

47 Four Oaks Road
Bedminster, NJ 07921
February 1, 2010

Secretary Ken Salazar
Department of Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Salazar:

Because I have never heard back from your FOIA Appeals Officer, this letter is my last and final administrative appeal relating to what started out as a very simple FOIA request in July.

And I am writing because my experiences to date call into question the commitment of the Department of Interior and the National Park Service to ushering in a new era of openness and transparency as directed by the President. In fact, my experiences call into question whether the President's memorandum of January 21, 2009, your own directive of July 2, 2009, and the Attorney General's memorandum of March 19, 2009 are being ignored.

Simply stated, my recent experience seem to indicates that the Department of Interior's and National Park Service's commitment to openness and transparency seems to be a travesty and is close to non-existent; managers, superintendents, and FOIA officers are openly and regularly ignoring the FOIA law, its guidelines and related memorandums with impunity; and the FOIA process as it was designed to work seems to be broken and ineffective---and no one seems to care.

That's why I'm writing you.

Rather than repeating a lot of what has happened, and instead of sending you over 50 pages of the correspondence and emails pertaining a very simple request for copies of the Mesa Verde National Park's FY 2007 and FY 2008 budgets, please go to my web site at www.schundler.net/FOIA.htm where you can read each and every letter and email from my initial request and leading right up to and including this letter.

After reading those letters and the emails, hopefully you can see why I am concerned, frustrated, and disappointed.....and why I am writing you one last time in the hope that you will direct Mesa Verde National Park to send me everything I requested in my second, modified request of September 8, 2009 or the final modified request of November 7, 2009, and to do so with no fees attached.

Instead of responding to a simple request concerning previous budgets, at Mesa Verde NP I was stonewalled and intimidated and eventually had to file a formal FOIA request. Instead of following 43 CFR Part 2 carefully and completely, portions of it were used by the regional FOIA Officer to deny, delay, and rebuff and this stalled the process for several more months. In the end, instead of being given an honest two hours worth of information, I was given a few minutes worth of work and given information which continues to be questionable in its accuracy. And finally, instead of getting any kind of response from your DOI's Appeal Officers, after almost three months, I have neither heard nor received anything.

At this stage, I know I have several options: I can pursue my request for information with a judicial review; I could let two recognized media sources file similar FOIA requests (two significant media sources have offered to do that for me); or, I could just give up. But I won't. As I wrote in my last email to the Acting Superintendent of Mesa Verde NP, I am doing this "because I believe in our system of government. I believe in the checks and balances of our government, and in the logic that openness and transparency make governments more efficient and better. And I believe it's just as important for managers of governmental agencies and superintendents of our national parks to follow the directives and memorandums of the President and the laws of Congress as it is for me to follow rules and regulations...."

So I am writing you, NPS Director Jarvis, and DOI FOIA Liaison Officer McNerney because I hope you share with me a belief in our basic system of government, a belief that we all have to work hard to make our system work efficiently and responsively, and a belief that we all are involved in ushering in a new age of openness and transparency!

I thank you for your time, and look forward to your response!

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908-581-1021

cc: National Park Service Director Jon Jarvis
DOI's Public FOIA Liaison Officer Ray McNerney

P.S. When reading my letter you might think I am unduly idealistic or just unrealistic. You might think I am unaware of how difficult it is to change the corporate culture of an institution, or to work within political, bureaucratic structures. Quite frankly, those impressions would be wrong.

I may sound idealistic or optimistic because for six years I did work in the full-time ministry and continue as an ordained Presbyterian minister. But I also worked as the president/CEO of a fairly large manufacturing company for 27 years. For seven years I was on the town council of my home town, and for another 15 years I was on its Zoning and Planning Boards. I have a brother who was mayor of Jersey City, New Jersey for nine years and turned it around, who ran for governor, and now is the new N.J. Commissioner of Education. I have another brother who has been on his local school board for over 13 years and president of it for six years, and then there's the brother who was the turn around specialist---involved in saving companies as large as Blue Cross/Blue Shield of California and a major division of Merrill Lynch. And among my friends and classmates from Princeton are a media and technology advisor to the Obama campaign, a friend who was a thesis advisor for Michelle Obama's senior thesis, and many corporate executives, leaders of various NGO's around the world, and elected representatives in local, state and federal governments.

All of which is to say, I recognize how difficult your jobs are, I know how difficult it is to change the corporate culture of government agencies and institutions, and I can appreciate the challenges you face everyday. Nevertheless, I believe change is possible, and I believe a new era of openness and transparency is possible!

That is why this case has been so important to me, and why FOIA is so important to all of us. You can't be everywhere and monitor every agency and park....but if every government employee was trained in the basic FOIA law and in the rules and guidelines relating to FOIA, if every manager and superintendent knew their budgets and expenditures were open and transparent, and if every manager and superintendent knew their decisions, the minutes of their meetings, and the basic information on which they made decisions was available to the public, I think better decisions would be made, and less money would be wasted.

Somehow you---the leaders of the Department of the Interior and the National Park Service---have to do something, and it should be done quickly. To be sure, as Robert Kennedy once said, "If not now, when?"

If I can help in any way, or if you would like to talk further about this, please feel free to contact me via email or my phone.