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CHESAPEAKE INTEREST: Md. Attorney General Backs Oil Spill Victims

By Ben Meyerson
Capital News Service

WASHINGTON — The 1989 Exxon Valdez oil spill has spread to Maryland with the state's Attorney General Douglas Gansler throwing his support behind Alaskans in their Supreme Court battle with the oil company.

The Exxon case is relevant to many states, particularly coastal Maryland, Gansler said, speaking at a news conference Tuesday alongside the governor of Alaska and fishermen the day before the court was scheduled to hear arguments on the case.



"It's an issue of environmental justice, but it's also an issue of states' rights," Gansler said.

Gansler wrote a friend-of-the-court brief on behalf of the class of 32,677 who are bringing suit against Exxon for the accident.

The spill occurred when the captain of the Exxon Valdez oil tanker -- a man that, according to Gansler's brief, Exxon knew was both drunk and a relapsed alcoholic -- crashed the ship into a reef in Alaska's Prince William Sound. It spilled 11 million gallons of crude oil in what Exxon itself calls a "tragic accident."

At issue before the court is whether Exxon can be required to pay punitive damages in the case. Exxon said it's paid its dues for the spill -- the company claims to have spent more than \$3.5 million in the aftermath of the spill, including compensatory payments, cleanup payments, settlements and fines.

The original trial court awarded \$4.5 billion in punitive damages to the claimants, which was later reduced to \$2.5 billion on appeal.

Taking sides in this case is in Maryland's best interest as a coastal state, Gansler said.

"The environmental issue is dear and near to the hearts of Marylanders because of the Chesapeake Bay," Gansler said. "In future years we want to be able to deter and punish reckless conduct."

Much of the legal work in the case revolves around the issue of what law applies where. A large portion of Exxon's defense revolves around what Gansler said is an antiquated 19th century federal maritime law that makes the captain of the ship solely responsible for the actions of his vessel.

"That law comes from the time of pirates, where individuals were acting on their own out on the high seas, and they wanted uniform policy," Gansler said. "In today's world, that's not how it works."

Forty-eight states have their own rules for punitive damages, but Exxon says that federal law should be applied, letting it off the hook for the extra award because of the stricter standard for liability.

In a letter to attorneys general of other states asking them to sign the brief, Gansler and Washington state Attorney General Robert McKenna said that state laws should have precedence over federal statutes in this situation.

"Because 48 states have punitive damages, there should not be a different rule for maritime law -- and toxic spills -- than the one that applies generally to all other corporations for land-based misconduct," they said.

The Supreme Court is scheduled to hear arguments on the case today.

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