

LETTERS TO THE EDITOR

Chevron Is to Blame for Ecuador's Oil Pollution

Your April 19 editorial "Banana Republic and Friends" praises Chevron counsel Charles James's pledge "not to succumb to extortion" and claims to "wonder whose interests are served" by the environmental-disaster legal case being brought against Chevron in Ecuador.

It is odd that the Journal would celebrate efforts by Mr. James that undermine the rule of law. After all, the special master whom Mr. James accuses of being part of an "extortion" plan is a respected geologist whom Chevron paid in the past for his work as a court-appointed expert. The bulk of the special master's findings concerning Chevron's culpability in dumping billions of gallons of toxic waste are based on Chevron's own data. Moreover, in 2002 Chevron stipulated before U.S. Federal Judge Jed S. Rakoff that it would be bound by the Ecuadorian court's ruling as a way to avoid trial in the U.S. At the time, Chevron submitted 10 separate expert affidavits praising Ecuador's courts as impartial and transparent.

The real problem for Chevron is that the evidence confirmed by the special master demonstrates extensive levels of toxic contamination at 100% of Chevron's former well sites. Once the weight of the evidence started to tilt against Chevron, Mr. James launched a full-scale assault on the court. What had once been a trial Chevron sought in courts it praised became an "extortion" plot. I think we can identify the animating principle: Praise the fairness of foreign courts when you think you can win and claim "extortion" when it appears you are going to lose.

Odder still is the Journal's enthusiasm for this naked effort by Chevron to circumvent both the U.S. and Ecuadorian legal systems. We might better ask: Why has the Journal, normally a champion of the rule of law, become the cheerleader for the narrow interests of a Chevron management team willing to do almost anything to avoid liability in a particular case?

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(The writer is a legal adviser to the plaintiffs in the case referenced in the letter.)

Regarding your editorial "Banana Republic and Friends": To avoid trial in the U.S., Chevron filed 10 affidavits before U.S. federal judges praising the fairness of Ecuador's court system. Chevron then stipulated to a U.S. federal court that it consented to jurisdiction in Ecuador as a condition of transferring the case.

Like all defendants, Chevron enjoys full due-process rights and has filed 200,000 pages of evidence and submitted 52,000 chemical sampling results. Only now, following the release of one report by an independent expert showing the company's culpability for pollution, does Chevron cry foul.

President Rafael Correa's government has drawn a clear line between where sympathy for contamination victims ends and interference in an ongoing complex legal dispute begins. The same cannot be said for Chevron, which has lobbied various Ecuadorian presidents, including Mr. Correa, to use their authority to halt litigation. It is Chevron, not Ecuador, that would like to "politicize" the case. Hap-

pily, its PR efforts have been frustrated by the fact that Ecuador no longer has "banana republic" institutions that can be controlled through extrajudicial pressure. Chevron should respect the legal process and let it conclude.

LUIS GALLEGOS
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Your editorial tries to undermine the credibility of Amazon Watch and the legal case against Chevron in Ecuador.

The so-called "release" cited in your editorial does not apply to private claims of the type in the Ecuador litigation. Chevron's "remediation," which you laud, was a sham, as confirmed by laboratory samples provided by a court-appointed expert and by Chevron itself. Pablo Fajardo works under death threats and has been recognized world-wide for his personal courage.

Chevron was the sole operator of the concession and as such is entirely responsible for building a system that was designed to pollute. The dismissed San Francisco case against Chevron has no connection to the Ecuador matter and involved entirely different legal claims.

Ecuador's so-called "kangaroo courts" have been praised repeatedly by Chevron as transparent and impartial to avoid going to trial in the U.S.

Now that the evidence is in, Chevron and the Journal suddenly can stand neither Ecuador's courts nor these basic facts.

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