

February 12, 2018

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
SA-2, Suite 8100

Re: Freedom of Information Act Request

Dear FOIA Office:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of State regulations.

First, CREW requests all communications between the Bureau of African Affairs and anyone acting on behalf of Holland & Knight LLP, including but not limited to Scott Mason from October 31, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Second, CREW requests all communications between the Bureau of African Affairs and anyone acting on behalf of Ballard Partners including, but not limited to: (1) Brian Ballard; (2) James Rubin; and/or (3) Sylvester Lukis from September 21, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Third, CREW requests all communications between the Bureau of African Affairs and the office of Representative Chris Smith and/or the office of Representative Michael McCaul, as well as any communications between the Bureau of African Affairs and any email addresses ending in “@house.gov” or “@senate.gov,” from September 21, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Fourth, CREW requests all communications between the Bureau of Consular Affairs and anyone acting on behalf of Holland & Knight LLP, including but not limited to Scott Mason from October 31, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Fifth, CREW requests all communications between the Bureau of Consular Affairs and anyone acting on behalf of Ballard Partners including, but not limited to: (1) Brian Ballard; (2) James Rubin; and/or (3) Sylvester Lukis from September 21, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Sixth, CREW requests all communications between the Bureau of Consular Affairs and the office of Representative Chris Smith and/or the office of Representative Michael McCaul, as well as any communications between the Bureau of Consular Affairs and any email addresses ending in “@house.gov” or “@senate.gov,” from September 21, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Seventh, CREW requests all communications between the Office of the Secretary of State and anyone acting on behalf of Holland & Knight LLP, including but not limited to Scott Mason from October 31, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Eighth, CREW requests all communications between the Office of the Secretary of State and anyone acting on behalf of Ballard Partners including, but not limited to: (1) Brian Ballard; (2) James Rubin; and/or (3) Sylvester Lukis from September 21, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Ninth, CREW requests all communications between the Office of the Secretary of State and the office of Representative Chris Smith and/or the office of Representative Michael McCaul, as well as any communications between the Office of the Secretary of State and any email addresses ending in “@house.gov” or “@senate.gov,” from September 21, 2018 to the present that mention or refer to Nigerian presidential candidate Atiku Abubakar and/or the People’s Democratic Party of Nigeria.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc’ed or bcc’ed.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and State Department regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Atiku Abubakar is a current candidate for president in Nigeria's upcoming general elections. He is also a former vice president of Nigeria. On January 17 and 18, 2019, Abubakar and a delegation of Nigerian politicians visited Washington, D.C. to meet with U.S. diplomats and members of Congress.¹ At the time, reports noted that this visit marked the first time in over a decade that Abubakar had been allowed to enter the United States. According to these reports, Abubakar had previously been unable to obtain a U.S. visa due to his alleged involvement in multiple graft and corruption schemes, including a \$40 million money-laundering case investigated by the Senate in 2010.²

In September 2018, Abubakar's political party, the People's Democratic Party of Nigeria, hired the lobbying firm Ballard Partners to "assist [them] in communication with U.S. government officials."³ In late December 2018, prior to his visit to Washington, Abubakar hired the law firm Holland & Knight LLP to lobby the State Department, House of Representatives, and National Security Council on his behalf regarding "Visa Issues."⁴ On January 22, following Abubakar's visit to Washington, a Nigerian news platform reported that Ballard Partners' president, Brian Ballard, had arranged the trip and that Ballard "may have come in handy in clearing all the obstacles on Atiku's path to travel to the United States."⁵ Subsequently, on February 4, a *Reuters* report confirmed that a temporary suspension of Abubakar's U.S. travel ban had occurred after Abubakar's lobbyists mounted a campaign to convince congressional lawmakers and State Department officials of the necessity of allowing him to enter the country.⁶

The requested records would illuminate the processes by which lobbyists reportedly convinced State Department visa authorities to reverse years of prior precedent regarding the entry of an allegedly corrupt foreign politician into the United States. The public's right to know

¹ Emmanuel Ikoror, [Exclusive pictures of Atiku's trip to the United States](https://todaynewsafrika.com/exclusive-pictures-of-atikus-trip-to-the-united-states/), *Today News Africa*, January 19, 2019, available at <https://todaynewsafrika.com/exclusive-pictures-of-atikus-trip-to-the-united-states/>

² Timileyin Omilana, [Atiku finally lands in America](https://guardian.ng/news/atiku-finally-lands-in-america/), *The Guardian Nigeria*, January 17, 2019, available at <https://guardian.ng/news/atiku-finally-lands-in-america/>; Bummi Amosu, [Atiku, Trump and the eventual US touch down](https://guardian.ng/politics/atiku-trump-and-the-eventual-us-touch-down), *The Guardian Nigeria*, January 18, 2019, available at <https://guardian.ng/politics/atiku-trump-and-the-eventual-us-touch-down/>

³ <https://efile.fara.gov/docs/6415-Exhibit-AB-20180925-13.pdf>

⁴ <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=3BD25018-BF6C-4736-A350-397CF2438CFD&filingTypeID=78>

⁵ [Meet Brian Ballard, The Lobbyist Who Arranged Atiku's US Visit](https://oak.tv/newstrack/meet-brian-ballard-lobbyist/), *Oak TV*, January 22, 2019, available at <https://oak.tv/newstrack/meet-brian-ballard-lobbyist/>

⁶ Andy Sullivan, Lesley Wroughton, and Paul Carsten, [Exclusive: Nigerian candidate's U.S. visit was temporary relieve from graft ban](https://www.reuters.com/article/us-nigeria-election-atiku-exclusive/exclusive-nigerian-candidates-us-visit-was-temporary-relieve-from-graft-ban-idUSKCN1PT0TR), *Reuters*, February 4, 2019, available at <https://www.reuters.com/article/us-nigeria-election-atiku-exclusive/exclusive-nigerian-candidates-us-visit-was-temporary-relieve-from-graft-ban-idUSKCN1PT0TR>

more about these processes is heightened by Ballard Partners's close association with the current presidential administration, a connection that has been widely reported on both in American media and in the media of Abubakar's home country.⁷ Over the last two and a half years, the Washington influence industry has changed significantly to adapt to this administration, and the requested records are likely to shed light on how foreign actors such as Abubakar are navigating this new terrain to their own advantage.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-0687 or elee@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at elee@citizensforethics.org or at Eli Lee, Citizens for Responsibility and

⁷ Theodoric Meyer, *The Most Powerful Lobbyist in Trump's Washington*, *Politico*, April 2, 2018, available at <https://www.politico.com/magazine/story/2018/04/02/most-powerful-lobbyist-in-trump-washington-217759>; *Oak TV*, January 22, 2019

Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eli Lee', written in a cursive style.

Eli Lee
Research Associate