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Exxon Valdez case before US Supreme Court Wednesday

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Washington - The night of March 24, 1989 went down in history as one of the most tragic environmental disasters in world history, as the oil tanker Exxon Valdez ran aground on Alaska's south-western coast and leaked almost 240,000 barrels of oil. Nearly 19 years later, the beginning of the end is in sight for the victims as the US Supreme Court prepared to hear arguments Wednesday in Washington over punitive damages for Exxon.

As ordered by prior court judgements, plaintiffs want Exxon to pay out 2.5 billion dollars to more than 32,000 people for its negligence in the case.

After so long, the average 76,000-dollars-payoff per person has faded in significance, one of the plaintiffs said Tuesday.

"We have not gotten here specifically because of the money or who's getting a check. We are here for justice," said Jennifer Gibbins. She is in charge of the preservation of the Prince William Sound, where the tanker hit a reef.

The legal battle started soon after the disaster. In 1994, a jury determined that Exxon had to pay 287 million dollars in compensation and 5 billion dollars as punitive damages for its negligence.

Successive legal reviews reduced charges to 2.5 billion dollars. Exxon is appealing to the Supreme Court against the judgement.

Exxon, which merged with Mobil in 1999 to create the largest private oil company in the world, has since argued that it was not negligent.

Plaintiffs, in turn, insist there was negligence because the company put the tanker under the command of a captain - Joseph Hazelwood - who according to investigators was probably under the influence of alcohol when the ship left the port of Valdez, Alaska.

The list of victims of the spill includes local fishermen and their families, other businesses in the area and private landowners and towns affected by the leak. The toxic grease spread some 750 kilometres to the south-west of Bligh Reef, where the tanker ran aground.

Visually, the area around the Kenai Peninsula has recovered, as residents themselves admit. However, they reckon the effects of the spill are still being felt.

Exxon claims it has already devoted 2.1 billion dollars to clean-up efforts as well as 1.4 billion dollars for other purposes.

The consequences of the spill became worse than initially anticipated because of Exxon's delayed reaction in the clean-up. That exacerbated the already difficult access to an expanse of sea spiked with icebergs and rocks.

The effects were so bad that, as one local tribal leader put it, "the water died" on that day.

Later studies showed that an estimated 250,000 to 300,000 birds, some 300 seals, 250 eagles and up to 20 killer whales died as a result of the leak.

Fishermen in the area complain that, almost two decades later, the schools of salmon and herring still have not recovered.

"Just imagine your life with 50 per cent less income," said Steve Smith, a fisherman from the sound. "Corporations have no conscience. We need to give them a conscience, and punitive damages give us a way to do that."

"We lost our way of life," said Derek Blake, another fisherman. "Nineteen years ago Exxon stumped on our rights, now it must be held accountable."

In their complaint, the victims are not alone. Although at one point the state of Alaska reached an out-of-court deal with Exxon for 900 million dollars, it is involved in the case as "amicus curiae."

Thirty-three other states joined the initiative. Maryland Attorney General Douglas F Gansler got involved in the issue to take the lead role in supporting the plaintiffs.

"The people of Alaska support the plaintiff. Alaskans understand the need for compensation. We don't want this to happen ever

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again," said Alaska Governor Sarah Palin.

Exxon, in turn, argues that the effects of the spill have virtually disappeared.

"The environment in Prince William Sound today is healthy, robust and thriving," Ken Cohen, the company's vice president for public affairs, said two years ago.

The transnational energy company, which is rolling in profits as oil prices soar, argues that it already fulfilled its responsibilities and that the punitive damages are excessive.

"The Valdez oil spill was a tragic accident that ExxonMobil deeply regrets. The company took immediate responsibility for the spill, cleaned it up, and voluntarily compensated those who claimed damages," Cohen stressed.

The Supreme Court is to hear Wednesday the arguments of both parties, and it is expected to announce its verdict in the coming months. The highest court in the United States cannot modify the amount set in damages - it can merely confirm or reject the settlement award.

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