

April 15, 2013

Friends of the Earth files Freedom of Information Act Request with State Department over massive lobbying operation on Keystone XL pipeline

Friends of the Earth has filed a Freedom of Information Act request with the State Department seeking information about communications between State Department officials and lobbyists for TransCanada and the Province of Alberta over the controversial Keystone XL pipeline.

Friends of the Earth is asking the State Department to expedite the FOIA request because State's draft supplemental environmental impact statement is under review and will likely be finalized within a couple of months. This SEIS will serve as key ingredient in the State Department's determination as to whether or not to recommend to the President that the permit for Keystone XL be granted or rejected.

The FOIA request covers communication between State Department staff and consultants from law, lobby and public relations firms represented by former Obama, Kerry and Clinton staffers as well as three former U.S. ambassadors to Canada from the Bush and Clinton administrations.

Some of the lobbyists listed in the FOIA request are below. For a full list of them, along with links to OpenSecrets data, LinkedIn profiles and other information, please scroll down:

- Anita Dunn, SKDKnickerbocker: former Obama White House Communications Director, senior adviser to President Obama's re-election campaign, as well as Communications Director for the Democratic Senatorial Campaign Committee under then-Senator John Kerry.
- Paul Elliot, chief lobbyist for TransCanada: former national deputy director and chief of staff for delegate selection for Hillary Clinton's 2008 presidential campaign. Key figure in the 2011 scandal involving Keystone proponents and then-Secretary Clinton.
- David Castagnetti, Mehlman, Vogel & Castagnetti: director of Congressional relations for John Kerry's presidential bid. Also served as chief of staff to Senator Max Baucus and Rep. Norman Mineta, counsel to the Senate Finance and Environment and Public Works committees, and to Rep. Ed Markey.
- Brandon Pollak, Bryan Cave LLP: fundraiser for prominent Senate Democrats. For nearly two years, worked on John Kerry's presidential campaign.
- Broderick Johnson, Bryan Cave LLP: senior advisor on President Obama's re-election campaign. Previously served as a senior advisor for congressional affairs in John Kerry's presidential campaign.
- Gordon Giffin, Long & Aldridge: ambassador to Canada from 1997-2001 and a fundraising bundler for Hillary Clinton's presidential bid.
- Jim Blanchard, DLA Piper: ambassador to Canada from 1993-1996. Two-term governor of Michigan, four terms as member of the House. Former chair of the Democratic Governors Association and a fundraising bundler for Hillary Clinton's presidential bid.
- Jeff Berman, Bryan Cave LLP: former national delegate director for the Obama presidential campaign and adviser to Rep. Dick Gephardt.

State Department's handling of pipeline review marred by secrecy and conflict of Interest

The State Department's handling of TransCanada's application to build the Keystone pipeline has been marred by conflicts of interest and cover-ups since TransCanada first applied for the permit in 2008. A previous FOIA request by Friends of the Earth in 2010 turned up e-mails which [showed a rigged State Department process](#) conducted in close coordination with TransCanada:

- **The State Department allowed TransCanada to solicit and screen bids to conduct the initial environmental review of the pipeline.** TransCanada then successfully recommended that the State Department hire the consulting firm CardnoEntrix, even though that firm listed TransCanada as a major client, which should have disqualified it.
- **TransCanada paid for CardnoEntrix to conduct the environmental review** as well as to organize public hearings and to receive comments from the public on the draft as part of the official State Department review process.
- **Hundreds of thousands of public comments, many critical of CardnoEntrix's review, were "lost" by the firm.** How that loss occurred was never explained and no one at either TransCanada or CardnoEntrix was ever held accountable by the State Department.
- **State Department officials sought to help TransCanada by [coaching it](#) on what sort of public comment was needed on the draft environmental impact study, which the EPA had criticized as [insufficient](#).**
- The documents also revealed [cozy relationships](#) between multiple State Department employees and TransCanada lobbyist Paul Elliot, a former aide to Hilary Clinton. Elliot is still lobbying for the pipeline.

The second review of the pipeline is now being conducted by another firm -- Environmental Resources Management -- which also has financial ties to TransCanada:

- **Key parts of ERM's report have been drafted by consulting firms with [deep ties](#) to ExxonMobil, BP and Koch Industries.**
- Three experts working for ERM on the review have done consulting work for TransCanada and other oil companies with a stake in the Keystone's approval. Yet **State Department officials [failed to flag inconsistencies](#) in ERM's bid proposal** which might have excluded it from performing the environmental assessment on Keystone XL.
- State Department staffers have unsuccessfully attempted to [cover up](#) ERM's ties with TransCanada.
- The State Department has declared that **comments on the new draft will [not be made public](#).**
- Like the first review, the new draft [contends](#) that the pipeline will have minimal environmental impacts and makes the false assertion that preventing the pipeline from being built will have negligible impacts on the exploitation of the Canadian tar sands.

This continuing record of secrecy and deceit show that the **State Department's handling of the environmental review of the Keystone pipeline has been hopelessly compromised by TransCanada, the Province of Alberta and their army of lobbyists.** It has become increasingly clear that Secretary Kerry has inherited a flawed review process in which TransCanada and the Province of Alberta continue to call the shots on the Keystone review, despite [assurances](#) from the State Department's inspector general that it would tighten its procedures following the 2011 scandal. A full investigation of the role played by lobbyists for TransCanada and Alberta in inappropriately influencing the State Department review process of Keystone XL is long overdue. The

American people deserve honest information and answers before such a momentous decision is made.

This matters because President Obama will be making his decision on whether to approve Keystone XL largely on the basis of the final State Department report and its recommendations. The fact that TransCanada and Alberta continue to hire lobbyists close to the Obama administration raises further questions about the objectivity of the State Department's handling of the pipeline review. While we hope that our FOIA request can shed more light on the extent of oil company lobbyists' influence on the Keystone review, it is already clear that the State Department can no longer be trusted to manage the Keystone review process objectively.

Secretary Kerry has long been a champion of taking bold and urgent action on climate change. How he handles the State Department's scandalous conduct in the Keystone XL review process and how the department responds to our FOIA request will indicate whether a new era of transparency has arrived at the State Department or whether it is going to be business as usual where the power and money of the fossil fuel industry prevails.

SKDKnickerbocker

SKDKnickerbocker is a strategic communications consulting firm with offices in Washington, New York and Albany. SKDKnickerbocker employs many former Obama and Kerry aides and campaign consultants, including [J.B. Poersch](#), [Greg Minoff](#), [Bill Knapp](#) and [Jennifer Cunningham](#).



Anita Dunn, Principal

Dunn is a former White House communications director, former senior adviser to President Obama's election campaign and was communications director for the Democratic Senatorial Campaign Committee under then-Senator John Kerry. Her firm's lobbying on behalf of TransCanada was first reported by the [New York Times](#) in October 2012. At SKDKnickerbocker she has worked with British Prime Minister David Cameron and the Conservative Party, among other clients. White House visitor logs show she has visited more than 100 times since she left her job as Communications Director.

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Mehlman, Vogel & Castagnetti

[Mehlman, Vogel & Castagnetti](#) is being paid by the Province of Alberta to provide "strategic consulting in educating U.S. government officials about the Keystone XL pipeline and Alberta's energy resources." The firm also represents Koch Industries.



David Castagnetti, Partner

Castagnetti served as director of Congressional relations for John Kerry's presidential bid. He has served as chief of staff to both Sen. Max Baucus and Rep. Norman Mineta, and has served as counsel to both the Senate Finance and the Environment & Public Works committees. He began his Congressional career with Rep. Ed Markey.

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Kelly Bingel, Partner

A former reporter for the Tulsa Tribune, Bingel worked for many years as chief of staff and communications director for Arkansas Senator Blanche Lincoln.

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Alex Vogel, Partner

Vogel previously worked as chief counsel to Senate Majority Leader Bill Frist.

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MCKENNA, LONG & ALDRIDGE

[McKenna, Long & Aldridge](#) is one of the key lobbying firms hired by TransCanada to push for approval of Keystone. Over the past 5 years they have been paid at least \$270,000 to lobby on behalf of the pipeline. In addition, the firm plays a major [staffing and support](#) role for the Canadian American Business Council which is also vigorously [lobbying](#) for the pipeline. The following staff and consultants are the subjects of Friends of the Earth's FOIA request:



Gordon Giffin, chair of the Public Policy & International Department

Gordon Giffin is the former ambassador to Canada from 1997 to 2001 and was a fundraising bundler for Hillary Clinton's presidential bid. From 1975 to 1979 he was legislative director and chief counsel to Democratic Senator Sam Nunn of Georgia. Giffin is on the advisory board of the Canadian American Business Council.

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Mary Scott Greenwood, Senior Managing Director

From 1997 to 2001 Greenwood served as chief of staff to U.S. Ambassador to Canada Gordon Giffin, (also now at Aldridge). Greenwood is a senior advisor to the [Canadian American Business Council](#).

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Alex McGee, Managing Director

McGee has represented TransCanada since coming to the firm in 2010. Previously McGee served as director of federal Affairs at Koch Industries, principal liaison to Congress for the Department of Energy, and as deputy state director to Republican Senator Paul Coverdell from Georgia. He also worked on the Bush-Cheney presidential campaign in 2000.

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David Pollak, Senior Strategic Advisor

Pollak was the New York State director for the Obama for America Campaign, served as co-chair of the New York State Democratic Party from 2006 to 2008 and was a Hillary Clinton superdelegate.

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Andrew Shaw, Senior Government Affairs Advisor

Shaw has worked as a registered lobbyist for TransCanada since 2010. Shaw's other clients in 2012 included Talisman Energy and the Government of Canada. He also serves as a policy advisor to the Canadian American Business Council.

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Bandele McQueen, Senior Advisor

Prior to joining McKenna Long & Aldridge, McQueen served as deputy director Mayor Richard Daley's office in Chicago. He also served as chief of staff to the late Rep. Juanita Millender-McDonald and as deputy director of outreach for Rep. Steny Hoyer.

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Bryan Cave LLP

Between 2009 and 2012 [Bryan Cave LLP](#) was paid at least \$1.1 million to lobby on behalf of TransCanada. The following Bryan Cave LLP staff and consultants are the subject of Friends of the Earth's FOIA request:



David Russel, Senior Policy Advisor

Russel has been at Bryan Cave LLP since 2006. Previously he worked for many years in Congress, including for the House Natural Resources Committee, Alaska Senator Ted Stevens, and the Senate Committee on Commerce, Science, and Transportation.

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Brandon Pollak, Policy Advisor

Brandon Pollock previously worked for campaign finance consultants raising money for members of Congress such as Sen. Barbara Mikulski, Sen. Mary Landrieu, Sen. Mark Warner, Sen. Carl Levin and Sen. Patrick Leahy. For nearly two years, Pollack served in multiple capacities on Sen. John Kerry's presidential campaign.

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Jeff Berman, Of Counsel

Referred to by one Democratic consultant as the "[unsung hero](#)" of Obama's 2008 Presidential campaign, Berman is a close friend of top Obama adviser David Plouffe. Berman served as the national delegate director for the Obama presidential campaign, and has also served as an adviser to former Rep. Dick Gephardt and Sen. John Glenn.

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Broderick Johnson

Broderick Johnson worked on President Obama's [re-election campaign](#) as a senior adviser. Previously, he worked in the House of Representatives as an attorney and in 2004 was appointed a senior advisor for congressional affairs in John Kerry's presidential campaign. Johnson now heads up his own lobbying firm, Collins/Johnson.

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Van Ness Feldman

Between 2008 and 2012, [Van Ness Feldman](#) was paid at least \$170,000 to lobby on behalf of TransCanada. The following Van Ness Feldman staff and consultants are the subject of Friends of the Earth's FOIA request:



Lisa Epifani, Partner

Epifani was assistant secretary at the Department of Energy for Congressional and Intergovernmental Affairs under George Bush. She also served as lead Senate Energy and Natural Resources Committee staffer for then-Chairman Pete Domenici and Senior Legislative Advisor at the Department of Energy.

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Curtis Moffatt, Partner

Curtis Moffatt served in the Carter Administration as an attorney and staff advisor to a commissioner of the Federal Power Commission, and was a legal assistant to the chair of the Federal Energy Regulatory Commission.

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Thomas Roberts, Partner

Previously, Roberts served as the legislative director for the EPA and as chief counsel and legislative director to Sen. Frank H. Murkowski.

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Jonathan Simon, Partner

Jonathan Simon has been a registered lobbyist for TransCanada since 2005.

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Rasky Baerlein Strategic Communications

[Rasky Baerlein Strategic Communications](#), a Boston-based public relations firm, is being paid \$125,000 by the Province of Alberta to enhance the province's web presence and communicate "priority issues and promot[e] the principal's energy and environmental positions to the executive and legislative branches of government as well as other U.S. institutions."



Graham Shalgian, Senior Vice President

From 2000 to 2009 Shalgian worked for the late Sen. Ted Kennedy as his Massachusetts policy director. He also worked on John Kerry's 2004 presidential campaign.

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David Tamasi, Senior Vice President

Tamasi's official bio states that he has "counseled foreign and corporate leaders on some of the most difficult and contentious issues in the public affairs arena." He has served on the national finance committees for Mitt Romney as well as Sen. Scott Brown.

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Benjamin Nguyen Wexler, Vice President of Public Affairs

Wexler recently joined Rasky Baerlein, having previously worked as [communications director](#) for Connecticut Senator Richard Blumenthal. Previously he worked as communications director with the House Budget Committee and the House Education and Labor Committee.

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Nelson, Mullins et al

Between 2010 and 2012 the Province of Alberta paid [Nelson Mullins et al](#) at least \$480,000 for lobbying services. The following Nelson, Mullins et al staff and consultants are the subject of Friends of the Earth's FOIA request:



David Wilkins, Partner

David Wilkins served as ambassador to Canada from 2005 to 2009. Before that he served for 25 years in the South Carolina House of Representatives, eleven of those as Speaker of the House. Wilkins serves on the advisory board of the Canadian American Business Council.

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Tom Sullivan, Partner

Tom Sullivan previously worked for the Small Business Administration, and served on the Congressional Affairs staff of the EPA and at the U.S. Department of Justice's Environment and Natural Resources Division.

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Justin Meyers, Policy Advisor

Justin Meyers previously worked on Congressional and regulatory matters relating to energy, the environment and climate change in the Province of Alberta's Washington office.

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DLA Piper

[DLA Piper](#) is home to former Michigan Governor and U.S. Ambassador to Canada Jim Blanchard, who has lobbied on behalf of the Government of Alberta.



Jim Blanchard, Partner

Ambassador to Canada from 1993 to 1996, Jim Blanchard has [reportedly billed](#) the Province of Alberta over \$300,000. Blanchard served four terms as a member of the House of Representatives and then as Governor of Michigan from 1983 to 1991. He is also a former chair of the Democratic Governors Association and was a fundraising bundler for Hillary Clinton's presidential bid. Blanchard serves on the advisory board of the Canadian American Business Council and is also on the board of directors of [Enbridge](#) which is responsible for a major pipeline rupture which resulted in over 1 million gallons of tar sands oil spilling into the Kalamazoo River.

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TransCanada

Between 2010 and 2012 TransCanda spent over \$2.3 million in direct lobbying, not including the money they paid to McKenna Long & Aldridge, Bryan Cave LLP and Van Ness Feldman.

Photo
unavailable.

Paul Elliott, Director, Government Relations

In-house lobbyist for TransCanada, Elliott was accused in 2011 of violating the Foreign Agents Registration Act for lobbying on behalf of TransCanada for over a year before he was formally registered as a lobbyist. The charges were [never investigated](#) by the Department of Justice. Elliott served as national deputy campaign director for Hillary Clinton's 2008 presidential campaign, as well as working as deputy press secretary for New York Mayor Michael Bloomberg. Elliott serves on the board of directors of the Canadian American Business Council.

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Goldwyn Global Strategies

Goldwyn Global Strategies is a consulting firm started by former State Department energy official David Goldwyn.



David Goldwyn, President

A former State Department special envoy, David Goldwyn was coordinator for international energy affairs under Secretary of State Hillary Clinton, where he created the Global Shale Gas Initiative. Goldwyn has also served as assistant secretary of energy for International Affairs, counselor to the Secretary of Energy, chief of staff to the Under Secretary of State for Political Affairs and national security deputy to the U.S. permanent representative to the United Nations. While serving at the State Department it was Goldwyn who [gave TransCanada's then-president and CEO Hal Kvisle](#) "insight on what he'd like to see by way of on the record comment during this public comment period of this *Keystone KXL draft environmental impact statement.*"

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Exxon Mobil



Susan Carter, Director of Federal Relations

Carter has been senior director of federal relations for Exxon Mobil since 2005. In 2010 she was [elected](#) to the Board of Directors of the Canadian American Business Council. Carter was copied on an [e-mail](#) from McKenna, Long & Aldridge's Mary Scott Greenwood regarding then-Senator Richard Lugar's support for Keystone.

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