

United States Senate

WASHINGTON, DC 20510

November 3, 2022

Kenneth J. Markowitz
Akin Gump Strauss Hauer & Feld
Robert S. Strauss Tower
2001 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Markowitz,

We are writing about your firm's Environmental, Social, and Governance (ESG) practice. Although businesses would certainly be wise to lawyer up before undertaking ESG initiatives, your firm has a duty to fully inform clients of the risks they incur by participating in climate cartels and other ill-advised ESG schemes.


During a recent Senate Judiciary Committee hearing, FTC Commissioner Lina Khan and Assistant Attorney General of the Antitrust Division Jonathan Kanter were asked to share their thoughts about ESG collusion. Commissioner Khan emphasized that there is no ESG exemption to antitrust laws. Regarding ESG group initiatives, she added, "Certainly, those types of cooperation or agreements, in as much as they can affect competition, are always relevant to" the FTC. Assistant AG Kanter emphasized his own agreement with "the sentiment that collusion is anticompetitive, and I also agree with the underlying sentiment that when firms have substantial power and they use that power to achieve anticompetitive ends, that should be actionable under the antitrust laws."

The ESG movement attempts to weaponize corporations to reshape society in ways that Americans would never endorse at the ballot box. Of particular concern is the collusive effort to restrict the supply of coal, oil, and gas, which is driving up energy costs across the globe and empowering America's adversaries abroad. Over the coming months and years, Congress will increasingly use its oversight powers to scrutinize the institutionalized antitrust violations being committed in the name of ESG, and refer those violations to the FTC and the Department of Justice. To the extent that your firm continues to advise clients regarding participation in ESG initiatives, both you and those clients should take care to preserve relevant documents in anticipation of those investigations.

Sincerely,



Tom Cotton
United States Senator



Michael S. Lee
United States Senator



Charles E. Grassley
United States Senator



Marsha Blackburn
United States Senator



Marco Rubio
United States Senator

United States Senate

WASHINGTON, DC 20510

November 3, 2022

Kenneth Rivlin
Allen & Overy
1221 6th Avenue
New York, NY 10020

Dear Mr. Rivlin,

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WASHINGTON, DC 20510

November 3, 2022

Nathan Kibler
Baker Donelson
265 Brookview Centre Way
Suite 600
Knoxville, TN 37919

Dear Mr. Kibler,

We are writing about your firm's Environmental, Social, and Governance (ESG) practice. Although businesses would certainly be wise to lawyer up before undertaking ESG initiatives, your firm has a duty to fully inform clients of the risks they incur by participating in climate cartels and other ill-advised ESG schemes.

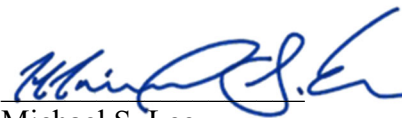
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November 3, 2022

Creighton Macy
Baker McKenzie
815 Connecticut Ave, N.W.
Washington, D.C. 20006

Dear Mr. Macy,

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November 3, 2022

James E. Langston
Cleary Gottlieb
One Liberty Plaza
New York, NY 10006

Dear Mr. Langston,

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Peter J. Mucchetti
Clifford Chance
2001 K Street N.W.
Washington, D.C. 20006

Dear Mr. Mucchetti,

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Jason Kent
Cooley LLP
55 Hudson Yards
New York, NY 10001

Dear Mr. Kent,

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November 3, 2022

Kerry Shannon Burke
Covington & Burling
One CityCenter
850 10th Street, NW
Washington, D.C. 20001

Dear Ms. Burke,

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Joseph A. Hall
Davis Polk
450 Lexington Avenue
New York, NY 10017

Dear Mr. Hall,

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David W. Rivkin
Debevoise & Plimpton
919 3rd Avenue
New York, NY 10022

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Brenden Carroll
Dechert LLP
1900 K Street, NW
Washington, D.C. 20006

Dear Mr. Carroll,

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Maxwell Carr-Howard
Dentons US LLP
1900 K Street, NW
Washington, D.C. 20006

Dear Mr. Carr-Howard,

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John J. Gilluly III
DLA Piper
303 Colorado Street
Suite 3000
Austin, TX 78701

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Herbert J. Short, Jr.
Eversheds Sutherland
999 Peachtree Street, N.E.
Atlanta, GA 30309

Dear Mr. Short,

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Timothy Wilkins
Freshfields Bruckhaus Deringer
601 Lexington Avenue
31st Floor
New York, NY 10022

Dear Mr. Wilkins,

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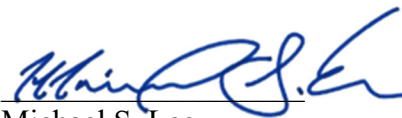
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Jennifer Bellah Maguire
Gibson, Dunn & Crutcher
333 South Grand Avenue
Los Angeles, CA 90071

Dear Ms. Maguire,

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Cameron L. Contizano
Goodwin Procter
1900 N Street, N.W.
Washington, D.C. 20036

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Sincerely,



Tom Cotton
United States Senator



Michael S. Lee
United States Senator



Charles E. Grassley
United States Senator



Marsha Blackburn
United States Senator



Marco Rubio
United States Senator

United States Senate

WASHINGTON, DC 20510

November 3, 2022

Bernadette M. Rappold
Greenberg Traurig
2101 L Street, N.W.
Suite 1000
Washington, D.C. 20037

Dear Ms. Rappold,

We are writing about your firm's Environmental, Social, and Governance (ESG) practice. Although businesses would certainly be wise to lawyer up before undertaking ESG initiatives, your firm has a duty to fully inform clients of the risks they incur by participating in climate cartels and other ill-advised ESG schemes.


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Marsha Blackburn
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Marco Rubio
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United States Senate

WASHINGTON, DC 20510

November 3, 2022

Benjamin Rubinstein
Herbert Smith Freehills
450 Lexington Avenue
New York, NY 10017

Dear Mr. Rubinstein,

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United States Senate

WASHINGTON, DC 20510

November 3, 2022

Scot Anderson
Hogan Lovells
Columbia Square
555 13th Street, N.W.
Washington, D.C. 20004

Dear Mr. Anderson,

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Marco Rubio
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United States Senate

WASHINGTON, DC 20510

November 3, 2022

John D. Martini
Holland & Knight
2929 Arch Street
Suite 800
Philadelphia, PA 19104

Dear Mr. Martini,

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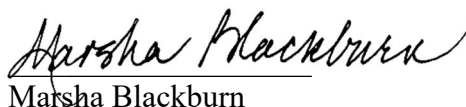
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Marsha Blackburn
United States Senator



Marco Rubio
United States Senator

United States Senate

WASHINGTON, DC 20510

November 3, 2022

Randi C. Lesnick
Jones Day
250 Vesey Street
New York, NY 10281

Dear Ms. Lesnick,

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November 3, 2022

Joseph A. Eisert
King & Spalding
1700 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20006

Dear Mr. Eisert,

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WASHINGTON, DC 20510

November 3, 2022

Alexandra N. Farmer
Kirkland & Ellis
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Ms. Farmer,

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Marco Rubio
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WASHINGTON, DC 20510

November 3, 2022

D. Mark McMillan
K&L Gates
70 W Madison Street
Suite 3300
Chicago, Illinois 60602

Dear Mr. McMillan,

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November 3, 2022

Betty Moy Huber
Latham & Watkins LLP
1271 6th Avenue
New York, NY 10020

Dear Ms. Huber,

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United States Senate

WASHINGTON, DC 20510

November 3, 2022

Doug Davison
Linklaters LLP
601 13th Street, N.W.
Suite 400
Washington, D.C. 20005

Dear Mr. Davison,

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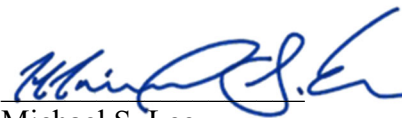
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November 3, 2022

David A. Carpenter
Mayer Brown
1221 6th Avenue
New York, NY 10020

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WASHINGTON, DC 20510

November 3, 2022

Carl J. Fleming
McDermott, Will & Emery
The McDermott Building
500 North Capitol Street, N.W.
Washington, D.C. 20001

Dear Mr. Fleming,

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WASHINGTON, DC 20510

November 3, 2022

Allan T. Marks
Milbank LLP
2029 Century Park East
33rd Floor
Los Angeles, CA 90067

Dear Mr. Marks,

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November 3, 2022

Kelly L. Gibson
Morgan, Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Dear Ms. Gibson,

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November 3, 2022

Susan H. Mac Cormac
Morrison & Foerster
425 Market Street
San Francisco, CA 94105

Dear Ms. Mac Cormac,

We are writing about your firm's Environmental, Social, and Governance (ESG) practice. Although businesses would certainly be wise to lawyer up before undertaking ESG initiatives, your firm has a duty to fully inform clients of the risks they incur by participating in climate cartels and other ill-advised ESG schemes.

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United States Senate

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November 3, 2022

William L. Troutman
Norton Rose Fulbright
555 S. Flower Street
41st Floor
Los Angeles, CA 90071

Dear Mr. Troutman,

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Sincerely,



Tom Cotton
United States Senator



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United States Senator



Charles E. Grassley
United States Senator



Marsha Blackburn
United States Senator



Marco Rubio
United States Senator

United States Senate

WASHINGTON, DC 20510

November 3, 2022

Ashley Walter
Orrick, Herrington & Sutcliffe
701 5th Avenue
Suite 5600
Seattle, WA 98104

Dear Mr. Walter,

We are writing about your firm's Environmental, Social, and Governance (ESG) practice. Although businesses would certainly be wise to lawyer up before undertaking ESG initiatives, your firm has a duty to fully inform clients of the risks they incur by participating in climate cartels and other ill-advised ESG schemes.


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WASHINGTON, DC 20510

November 3, 2022

Tara K. Giunta
Paul Hastings
2050 M Street, N.W.
Washington, D.C. 20036

Dear Ms. Giunta,

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November 3, 2022

Jeannie S. Rhee
Paul, Weiss, Rifkind, Wharton & Garrison
2001 K Street, N.W.
Washington, D.C. 20006

Dear Ms. Rhee,

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November 3, 2022

Louis Rambo
Proskauer Rose LLP
1001 Pennsylvania Avenue, N.W.
Suite 600
Washington, D.C. 20004

Dear Mr. Rambo,

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November 3, 2022

Sarah Heaton Concannon
Quinn Emanuel Urquhart & Sullivan LLP
1300 I Street, N.W.
Suite 900
Washington, D.C. 20005

Dear Ms. Concannon,

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November 3, 2022

Tyree P. Jones, Jr.
Reed Smith LLP
1301 K Street, N.W.
Suite 1000 – East Tower
Washington, D.C. 20005

Dear Mr. Jones,

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November 3, 2022

Michael R. Littenberg
Ropes & Gray
1211 6th Avenue
New York, NY 10036

Dear Mr. Littenberg,

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November 3, 2022

David A. Higbee
Shearman & Sterling
401 9th Street, N.W.
Suite 800
Washington, D.C. 20004

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November 3, 2022

Sonia Gupta Barros
Sidley Austin
1501 K Street, N.W.
Washington, D.C. 20005

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November 3, 2022

Patrick J. Ryan
Simpson Thacher
425 Lexington Avenue
New York, NY 10017

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WASHINGTON, DC 20510

November 3, 2022

Gary DiBianco
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005

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November 3, 2022

Petrina Hall McDaniel
Squire Patton Boggs
One Atlantic Center
1201 W. Peachtree Street, N.W., Suite 3150
Atlanta, GA 30309

Dear Ms. McDaniel,

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November 3, 2022

Catherine M. Clarkin
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004

Dear Ms. Clarkin,

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November 3, 2022

Annemargaret Connolly
Weil, Gotshal & Manges
2001 M Street, N.W.
Suite 600
Washington, D.C. 20036

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November 3, 2022

Scott Levi
White & Case LLP
1221 6th Avenue
New York, NY 10020

Dear Mr. Levi,

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November 3, 2022

Jamie Gorelick
Wilmer Cutler Pickering Hale & Dorr
1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Dear Ms. Gorelick,

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United States Senator

United States Senate

WASHINGTON, DC 20510

November 3, 2022

David J. Berger
Wilson Sonsini
One Market Plaza
Spear Tower, Suite 3300
San Francisco, CA 94105

Dear Mr. Berger,

We are writing about your firm's Environmental, Social, and Governance (ESG) practice. Although businesses would certainly be wise to lawyer up before undertaking ESG initiatives, your firm has a duty to fully inform clients of the risks they incur by participating in climate cartels and other ill-advised ESG schemes.


During a recent Senate Judiciary Committee hearing, FTC Commissioner Lina Khan and Assistant Attorney General of the Antitrust Division Jonathan Kanter were asked to share their thoughts about ESG collusion. Commissioner Khan emphasized that there is no ESG exemption to antitrust laws. Regarding ESG group initiatives, she added, "Certainly, those types of cooperation or agreements, in as much as they can affect competition, are always relevant to" the FTC. Assistant AG Kanter emphasized his own agreement with "the sentiment that collusion is anticompetitive, and I also agree with the underlying sentiment that when firms have substantial power and they use that power to achieve anticompetitive ends, that should be actionable under the antitrust laws."

The ESG movement attempts to weaponize corporations to reshape society in ways that Americans would never endorse at the ballot box. Of particular concern is the collusive effort to restrict the supply of coal, oil, and gas, which is driving up energy costs across the globe and empowering America's adversaries abroad. Over the coming months and years, Congress will increasingly use its oversight powers to scrutinize the institutionalized antitrust violations being committed in the name of ESG, and refer those violations to the FTC and the Department of Justice. To the extent that your firm continues to advise clients regarding participation in ESG initiatives, both you and those clients should take care to preserve relevant documents in anticipation of those investigations.

Sincerely,



Tom Cotton
United States Senator



Michael S. Lee
United States Senator



Charles E. Grassley
United States Senator



Marsha Blackburn
United States Senator



Marco Rubio
United States Senator

United States Senate

WASHINGTON, DC 20510

November 3, 2022

Jonathan D. Brightbill
Winston & Strawn LLP
1901 L Street, N.W.
Washington, D.C. 20036

Dear Mr. Brightbill,

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