



Quito DM, April 21, 2009

Via Facsimile: 202-395-4549

The Honorable Ron Kirk
United States Trade Representative
Executive Office of the President
600 17th Street, NW
Washington, D.C. 20508

Dear Ambassador Kirk:

We write as representatives of several Amazon indigenous and farmer communities to protest numerous falsehoods and misrepresentations made by Chevron in its petition to your office seeking the withdrawal of the Andean Trade Preference Benefits for Ecuador. As you may know from our previous correspondence in 2008 to the USTR, attached hereto, Chevron is inappropriately trying to enlist the U.S. government to intervene in a lawsuit in Ecuador where it faces a substantial liability for causing what experts believe could be the worst oil-related catastrophe on the planet. Texaco (now Chevron) has admitted to the deliberate dumping of more than 18 billion gallons of toxic “water of formation” directly into the Amazon rainforest over a 26-year period when it operated an oil concession in Ecuador. Several indigenous groups in Ecuador have seen their traditional cultures decimated based on impacts from Chevron’s sub-standard operational practices. Using conservative estimates, a team of court-appointed technical experts found that more than 1,400 people have died of cancer in the area due to exposures to oil and oil-related contaminants.

The lawsuit against Chevron originally was filed on behalf of a class of 30,000 plaintiffs in 1993 in U.S. federal court in the Southern District of New York. Chevron, over the objections of the plaintiffs, sought to have the case transferred to Ecuador by submitting 14 sworn affidavits from experts praising the courts of that country as fair and adequate. Once the trial began in Ecuador in Chevron’s preferred forum, and after Chevron had voluntarily subjected itself to jurisdiction in Ecuador’s courts, the scientific evidence started to point to Chevron’s culpability. Only then did Chevron shift gears and begin to attack the trial process in Ecuador. Chevron also launched a lobbying and public relations campaign in the U.S. and Ecuador to circumvent the judicial process even as court experts concluded that 100% of Chevron’s former oil production sites are highly contaminated with toxins. Chevron’s submission to the USTR is a key component of its lobbying and political campaign to intervene in, and ultimately undermine, a pending legal matter in Ecuador. We ask your office to reject this effort by Chevron as an inappropriate attack on the rule of law.

A summary of Chevron’s misrepresentations in its USTR submission are:

Chevron misrepresentation #1: Ecuador violated a contract with Chevron to release it from further liability for environmental clean-up. There is no contract violation. No court has accepted Chevron’s claim of a contract “violation” as described in its submission to the USTR. The “release” expressly excluded the claims of the private Ecuadorian citizens who have brought the environmental lawsuit in Ecuador. Strong evidence exists that the release was obtained under false pretenses; it was granted before any work was done. The remediation

upon which the release was based is a sham, according to the independent court expert in Ecuador who has reviewed roughly 200,000 pages of evidence in the case.

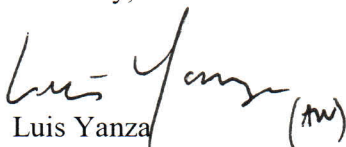
Chevron misrepresentation #2: Circumstances in Ecuador have worsened in the last year as Chevron has tried to resolve the dispute with the government. Chevron's descriptions of its "attempts" to resolve its "contract dispute" are not credible. First, there is no contract "dispute" other than one contrived by Chevron for public relations and lobbying purposes. The President of Ecuador has said repeatedly that Ecuador's government will not intervene in a dispute between private litigants. Ecuador's government is not obligated to answer Chevron's requests for a "resolution" because doing so would undermine the independence of Ecuador's judiciary, violate the legal rights of private citizens, and allow Chevron to circumvent a binding U.S. court decision that transferred the case at Chevron's request to Ecuador.

Chevron misrepresentation #3: There is no basis for the criminal indictment of the Chevron lawyers. The indictment of Chevron lawyers Ricardo Reis Veiga and Rodrigo Perez Pallares is based on a wide body of scientific, documentary, and testimonial evidence that suggests they conspired with Ecuadorian government officials to lie about the results of the "remediation" to obtain the legal release mentioned above. Also indicted are seven former officials from Ecuador's government – a fact which contradicts Chevron's assertion that the indictments were motivated to damage the company. The evidence upon which this indictment is based is available in part from the court record in the Ecuadorian environmental case. This court record clearly demonstrates that the Texaco "remediation" was a likely fraud. It also suggests that the Chevron lawyers faked laboratory results to show an absence of toxins at "remediated" sites, when in fact those sites were highly contaminated.

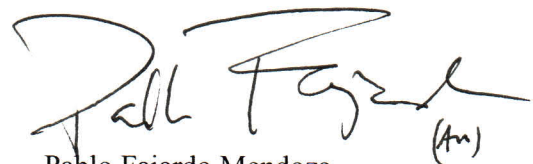
The falsehoods and misrepresentations in Chevron's submission undermine the rule of law in U.S. courts, where Chevron was granted relief to transfer the lawsuit to Ecuador. They also undermine the rule of law in Ecuador's courts, where Chevron is legally obligated to respect any judgment based on its own stipulation before the U.S. court to accept jurisdiction there. Because on several occasions Chevron has repeated these same misrepresentations to the USTR, we ask that you consider a referral of Chevron's submission to competent authorities for investigation and possible sanction. Making false statements to the executive branch is a violation of 18 USC 1001 (a). Upon request, we can furnish your office documents that prove each of the assertions made in this correspondence.

Chevron's real motivation is to enlist the U.S. government to intervene in a private lawsuit so it can avoid responsibility for putting tens of thousands of lives in danger because of reckless operational practices in Ecuador's Amazon rainforest. Chevron's campaign is based on misrepresentations, is an affront to the rule of law in two countries, is a continuation of a decades-long abuse of the people of Ecuador, and possibly violates a federal statute. Chevron's petition should be rejected.

Sincerely,



Luis Yanza
COORDINATOR, "CASO TEXACO"
Quito, Ecuador



Pablo Fajardo Mendoza
LEAD ATTORNEY, AFFECTED
COMMUNITIES