

Kodiakans respond to oil spill arguments at Supreme Court

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Article published on Wednesday, Feb 27th, 2008

By BRYAN MARTIN
Special to the Mirror

Alaska and Kodiak residents showed up in strong numbers before the U.S. Supreme Court today as justices rigorously questioned lead attorneys on whether Exxon should pay \$2.5 billion as punishment resulting from the Exxon Valdez oil spill of 1989.

During 90 minutes of arguments, seven of the justices raised questions on the constitutionality of damages. Justice Samuel Alito was not present since he recused himself because of a conflict of interest with his financial holdings. The only one who did not speak was Justice Clarence Thomas. Lead attorney for Exxon was Walter Dellinger of Wahington, D.C. Attorney for the original plaintiffs was Jeffrey Fisher of Stanford, Calif.

"Should punitive damages be rendered for an unintentional oil spill?" Dellinger asked.

"It is fair to say you have an open issue in front of you," Fisher said.

Kodiak attorney Matt Jamin, representing plaintiffs, said he does not have an idea as to how the judges might decide. The decision could end in a 4-4 split without Alito, thus letting stand a lower court decision to award \$2.5 billion.

"We just don't know what they are going to do," Jamin said after the hearing. "I can't read the court. I wish I could."

Court observers expect a decision sometime during the summer months, which could put an end to the 19-year-old case.

Duncan Fields, an attorney and fisherman from Kodiak, said no case should be drawn out for 18 years.

"Many of the clients have died," he said. "This should be brought to a halt."

"There are still new amounts of oil coming down the West side of Kodiak Island," said Fields, who brought his son Noah to the hearing.

years, we have never had species go extinct.

"I am optimistic the plaintiffs still have a chance," he said. "Punitive damages won't bring closure, but maybe they will help."

"We and others want closure to this," Fields said. "Exxon decided it was to their own advantage not to settle this."

Standing on the front steps of the courthouse after the hearing, Fields said, "I thought the justices were very engaging."

Large crowds gathered in different circles as national news reporters pummeled attorneys and concerned parties with questions.

Bob Brodie, who also brought his son, Pearson, to the hearing, attended a night vigil Tuesday along with some 50 other Alaskans nearby on the Capitol grounds. The vigil was sponsored by the Whole Truth Campaign, primarily comprised of residents from Cordova. U.S. Sen. Lisa Murkowski addressed the group, urging an end to the case and that Alaskans be fairly treated.

Alaskans at the hearing were from Dillingham, Seward, Soldotna, Anchorage, Fairbanks and other towns throughout the state.

"I haven't a clue on what they (the justices) will do," Brodie said. Brodie was mayor of Kodiak when the oil spill occurred, March 14, 1989. "We were just small mayors, but we ended in fighting a multi-national corporation.

"This is a once in a lifetime experience, though, to attend a Supreme Court hearing," Brodie said.

Alutiiq Museum executive director Sven Haakanson Jr., who was raised in Old Harbor and came to the hearing, said the disaster shows that preventive measures are needed to keep from having another.

"All of us in Kodiak have been impacted," Haakanson said. "The impact has been cultural and economic. "When food sources are taken away, such as animals affected, it also affects a socializing society. In 7,000

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