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Exxon Valdez Victims Launch 'The Whole Truth' Campaign as Case Goes to Supreme Court

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CORDOVA, Alaska, Feb. 7 /PRNewswire-USNewswire/ -- Victims of the Exxon Valdez oil spill have launched "The Whole Truth" campaign, <http://www.wholetruth.net>, in support of the over 32,000 fishermen, women and Alaska Natives suing Exxon to recover damages for economic harm caused by the spill. Nearly two decades after the spill caused irreparable damage to the environment and the economy of Prince William Sound, Exxon has taken its fight to avoid responsibility all the way to the Supreme Court, where oral arguments are scheduled for February 27. While there is no dispute that the Exxon Valdez Oil Spill is one of our nation's worst environmental disasters, Exxon has waged a shameless fight to escape responsibility. "The Whole Truth" campaign is meant to insure that the truth about the irreparable economic damage done to the communities of Prince William Sound be known, and that Exxon finally be held accountable.

"After the spill, Exxon promised to make the people and communities of Prince William Sound whole again," said Steve Reidel of Cordova District Fishermen United (CDFU). "That never happened. Nineteen years later after nearly two decades of broken promises it is finally time for Exxon to take responsibility and make amends for this catastrophe. Justice demands it."

This year marks the nineteenth anniversary of the worst oil spill in American history. Exxon placed Captain Joseph Hazelwood, a known alcoholic, in command of its 1000 foot supertanker, the Exxon Valdez, despite nearly three years of reports that the captain was a heavy drinker. Predictably, Hazelwood was drunk as the tanker left port carrying 53 million gallons of crude oil on board. His estimated blood alcohol level at the time of departure was .241, more than 3 times the current legal limit in most states to operate a vehicle. After setting out he steered the tanker away from the shipping lane, set it on autopilot, and left the bridge. He left a fatigued third mate who was not qualified to navigate through the complex waters of Prince William Sound in charge to execute a tricky maneuver and avoid Bligh Reef. On March 24, 1989 the Exxon Valdez ran aground and ruptured 8 of its 11 tanks, leading to untold billions of dollars in damage to the economy and untold damage to the Sound's environment, which has never fully recovered.

"The fishermen, Native people and citizens of Prince William Sound are speaking with one voice, and the message to Exxon is clear. Take responsibility for what you've done. After nearly 20 years of spin, evasion, and litigation the time has come to hold Exxon accountable and let polluters know that they are not above the law. This is the only way we can protect our nation's waters," said Jennifer Gibbins, Executive Director of Prince William Soundkeeper and one of the principles of The Whole Truth Campaign.

After three days of almost no response, Exxon finally began a clean-up effort but the oil had already spread too far and was beyond containment. The recovery effort was a charade. In a taped conversation, Exxon's representative explained: "...[there] needs to be something out there that looks like an effort is being made." A Congressional report determined that Exxon's response was "wholly inadequate." Ultimately, only 14 percent of the oil was reclaimed. With the fear of oil contamination the State of Alaska was forced to close the fishery for the 1989 season. The following years were met by reduced harvests and depressed fish prices. 1300 miles of private shoreline was damaged some of which remains oiled today. The spill destroyed many subsistence activities of Natives in the area. The economy of the region was crippled, the effects of which are still felt today.

"It is very difficult to articulate the full impact, and more specifically, the losses associated with the Exxon Valdez oil spill," said Travis Vlasoff, a local fisherman in the Native Village of Tatitlek and Project Analyst, Tatitlek Corporation. "The effects to the Native Village of Tatitlek were no less than a complete and utter destruction of countless traditional practices."

"We lost everything," said Mike Webber, a highly respected native commercial fisherman from a Cordova fishing family, who carved a Shame Pole, a traditional totem pole carved to ridicule wealthy people who have a debt to society, to mark the 18th anniversary of the spill. "Our economy has never been the same since. Now, while Exxon racks up multi-billion dollar profits, sometimes in a single quarter, we've been left to fight them for what they owe us for nearly 20 years."

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On February 27, the Supreme Court will hear arguments in what has amounted to a near 20-year effort by Exxon to shirk financial responsibility for its actions. The Fishermen and Native Subsistence lawsuit for private economic damages arose after Exxon refused to pay for most of the harm caused. This suit is a class action composed of 32,677 commercial fishermen, related individuals and businesses, private landowners, Native Alaskans, municipalities, and other claimants from across the country. The 83 day jury trial began in 1994 after years of discovery. It proceeded in three phases:

In phase I the jury found that Exxon and Hazelwood had been reckless.

In phase II the jury awarded fishermen in the major commercial fisheries \$287 million in compensatory damages for economic harm. Under maritime law, some economic and other types of injury were barred. Outside of phase II other victims recovered economic damages that exceeded \$500 million.

In phase III the jury was asked to determine whether Exxon and Hazelwood were liable for punitive damages and if so whether punitive damages should be awarded. The jury returned a verdict against Hazelwood for \$5000 and against Exxon for \$5 billion dollars.

Exxon appealed, and in 2001 the Ninth Circuit court of appeals affirmed the compensatory verdict and the jury's decision to award punitive damages. On remand the District Court found the \$5 billion dollar award was justified but given the Court's evolving law with regard to punitive damages it reduced the award to \$4.5 billion. Once again Exxon appealed. On December 22, 2006 a divided Ninth Circuit reduced the award to \$2.5 billion. Exxon again challenged that ruling but the court refused to hear the case. On August 20, 2007 Exxon filed a writ of certiorari with the United States Supreme Court. On October 29, 2007 the Court agreed to hear the case. Oral arguments are set for February 27, 2008. The nineteenth anniversary of the spill is one month later, March 24.

On January 29, Alaska Governor Sarah Palin announced that the State of Alaska filed an amicus, or "friend of the court," brief supporting the award of punitive damages against Exxon. In a statement, Attorney General Talis Colberg said, "Exxon's arguments, if they prevail, would not only deny Alaskans compensation to which they are due, but would reduce the incentive for those who use our coastal waters to operate in a careful and safe manner."

At issue in this case is the \$2.5 billion dollar punitive damage verdict, awarded by a jury to punish Exxon for its irresponsible corporate conduct and recklessness that caused the spill. Although this award breaks down to merely \$76,500 per individual plaintiff, Exxon argues that it should not be punished at all. The Whole Truth campaign seeks to provide the complete truth about the Exxon Valdez Oil Spill, generate public awareness and support to end Exxon's quest to escape responsibility.

ABOUT THE WHOLE TRUTH

The Whole Truth campaign is supported by leading Alaska advocacy organizations Prince William Soundkeeper and Cordova District Fishermen United. Native and commercial fishermen are available to speak to their direct personal experiences as victims of the fall-out of the Exxon Valdez Oil Spill. Audio clips of statements from local fishermen, women and natives impacted by the spill are also available for b-roll purposes. To speak to them, their attorneys or for the latest statistical findings on the economic damage suffered by the people of Prince William Sound, contact Aric Caplan at 301-770-0550 or go to <http://www.wholetruth.net>.

Source: The Whole Truth Campaign

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