

Harvard's Chevron Director

ENRIQUE HERNANDEZ: A MEAN-SPIRITED CORPORATE PREDATOR

Harvard University boasts that it is devoted "to developing leaders who make a difference globally." That they have accomplished both shamefully and admirably in Harvard Law School graduates Enrique Hernandez (1980) and human rights attorney

Steven Donziger (1991). In addition to being Executive Chairman of Inter-Con Security Systems, Mr. Hernandez has sat on the boards of historically corrupt oil giant Chevron since 2008 and McDonald's since 1996 rising to its chairmanship in 2016. →



Chevron boasts on its website that Mr. Hernandez is a member of both Harvard College's Visiting Committee and Harvard University's Resources Committee, something Harvard — after repeated requests — refuses to confirm or deny.

In 2018, following one of the costliest corruption scandals in U. S. banking history, Harvard's Hernandez had to quickly exit Wells Fargo's board of directors. Yet he has remained as McDonald's board chairman raking in \$797,398 in compensation in 2020 even with the mess he has allowed to fester there under his leadership including massive outcries over systematic sexual harassment, surveillance of workers protesting long shifts, pitiful wages and unhealthy and unsafe working conditions.

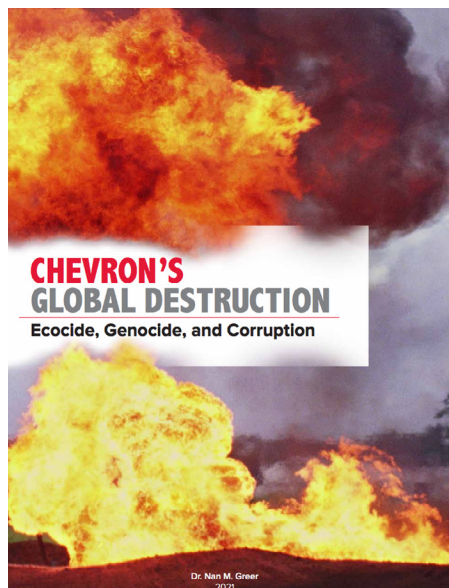
As one of the twelve members of Chevron's board for which he received \$323,154 in 2020, he is responsible for the brutal policies harming people and the planet for which Chevron is notorious. **In essence, Harvard's Enrique Hernandez represents a plague on society and should be banned from serving in any formal capacity at Harvard unless he resigns immediately from the board of directors of scofflaw Chevron.**

Chevron's entire board, including Enrique Hernandez, have been woefully negligent with respect to environmental protections and human rights abuses during their terms serving as the top policymakers of Chevron. This statement is supported by irrefutable evidence documented in **Dr. Nan Greer's report, "Chevron's Global Destruction: Ecocide, Genocide, and Corruption"** released on September 21, 2021. Her report and

Enrique Hernandez has been woefully negligent with respect to environmental protections and human rights abuses during his term serving as a top policymakers of Chevron.

thousands of witnesses worldwide refute Chevron's claims that its core values focus on "Integrity and Trust" and "Protect People and the Environment." Its board of directors' propaganda further falsely declares, "The Chevron Way: 'We conduct our business in a socially and responsible manner, respecting the law and universal human rights to benefit the communities where we work.'"

The Executive Summary of Dr. Greer's report condemning Chevron states:



"Chevron is expected to adhere to international business regulations and human rights laws and regulations. However, the company tends to behave as if it can act with impunity, failing to obey national and international laws." From the Global Destruction report by Dr. Nan M. Greer.

"Chevron has used vast financial resources, political muscle, bribes, and retaliatory litigations to squash lawsuits and incident reports from communities and countries affected by their oil and gas extraction. Chevron appears to be among the most destructive oil companies in the world, destroying land and ocean ecosystems, poisoning rivers and streams, eliminating livelihoods, ravaging communities, and

financing paramilitary violence, while filing frivolous and punitive litigations against anyone who dares to hold the company responsible for its crimes...

"As a multinational corporation, Chevron is expected to adhere to international business regulations and human rights laws and regulations. However, the company tends to behave as if it can act with impunity, failing to obey national and international laws... As this report documents, **rather than addressing human rights and environmental incidents, the company has consistently chosen to bribe officials, hire thugs to intimidate people, or litigate against its victims.**"

Enrique's Ecuador: Mayhem, Miscarriages, Birth Defects and Death

In his role as a director of Chevron, Mr. Hernandez continues to make policies and decisions that wreak havoc on people and the environment around the world.

In 1993, environmental crusader **Steven Donziger** toured the Amazon rainforest region in the city of Lago Agrio in Ecuador. There he witnessed the horrific sight of more than 900 toxic oil waste pits poisoning the land, water and air that are still prevalent today. For nearly three decades, the unflappable Mr. Donziger has led the cause for justice for 30,000 Indigenous people after suing Chevron to clean up its massive pollution and provide aid to thousands of victims of its deadly negligence. **In 2011 he won a \$9.5 billion judgment against Chevron, which the Constitutional Court of Ecuador — the country's highest court — confirmed in 2018 in an 8-0 decision.**

Chevron with its \$240 billion in assets is headed by CEO Michael Wirth. Wirth's 2020 compensation was more than \$29 million and his Chevron stock holdings are valued at about \$167 million. Sixty percent of the inhabitants of Chevron's polluted Lago Agrio live in poverty.

Hernandez's Complicity in Imprisoning Harvard's Human Rights Crusader Steven Donziger

After losing the lawsuit, Chevron, which ironically got the case moved from the United States to Ecuador, pulled all of its assets out of Ecuador and hired Randy Mastro, partner in Gibson, Dunn & Crutcher, to file a SLAPP lawsuit under the Racketeer Influenced and Corrupt Organizations Act (RICO) as the first step to waging a ruthless assault against Donziger and the Ecuadorian people. England's High Court of Justice has censured Gibson Dunn for fabricating evidence, while in the United States, judges in California, Montana, and New York have censured and fined Gibson Dunn for misconduct including witness tampering, obstruction, intimidation, and what one judge called "legal thuggery."

Randy Mastro was Deputy Mayor under former New York City Mayor Rudy Giuliani. Mr. Giuliani later became President Donald Trump's disgraced personal lawyer. The RICO complaint was steered to accommodating **Federal District Judge Lewis Kaplan in New York City. From day one, it became clear that Judge Kaplan was in the pocket of Chevron.**

SLAPP stands for Strategic Lawsuit Against Public Participation. Such lawsuits are used by corrupt corporations to intimidate and stop a person or group from



Environmental and human rights attorney
Steven Donziger.

speaking out against their unethical and criminal activities, especially as they relate to environmental devastation and human rights abuses.

Chevron falsely claimed the Ecuadorian judgment was based on fraud committed by Donziger, including his allegedly bribing Ecuadorian judges and ghostwriting a judgment. **Donziger repeatedly requested to have his RICO trial decided by a jury but Kaplan ruled that he, like a dictator, would be the sole arbiter of justice.**

It became clear that Kaplan, a former defense lawyer for tobacco companies and a member of the right-wing Federalist Society, to which Chevron is a major donor, is heavily biased in favor of Chevron. Later it was learned that Kaplan has investments in Chevron, which constitutes a serious conflict of interest that he did not disclose and which should have barred him from any involvement in the case.

The key factual witness for Chevron in the sham RICO trial, former Ecuadorian Judge Alberto Guerra, was wrongfully influenced and essentially bribed by Chevron. Chevron had given Mr. Guerra at

least \$2 million while moving him and his entire family from Ecuador to the United States. Chevron lawyers then coached Mr. Guerra for 53 days before Kaplan let him testify against Donziger. Guerra later recanted his perjured and false testimony, admitting that he had lied "repeatedly." In 2014, to no one's surprise, Judge Kaplan issued a 485-page decision against Donziger.

Kaplan later ruled that Donziger personally owes Chevron millions of dollars in legal fees, costs and penalties; froze his bank accounts and ordered him to turn over his cellphone and computer for inspection. Knowing Judge Kaplan was on a witch-hunt, Donziger rightfully refused because doing so would reveal years of attorney-client privileged communications and put his clients' lives at risk. Kaplan also demanded Chevron's victims in Ecuador pay Chevron hundreds of thousands of dollars!

Kaplan then charged Donziger with various counts of criminal contempt, but the U.S. Attorney's office for the Southern District of New York declined to prosecute him. In response, Kaplan, known for his gruff, sarcastic and dictatorial demeanor, appointed a biased special private prosecutor, Rita Glavin, from the Seward and Kissel law firm, at great expense to taxpayers, to prosecute Mr. Donziger. Only months later did Seward & Kissel disclose that Chevron has been one of their clients.

Kaplan then transferred the criminal matter to **Judge Loretta Preska**, a member of the New York Advisory Board of the Chevron-friendly Federalist Society. **Like Kaplan in the civil RICO case, Preska refused Donziger a jury trial.**

Photo: Photography Alliance, public domain



Indigenous people in northeast Ecuador.

Photo: Lou Dematteis / Redux



Toxic oil waste pit in Ecuador.

Massive Outcry Against Enrique Hernandez's Chevron

The International Association of Democratic Lawyers (IADL) reported on September 1, 2020 that dozens of legal organizations around the world representing more than 500,000 attorneys, along with over 200 individual lawyers, submitted a judicial complaint documenting "a series of shocking violations of the judicial code of conduct by United States Judge Lewis A. Kaplan targeting human rights lawyer Steven Donziger" after he helped Indigenous peoples win a landmark \$9.5 billion judgment against Chevron. "We wrote this judicial complaint after studying the record in this case and coming to the conclusion that Judge Kaplan has been acting as a de facto lawyer for Chevron in this litigation," said Jeanne Mirer, the President of the IADL.

On September 29, 2021 the **United Nations High Commissioner on Human Rights**, the top human rights legal body in the world, ruled that Judges Kaplan and Preska displayed a "staggering lack of objectivity and impartiality" against Mr. Donziger that violated binding provisions of international law including the right to a fair trial and impartial judge and requested the United States government release him immediately and pay compensation for a deprivation of liberty.

Donziger, after being confined to house arrest for 817 days was sent to prison for six months by Preska on October 27, 2021. No other misdemeanor defendant without a criminal record has ever been confined pretrial to home confinement,

let alone for more than two years, and then sent to prison.

Kaplan and Preska serve as puppets for the Chevron board's unconscionable efforts to demonize Mr. Donziger and to destroy his reputation and law practice in order to shield the company from accountability. It has taken a great toll on Donziger, his wife and teenage son with whom he resides in a modest New York City apartment. But Chevron's and Enrique Hernandez's reprehensible behavior have not broken the resolve of Mr. Donziger or the Indigenous Peoples to win justice. If Chevron's board members succeed in their vendetta against Donziger and the Ecuadorian people, it will send a stern warning to other environmental and human rights advocates to turn a blind eye if you know what's good for you.

Both judges deserve to be removed from the bench for their shameful behavior. Because of them and the policies of Chevron's board, thousands of Ecuadorians have died and continue to suffer increased rates of cancer, miscarriages, birth defects and other chronic health problems. And the area's biodiversity remains at high risk while

criminal Chevron rakes in billions of dollars.

Scores of Nobel laureates have called for Chevron's vile attacks on Donziger and the people of Ecuador to end and for Chevron to be held truly accountable. **Members of the United States Congress and celebrities** like Pink Floyd co-founder and musician Roger Waters, Rock star Sting, actresses Susan Sarandon and Lucy Lawless are doing the same recognizing, as Martin Luther King, Jr. said, "Injustice anywhere is a threat to justice everywhere."

On October 28, 2021 in a United States Congressional hearing, **Congresswoman Rashida Tlaib sternly confronted Chevron CEO Michael Wirth telling him**, "Chevron has about 70 serious cases of environmental and community abuses in 31 countries worldwide owing over \$50 billion in judgments and settlements. So Mike, when are you going to cut the check!"

Harvard should not allow its reputation to be further tarnished by remaining connected to Chevron!

*Ray Rogers, Director,
Let's Beat Chevron Campaign*



Disgraced Federal Judges Loretta Preska and Lewis Kaplan.

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