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September 10, 2020

The Honorable Jerold Nadler
2132 Rayburn House Office Building
The United States House of Representatives
Washington, DC 20515

Re: Chevron's Attacks On Environmental Lawyer Steven Donziger

Dear Chairman Nadler:

I write to ask you to consider initiating an investigation of the oil giant Chevron's disgraceful misuse of the federal judiciary to violate the fundamental rights of me and my family and to deny 30,000 Ecuadorians—many of them Indigenous peoples—a \$9.5 billion judgment as compensation for more than 30 years of appalling environmental crimes. I've attached the names of 24,000 people who signed an online letter asking you and Congress to take this action.

This case has been covered extensively by the mainstream press and generated attention from hundreds of [human-rights lawyers](#), dozens of [Nobel Laureates](#), [the European Parliament's Subcommittee on Human Rights](#), and [two retired U.S. federal judges](#), but none of this has changed Chevron's actions. I believe you are the only person in America who can shift Chevron's behavior, as a result of the immense power you wield as Chairman of the U.S. House Judiciary Committee.

First, as regards my personal situation, I am a graduate of Harvard Law School and one of your constituents as a resident in Manhattan for the last 25 years. As a lead lawyer on this successful and historic case, I have for the last 13 months been detained without trial in my Manhattan apartment where I live with my wife and young son. My detention is based on highly unusual misdemeanor contempt charges filed by a federal judge (Lewis A. Kaplan) whose charges were rejected by the regular federal prosecutor. Judge Kaplan, a former tobacco industry lawyer, then appointed as "prosecutor" a private law firm, Seward & Kissel, with extensive financial ties to the oil and gas industry. For seven months, as it pushed for my house arrest, this law firm did not disclose the fact it had Chevron as a client as recently as 2018. This is a level of corporate capture of our federal judiciary unheard of in U.S. history, as David Sirota and Walker Bragman outlined recently in *The American Prospect*. I am essentially being prosecuted and detained in the name of the "United States government" by a for-profit law firm that serves the very oil company I beat in court in Ecuador.

My detention is not an accident; it was part of Chevron's longterm plan to leave my clients without adequate legal representation so they cannot collect on their pollution judgment. In the five years since Chevron lost its case in the Ecuadorian Supreme Court (the venue Chevron chose), the company has been pursuing a scorched-earth campaign targeting advocates to

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avoid paying for the cleanup or helping any of the victims. In the process, Chevron and its main law firm (Gibson Dunn & Crutcher) have pioneered a new, highly unethical form of “lawfare” intended to intimidate environmental defenders in all 180 countries where it operates. Chevron has used at least 60 law firms and 2,000 lawyers in this abusive targeting campaign.

Below, I offer a very short version of this six-decade-long, Kafkaesque nightmare. I am happy to provide supporting materials for every fact I share.

Multiple courts found that from the late 1960s to 1992, Texaco deliberately dumped billions of gallons of cancer-causing oil waste across 1,500 square miles of previously pristine rainforest, poisoning groundwater and rivers residents depended on for drinking, bathing, and fishing. Texaco, which was later acquired by Chevron, told local Indigenous peoples that the toxic waste was actually good for them, saying it would “[nourish the brain and retard aging](#).” Unlike BP’s Deepwater Horizon spill in the Gulf of Mexico, this disaster was no accident. It was done intentionally to externalize production costs onto some of the most vulnerable communities on the planet.

In 1993, a coalition of 30,000 Indigenous peoples and rural communities fought back. I joined a team of Ecuadorian and American lawyers representing them, after the father of one of my law school classmates asked me to participate.

David beat Goliath. As a result of overwhelming scientific evidence of Chevron’s malfeasance and its human costs, the coalition won an [unprecedented \\$9.5B in damages](#). Several appellate courts and a total of 17 appellate judges affirmed the case unanimously, and [Canada’s Supreme Court ruled](#) in 2015 that the Ecuadorians had the right to enforce their judgment.

To retaliate, Chevron filed a civil RICO suit in U.S. federal court against me as well as all 47 Ecuadorian community leaders who signed the lawsuit, claiming that the entire case on which I had spent 18 years of my life had been nothing more than a “racketeering” conspiracy designed to “extort” money from the company. Judge Kaplan denied us a jury, refused to review any of the voluminous scientific proof of Chevron’s pollution, and then ruled in Chevron’s favor. He based his decision almost completely on the testimony of a man who [later admitted to lying repeatedly under oath](#) and to receiving huge payments from the company.

I continue to challenge Judge Kaplan’s erroneous findings, which have been rejected by multiple appellate courts in Ecuador and Canada. But largely because I would not turn over my computer and cell phone to Chevron (an order that many experts believe to be a violation of attorney-client privilege and one that I have appealed), Judge Kaplan tried to prosecute me for criminal contempt. As indicated, his charges were [rejected by the federal prosecutor](#). Kaplan then took the extraordinarily rare step of appointing the Seward & Kissel firm to prosecute and detain me. Seward & Kissel never admitted that Chevron was actually a client of the firm.

While I continue to fight for a fair trial by jury presided over by a neutral judge, I’ve been confined for over a year to my small apartment in Manhattan on a charge that carry a maximum of six months and where the longest sentence ever imposed on a lawyer is three months of home confinement. I believe I’m the only lawyer in U.S. history detained pretrial on a contempt charge. As of today, I have been detained at home without trial for 401 days.

Judge Kaplan violated local rules requiring random assignment of cases and appointed a close colleague and ideological ally, Loretta Preska, to preside over the contempt case. Judge Preska is a proud member of the Federalist Society, which counts Chevron as a major donor.

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Judge Kaplan tried to make it appear that he had recused himself. But he is now claiming he did not, and it is clear that he, Judge Preska, and the private prosecutor are all communicating to orchestrate my conviction. They are now trying to force me to trial without a jury and without my lead counsel, Rick Friedman, whom Judge Preska just disqualified from the case.

This case is bigger than just one human rights lawyer. It's bigger than 30,000 Ecuadorian victims. I believe it's a harbinger of a new front in Big Oil's war on environmental defenders all around the world. I hope and pray you will consider this case worthy of your investigative resources. I and several lawyers on our team are standing by ready to assist if you think it would be helpful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Donziger', with a long horizontal stroke extending to the right.

Steven Donziger

Cc:

Cindy Buhl (Office of Rep. James McGovern)
Courtney Koelbel (Office of Rep. Jamie Raskin)
Candyce Phoenix (House Committee On Oversight and Reform)
Elizabeth Dudley (Office of Rep. Steve Cohen)
Piero Tozzi (Tom Lantos Human Rights Commission)
Richard Friedman (Counsel for Steven Donziger)
Paul Paz y Mino (Associate Director, Amazon Watch)
Andrew Miller (Advocacy Director, Amazon Watch)