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Town braces for last word on Exxon spill

Supreme Court to hear damages case

BY RACHEL D'ORO • ASSOCIATED PRESS • February 27, 2008

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CORDOVA, Alaska -- For many in this coastal town, the 1989 Exxon Valdez disaster was an event so crushing that hard-bitten fishermen still get teary-eyed recalling ruined livelihoods, broken marriages and suicides.

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But mostly, people in Cordova talk about the discouraging wait for legal retribution for the worst oil spill in U.S. history.

It has been almost 19 years since the tanker Exxon Valdez ran aground at Alaska's Bligh Reef, spurting 11 million gallons of crude into the fishing waters of Prince William Sound.

In 1994, an Anchorage jury awarded victims \$5 billion in punitive damages. That has since been cut in half by other courts on appeals by Exxon Mobil Corp.

Now the town of 2,200 looks anxiously to the U.S. Supreme Court, which is to hear arguments today from Exxon on why the company shouldn't have to pay punitive damages at all.

Scores of residents are among almost 33,000 plaintiffs -- including commercial fishermen, landowners, businesses and local governments -- who could see the \$2.5 billion judgment taken away by the high court.

Steve Smith, a 69-year-old Cordova fisherman, worries that big business will prevail.

"I really wonder, what do you do if you don't get a just decision out of the Supreme Court?" he asked on his boat Prince William. "I mean, there's no other court to take it to."

The spill soiled 1,200 miles of shoreline and killed hundreds of thousands of birds and other marine animals.

Prosecutors said Exxon Valdez skipper Joseph Hazelwood was drunk when the supertanker ran aground March 24, 1989, with 53 million gallons of oil in its hold. He denied the accusation and was acquitted of the charge in criminal court.

Cordova wasn't directly touched by the slick. But residents say the spill was a crippling blow for a town so dependent on commercial fishing.

One of the mayors who served after the spill later killed himself, leaving a long suicide note that mentioned Exxon.

Mike Webber, a 47-year-old native Alaskan artist and fisherman from Cordova, said his marriage didn't survive the strain; he and his wife divorced two years after the spill. With the fishing industry in shreds, he also began drinking heavily, finally checking himself into rehab in 1998.

Some people abused drugs and sank into severe depression and, in some cases, committed suicide.

Webber carved a so-called shame pole last year to commemorate the spill. The 7-foot carved piece of cedar, which depicts former Exxon chief executive Lee Raymond with dollar-sign eyes and a Pinocchio-like nose, will be in Washington this week. An oil slick pours from Raymond's mouth along with the words uttered by a top Exxon official soon after the spill: "We will make you whole."

"Well, they didn't," Webber said, his voice breaking. "They just put a hole in us ... right in our hearts, and it hurts. And they took part of our soul."

According to plaintiffs, Exxon knew Hazelwood had begun drinking again after seeking treatment, but the company still put him at the helm of the nearly 1,000-foot ship.

At issue is whether Exxon should have to pay any damages under the federal Clean Water Act and centuries-old laws governing shipping.

Exxon maintains that punitive damages would be excessive punishment in light of the \$3.5 billion in cleanup costs, compensatory payments and fines it already has paid. As for the environmental effects of the spill, the claim about severe, continuing damage to the sound "is simply untrue," according to the Texas company, which this month posted the largest annual profit by a U.S. company -- \$40.6 billion.

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