

# 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."

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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

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.

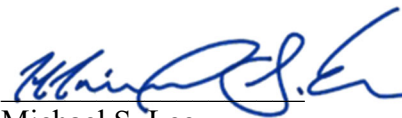
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November 3, 2022

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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November 3, 2022

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

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

Dear Mr. Kent,

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WASHINGTON, DC 20510

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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WASHINGTON, DC 20510

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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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November 3, 2022

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

Dear Mr. Carr-Howard,

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November 3, 2022

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

Dear Mr. Gilluly,

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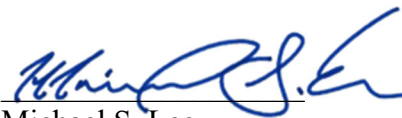
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Jennifer Bellah Maguire  
Gibson, Dunn & Crutcher  
333 South Grand Avenue  
Los Angeles, CA 90071

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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Marco Rubio  
United States Senator

# 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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United States Senator

# 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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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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# United States Senate

WASHINGTON, DC 20510

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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# United States Senate

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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United States Senator



# United States Senate

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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# United States Senate

WASHINGTON, DC 20510

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 Senator

# 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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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Mr. Carpenter,

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United States Senator

# United States Senate

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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United States Senator

# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Mr. Marks,

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 Senator

# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Ms. Gibson,

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United States Senator

# United States Senate

WASHINGTON, DC 20510

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

WASHINGTON, DC 20510

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



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

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

Dear Mr. Walter,

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# United States Senate

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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# United States Senate

WASHINGTON, DC 20510

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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# United States Senate

WASHINGTON, DC 20510

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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# United States Senate

WASHINGTON, DC 20510

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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# United States Senate

WASHINGTON, DC 20510

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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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Mr. Littenberg,

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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Mr. Higbee,

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WASHINGTON, DC 20510

November 3, 2022

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

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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Mr. Ryan,

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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Mr. DiBianco,

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# United States Senate

WASHINGTON, DC 20510

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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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Ms. Clarkin,

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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Ms. Connolly,

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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Mr. Levi,

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# United States Senate

WASHINGTON, DC 20510

November 3, 2022

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

Dear Ms. Gorelick,

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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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

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.


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# 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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