systems of files, documents and data from the FBI and Seattle Field Office of the FBI.

Evidence 3: Letter from the FBI definitely showing Bestor previously attempted to obtain this information, which Bestor says equates to 'bad faith' on their part with consequential damages. Bestor does not have his 2001 request to the FBI for information but only their evasive denial, which at the bottom appears to acknowledge even a previous request for all information had been made ["NOTE:an FOIPA request"]. In that sense this District Court has been victimized right along with Bestor, insofar as Bestor based five years of litigation [at significant cost] on their denial.



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 06 2005

Mr. Andrew S. Bestor
144 11th Street SE., No. 4
Washington, DC 20003

Re: Appeal No. 05-2021
Request No. 1021054
RLH:ADW:JTR

Dear Mr. Bestor:

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records concerning you.

After carefully considering your appeal, and as a result of discussions between FBI personnel and a member of my staff, the FBI conducted a further search and located one page of responsive information. I have decided to release this one page to you in full, a copy of which is enclosed. With the release of this one page, the Headquarters Office of the FBI has provided you with all records that it could locate in its files responsive to your request.

Additionally, FBI personnel have advised a member of my staff that the Washington Field Office may have records responsive to your request. If you have not done so already, I can only suggest that you submit a new request directly to the Washington Field Office. See 28 C.F.R. §§ 16.3(a) and 16.41(a) (2004) (requests for records held by FBI field offices must be submitted to the field offices directly). I will consider appeals from each response individually. The address for the Washington Field Office is:

Federal Bureau of Investigation
Washington Metropolitan Field Office
601 4th Street NW.
Washington, DC 20535-0002

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Huff".

Richard L. Huff
Co-Director

Enclosure

Evidence 1 and 2:



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP - 5 2006

Mr. Andrew Bestor
No. 4
144 11th Street SE.
Washington, DC 20003

Re: Appeal No. 06-0096
Request No. 1029403-000
KDC:ADW:DJS

Dear Mr. Bestor:

You appealed from the action of the Seattle Field Office of the Federal Bureau of Investigation on your request for access to records pertaining to yourself.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FBI informed you that it could locate no Seattle Field Office records responsive to your request in its automated indices. Subsequent to your appeal, the FBI conducted another search of its automated indices for Seattle Field Office records responsive to your request. No responsive records were located as a result of this second search. I have determined that the FBI's response was correct.

Regarding your comments about your employment with Boeing, please note that the FBI does not routinely conduct background investigations for any agency other than the Department of Justice, nor does it grant security clearances to anyone other than its own employees. I suggest that you write directly to whatever organization conducted your background investigation.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Metcalfe", written over a large, loopy flourish.

Daniel J. Metcalfe
Director

October 26, 2001

Honorable George Allen
United States Senator
507 East Franklin Street
Richmond, VA 23219

Dear Senator Allen:

I am writing in response to your September 27th communication on behalf of Mr. Andrew S. Bestor. Mr. Bestor alleges, among other things, that he is being harassed by the "nation of Japan."

In order for the FBI to initiate an investigation of any complaint we receive, specific facts must be set forth to indicate that a violation of federal law within our investigative jurisdiction has occurred. As much as we would like to be of assistance to Mr. Bestor, Japanese sovereignty issues prevent us from intervening in that country's internal affairs. I want to assure him that the FBI is not involved in activities of the kind that he mentioned. Should Mr. Bestor have any evidence that representatives of Japan's construction industry or other groups are engaging in criminal activities in the United States that he believes are in violation of any of the federal laws falling within the investigative jurisdiction of the FBI, I encourage him to provide details of such activities to our Washington Field Office, 601 Fourth Street, Northwest, Washington, D.C. 20535-0002, telephone number 202-278-2000.

I hope this information will be helpful to you in responding to Mr. Bestor. Your enclosures are being returned as requested.

Sincerely yours,

Arthur Radford Baker
Unit Chief
Office of Public and
Congressional Affairs

Enclosures

1 - ADIC, WFO - Enclosures
1 - LEGAT, Tokyo - Enclosures
1 - SAC, Richmond - Enclosures
1 - IOS, ISD (Room 7443) - Enclosures
1 - Congressional Affairs Office (Room 7240) - Enclosures

62C-HQ-1077229-13190

NOTE: Based on available information, the only reference in ACS records possibly identifiable with Andrew S. Bestor is an FOIPA request.

JB