

August 26, 2002

Dear Secretary Powell:

We are writing to express our extreme concern with the July 29th opinion issued by the Office of the Legal Advisor of the US Department of State to the Honorable Louis F. Oberdorfer, United States District Court for the District of Columbia, in response to his request for the Department's views in connection with the case Doe et.al. v. ExxonMobil, and whether the proper adjudication of that lawsuit against a purely private party – ExxonMobil -- would interfere with US foreign policy. In a sweeping opinion, the Legal Advisor stated that the continuation of the lawsuit would be detrimental to US foreign policy goals, and urged its dismissal.

Although we, like the Legal Advisor, do not take any position on the substantive legal claims in the case, it is particularly stunning to read the Department of State's bold assertion that the lawsuit would actually "diminish" the ability of the US "to promote human rights" in that country, and would hinder our efforts against terrorism. We are gravely concerned with the possibility of a policy shift that might, in the name of combating terrorism, risk undermining human rights protection. We fear the intent of this retort was precisely to hinder such safeguard of human rights. We view such a response from the State Department as an act that clearly subordinates human rights concerns to commercial interests.

We also note with concern that subsequent to the issuance of the Department of State letter, Unocal Corporation immediately filed a motion with the court requesting that it obtain the Department of State's opinion in a lawsuit related to human rights claims in Burma, John Roe III et. al. vs. Unocal Corporation et. al. Unocal filed an identical motion in federal court in 1997, to which the Department replied in essence that the suit was not in conflict with foreign policy objectives. Despite the fact that there is no basis to assert a change in US foreign policy with respect to Burma, Unocal obviously believes the ExxonMobil letter signals that, regardless of foreign policy interests, this Administration will defend oil companies from allegations of human rights violations.

We are deeply troubled by the prospect that the US Department of State will now favor business interests over human rights interests. We are even more troubled by the apparent willingness of the Department to interfere with due process of law here in the United States to protect those corporate interests. We urge your reconsideration of this dangerous policy course.

Sincerely,

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Amnesty International USA

Brent Blackwelder, Executive Director
Friends of the Earth

Medea Benjamin, Founding Director
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