

# Congress of the United States

## Washington, DC 20515

November 29, 2021

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Garland:

We write to you with an urgent request that your office take immediate action regarding Steven R. Donziger, a U.S. human rights lawyer who helped Ecuadorian victims of oil pollution obtain an historic judgment in Ecuadorian courts against Chevron.

Mr. Donziger, who has no prior criminal record, has been a beloved and vaunted member of the environmental and human rights communities for decades. Mr. Donziger has done nothing but uphold the highest professional ethics in representing and protecting his clients but has since been thrown in federal prison for petty contempt charges, a first in United States history. Mr. Donziger began serving a six-month sentence for petty contempt of court at the Federal Correctional Institution in Danbury, Connecticut on October 27, 2021, despite the many calls from the international legal community that his pre-trial detention for over 800 days was a violation of international law. This case has shocked the worldwide community of environmental justice and human rights advocates and creates a distinct chilling effect on this type of advocacy going forward.

Six members of Congress wrote to your office in April 2021 requesting a thorough review of the circumstances of Mr. Donziger's prosecution. In September 2021, the same week Mr. Donziger was sentenced, the United Nations (UN) Working Group on Arbitrary Detention (WGAD) wrote a scathing opinion finding that Steven Donziger's deprivation of liberty is a violation of international law and that the trial against him and the judges involved, specifically Federal District Court Judges Lewis A. Kaplan and Loretta Preska, fail international fair trial standards, including the perception of impartiality of the courts. The WGAD also concluded that the deprivation of liberty appears to be in retaliation for Mr. Donziger's work as a legal representative of Indigenous communities in Ecuador, that he should be freed immediately, and that he is due compensation for these violations. As noted in the aforementioned April 2021 letter, the Department of Justice has not exercised oversight on this case. Instead, a major international law firm that represents Chevron was enlisted to prosecute Mr. Donziger after the United States Attorneys refused.

Right now, Mr. Donziger sits in a crowded federal prison because a Chevron attorney made it so, without Executive Branch supervision or ever seeing a jury of his peers. As the United States is a party to the District Court case against Mr. Donziger, we request that you act immediately to reclaim control of this case, dismiss the charges, and free Mr. Donziger from his imprisonment. The international legal community is appalled by what has transpired in the Southern District of New York and the Department of Justice's commitment to a just rule of law requires immediate action.

The Biden administration must send a clear signal that it stands with communities harmed by pollution and environmental destruction and the lawyers courageous enough to represent them and not the corporations that benefit from polluting the water, air, and land of local people.

President Biden attended the U.N. COP26 Climate Conference this month as his administration expands its commitment to addressing the climate crisis. The entire world is watching whether our actions will match our words. Meanwhile, an esteemed U.S. human rights attorney is being unjustly imprisoned by our very own courts in violation of international law, not for some real harm he did, but for protecting his vulnerable clients and his ability to serve them from the one of the most toxic companies the world has ever seen. When the UN and international environmental and human rights communities repeatedly call for immediate action, the Biden administration must not remain silent.

It's vital to remember that Chevron does not dispute that its predecessor company Texaco deliberately discharged at least 16 billion gallons of toxic oil drilling waters over the course of decades as a cost saving measure. This grave injustice at the hands of a U.S. corporation was premeditated and remains an untreated toxic waste site the size of the island of Manhattan. Every day, the communities living amongst Chevron's mess must deal with ongoing exposure to toxicity known to cause cancer as the Amazon rainforest – one of the world's most critical ecosystems – pays the price.

Extractive industries everywhere are watching this story to see if Chevron has just completed their proof of concept, that with enough money for lawyers and corporate friendly judges, a polluting company can turn a judgment rendered against them into a RICO charge against the lawyers and the victims. Mr. Donziger is living proof that Chevron has succeeded, and other companies and industries will replicate this model, turning victims and their lawyers into fraudsters and criminals, culminating unbelievably in actual prison time. The DOJ must intervene in this case to show polluting companies that the Chevron model for avoiding responsibility for environmental catastrophe will not be tolerated by our justice system.

We respectfully request that your office act immediately to rectify the unprecedented and unjust imprisonment of Mr. Donziger. Thank you in advance for your serious and expedited consideration of our request.

Sincerely,



Rashida Tlaib  
Member of Congress



Jesús G. "Chuy" García  
Member of Congress

**Additional Signers to this Letter:**

Congresswoman Alexandria Ocasio-Cortez (NY)

Congresswoman Ilhan Omar (MN)

Congresswoman Ayanna Pressley (MA)

Congressman Jamaal Bowman, Ed.D. (NY)

Congresswoman Cori Bush (MO)

Congresswoman Barbara Lee (CA)

Congressman Raúl M. Grijalva (AZ)