

PO Box 44
Mesa Verde National Park, CO 81330
July 24, 2009

Tessy Shirakawa
Mesa Verde National Park
PO Box 8
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Dear Tessy:

In an email sent to me on Tuesday, July 21, 2009, the Deputy Superintendent, Bill Nelligan, suggested I contact you if I wanted to continue discussing my interest in obtaining financial information about Mesa Verde National Park.

Unfortunately, I think we have reached an impasse on two major and significant issues:

- Even though I am employed by the National Park Service and work as a seasonal ranger at Mesa Verde National Park and work under the “chain of command” every day, there still are many rights and responsibilities I retain as a citizen. One of those rights is my right to pursue information through the Freedom of Information Act. The Freedom of Information Act was passed by Congress in the hope of making our government more open and transparent, and it allows me *as an ordinary citizen* to ask for financial information without going through the chain of command and without fear of reprisal.

I have checked my assumptions about this with Alexandra Mallus who is the Department of Interior’s FOIA Officer in Washington, D.C. (202-208-5342). At her suggestion, I also spoke with Diane Cook, the National Park Service’s FOIA Officer in Washington, D.C. (202-354-1925). And they both agree with me.

I invite you to call them if you want further clarification on my rights to ask for information as a National Park Service employee and whether I have to exercise those rights within the “chain of command” or whether I can exercise them simply as a private citizen.

- In spite of the memorandum from the Secretary of the Interior dated July 2, 2009 concerning the *Freedom of Information Act Policy Guidance* in which he writes, “Each of us must commit to making responses to FOIA requests a priority in order to fulfill both the letter and the spirit of the law;” and in spite of a reference in that memorandum to the President’s memorandum of January 21, 2009 in which the President writes, “In responding to requests under the FOIA, executive branch agencies should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public;” and in spite of the Attorney General’s memorandum of March 19, 2009 in which he writes that “unnecessary bureaucratic hurdles have no place in the “new era of open Government” that the President has proclaimed,” it seems we simply disagree on what the letter and spirit of these memorandums mean or on how they should affect the extent to which every branch of government, including Mesa Verde National Park, should become more open and transparent.

Simply stated, I believe the park management is violating the spirit and intent of the memorandums of our President, the Attorney General of the United States, and the Secretary of the Interior. I believe Larry Wiese and Bill Nelligan are disobeying the directives and orders inherent in those memorandums as given to everyone within the executive branch of government and particularly within the Department of the Interior. And if the park tries to ignore a formal FOIA request for the information I have requested, the park and its executive management team will be breaking the law.

Furthermore, instead of adopting “a presumption of disclosure” and instead of acting “promptly and in a spirit of cooperation,” (from the President’s memorandum) the management of Mesa Verde National Park is acting as if my asking for financial information is not appropriate, it’s inconvenient at this time, and my request simply will be ignored.

What is ironical is that the information I requested in my first letter could have been generated on some computers within five to ten minutes. They are basic and standard reports; they are easily generated; and Linda Lanier, Larry Wiese, and/or Bill Nelligan could have printed them easily and quickly. The additional information I requested in my letter of July 20, 2009 might have taken a little longer to prepare, but the appropriate files could have been given to me to work on in the Headquarter’s offices and I easily could have found what I was seeking. Instead, there’s been a lot of inaction, virtually no information about the 2007 and 2008 expenditures, and only a promise that my “request for information will be addressed” sometime in the future---perhaps months from now.

In short, we simply disagree on whether the park should open its books, we disagree on whether the park should respond to my requests without the expense and administrative regulatory paperwork of a formal FOIA request, and we disagree on the rights and responsibilities of a private citizen vis-à-vis the rights and responsibilities of an agency of the Executive branch of government.

Consequently, since my repeated attempts to obtain financial information informally have met with no success, I am writing to let you know I will go ahead and file an official, formal Freedom of Information Act request for the information outlined in my letter of July 20, 2009 with Jack O’Brian, the FOIA officer for the NPS’s Intermountain Regional Office.

Naturally if you or Bill would like to discuss this with me, I would be willing to spend some time with you. Feel free to call my home (970-529-4024) and if I am not there, please leave a message; or just leave a message in my mailbox, or email me (bruce@schundler.net).

In the meantime, however, I will go ahead and start the paperwork for a formal and official FOIA request.

Looking ahead,

Bruce Schundler