

Paul Barrett's *Law of the Jungle*: A Critique

By the Lago Agrio legal team

Businessweek reporter Paul Barrett's book, *Law of the Jungle*, is riddled with factual errors. The narrative is one-sided in favor of Chevron, and largely cribbed from the oil company's legal briefs. This is not surprising, as Barrett spent no more than a few days in Ecuador ostensibly researching 20 years of litigation between rainforest villagers and Chevron. The book ignores key evidence of Chevron's toxic dumping; Barrett scarcely acknowledges the existence of the Ecuadorians who led the legal team; and, as has been noted by [early reviewers such as Peter Maass](#),¹ what purports to be a balanced analysis quickly descends into a diatribe against Steven Donziger, the longtime U.S. legal advisor to the Ecuadorians. The book contradicts genuine fact-based reporting such as the [recent excellent article by Alexander Zaitchik in Rolling Stone](#).²

Here are some of the fundamental flaws with Barrett's book:

*****Law of the Jungle* is not a product of fact-based independent reporting;**

****The book has no footnotes, borrows from the work of others without proper citation, and is replete with factual errors;**

****Barrett ignores scientific reports that clearly demonstrate Chevron discharged billions of gallons of toxic waste into the Amazon, causing an ecological calamity;**

****Barrett ignores documented evidence that Chevron defrauded Ecuador courts by switching out dirty soil samples for clean ones, undercounting hydrocarbons, and hiding evidence of its contamination;**

*****Law of the Jungle* was dated before it even came out given that the legal case is still being contested in the courts of five countries;**

****Barrett, who does not speak Spanish and spent no more than a few days in Ecuador, wholly ignores the critical leadership role of internationally-recognized Ecuadorian advocates Pablo Fajardo and Luis Yanza.**

****Barrett's conclusions are skewed by his personal, unprofessional animus toward Steven Donziger, the U.S. legal advisor to the Ecuadorians.**

¹ See Peter Maass, *A Jungle Eco-Battle for Your Reading List*, Outside Magazine, Sept. 2014, at <http://ow.ly/AWBmH>.

² See Alexander Zaitchik, *Sludge Match: Inside Chevron's \$9 Billion Legal Battle With Ecuadorean Villagers*, Rolling Stone, Aug. 28, 2014, at <http://ow.ly/AFW95>

Summary

Law of the Jungle embraces a distorted framework propagated by Chevron and the U.S. Chamber of Commerce that claims – after an eight-year proceeding in very the court system where Chevron wanted the trial held – that the resulting judgment is illegitimate. To support Chevron’s narrative, *Law of the Jungle* ignores detailed findings explaining Chevron’s guilt from three layers of courts in Ecuador (including the country’s highest court, the National Court of Justice); two unanimous decisions by Ecuadorian appellate courts affirming Chevron’s responsibility for massive toxic contamination; and the decisions of no fewer than seven U.S. federal appellate courts that have rejected various aspects of Chevron’s complaints about supposed due process violations.

Scientific Evidence Barrett Ignores

Barrett’s book ignores the extensive evidence of Chevron’s guilt. This evidence helped provide the basis for the trial court judgment:

****Two environmental audits from Chevron in the early 1990s – one by Fugro McClelland and the other by HBT Agra – found oil spills at 158 of 163 well sites inspected and a complete absence of environmental monitoring and controls during the 25 years the company operated in Ecuador under the Texaco brand.**

****Chevron’s own soil and water sampling during the eight-year Ecuador trial that found numerous violations of environmental laws at its former well sties. These include large amounts of harmful (and in some cases life-threatening) toxins such as benzene, cadmium, toluene, xylene, and polycyclic aromatic hydrocarbons (PAHs).**

****Chevron’s own “secret” evidence proving the claims of the villagers that recently emerged after the trial ended in a related U.S. discovery action.**

****A report in 2013 by the prominent U.S. scientific consultancy Louis Berger Group that independently confirmed extensive contamination at Chevron’s former sites in Ecuador.**

Silence About Chevron’s Corruption

Law of the Jungle also ignores extensive evidence that Chevron tried to corrupt and sabotage the Ecuador trial when the evidence pointed to its guilt:

****Barrett ignores internal Chevron emails that show the company tried to “demonize” Donziger and other lawyers for the Ecuadorians to distract attention from its environmental crimes and fraudulent remediation.**

****Barrett failed to describe how Chevron used dirty tricks to hide its contamination – including switching out dirty soil samples for “clean” ones before submitting them to labs.**

****Barrett ignores evidence Chevron set up dummy front companies to hide its control of supposedly “independent” laboratories.**

****Barrett ignores how Chevron tried to bribe Ecuador's government with \$700 million to illegally extinguish the legal claims of its own citizens.³**

Factual Errors and Suspect Sourcing

The book is riddled with inaccuracies reflecting Barrett's shoddy reporting technique. Here are some examples:

****Barrett obfuscates the scientific evidence by claiming it was an "incompatible morass" when in fact the existence of contamination was corroborated clearly by multiple studies, as confirmed by multiple courts.**

****Barrett gets basic facts wrong: the name of a key Ecuadorian judge who presided over the case, the role of a key funder, and even the basis of the Ecuador lawsuit is cited to the wrong law.**

****Barrett confuses issues of causation under Ecuadorian law and fails to understand the basic differences between civil legal systems in Latin American and the common law system of the United States.**

Barrett's Conflict of Interest

****Barrett recently testified before the U.S. Congress that he thought the case was a fraud. The hearing was arranged by Chevron lobbyists.**

****Barrett repeatedly has expressed anger toward Donziger and said he was going to use the book to "take down" Donziger and his colleagues.**

****During a break in Chevron's RICO trial in New York, Barrett loudly shouted to anybody in the gallery who would listen his view that Donziger is a "criminal".**

Ignoring Chevron's Intimidation Model

****Barrett almost completely ignores that Chevron – rather than the pay the judgment from Ecuador – is abusing the legal system to intimidate its critics.**

****Barrett ignores the framework for Chevron's retaliatory intimidation model that includes lawsuits filed against more than 100 lawyers, activists, company shareholders, and even the government of Ecuador.**

****Chevron sued its main critic, Donziger, for a U.S-record \$60 billion and then dropped the entire damages claim on the eve of trial to avoid a jury.**

³ See generally Declaration of Juan Pablo Saenz, *Chevron Corp. v. Donziger*, No: 11-cv-0691 (S.D.N.Y. Feb. 25, 20122), at <http://ow.ly/B2dCh> (42-page declaration recounting Chevron's 18-year history of harassment, intimidation, and abuse in response to the Ecuador lawsuit).

Making Ecuadorians Invisible

**Barrett has a myopically American perspective; he almost wholly ignores the Ecuadorian lawyers who led and managed the eight-year litigation.

**Barrett scarcely mentions Pablo Fajardo, the lead lawyer in Ecuador and winner of the prestigious CNN Hero award; or Luis Yanza, an Ecuadorian community leader and winner of the Goldman Environmental Prize.

Donziger's Point of View

**Barrett largely ignores Donziger's many legal filings that respond to every Chevron allegation against lawyers for the villagers, including his [recent appellate brief](#).⁴

**Barrett fails to mention Donziger's detailed [counterclaims against Chevron](#)⁵ that comprehensively document the company's corrupt acts in Ecuador.

More Information

For background on the overwhelming evidence against Chevron relied on by the Ecuador courts, see [this document](#); for an explanation of Chevron's human rights abuses in Ecuador, see this [video](#); for how Chevron deliberately discharged toxic waste, see this [60 Minutes segment](#); for a letter signed by 43 civil advocacy groups criticizing Chevron over Ecuador, see [here](#); for a blog criticizing Barrett's book, see [here](#).

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⁴ Brief of Defendant Steven Donziger, No. 14-826 (2d Cir. Jul. 2, 2014), at <http://ow.ly/B2bu8>.

⁵ Counterclaims of Defendant and Counter-Claimant Steven Donziger, *Chevron Corp. v. Donziger*, No. 11-cv-0691 (S.D.N.Y. Aug. 15, 2012), at <http://ow.ly/B2bTQ>.