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Oil spill revisited

Fishing town braces for high court's look at '89 Exxon Valdez disaster

By Rachel D'Oro
The Associated Press
Tuesday, February 26, 2008



Photos by Al Grillo / AP As Carl Church shovels snow, a sea otter rests on a dock in Cordova, Alaska. Thousands of marine animals and birds died after the Exxon Valdez tanker ran aground 45 miles away.

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.

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

It's been almost 19 years since the tanker Exxon Valdez ran aground at Alaska's Bligh Reef, spurring 11 million gallons of crude into the rich fishing waters of Prince William Sound. In 1994, an Anchorage jury awarded victims \$5 billion in punitive damages. That amount 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 will hear arguments Wednesday from Exxon on why the company should not have to pay punitive damages at all.

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

"With this legal system the way it has been protracted out, people can't put it behind them," Cordova Mayor Tim Joyce said. "The final recompense has never been made."

Steve Smith, 69, a 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 said on

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his boat Prince William. "I mean, there's no other court to take it to. What do you got left, really? Anarchy?"

The spill soiled 1,200 miles of shoreline and killed hundreds of thousands of birds and other marine animals, inflicting injuries to the environment, which has not fully recovered, according to numerous scientific studies. Exxon says it should not be liable for the actions of the Exxon Valdez skipper, Joseph Hazelwood, when the supertanker ran aground March 24, 1989, with 53 million gallons of oil in its hold. Prosecutors said Hazelwood was drunk, but he denied it and was acquitted of the charge in criminal court.

Cordova, 45 miles from Bligh Reef, was not directly touched by the slick. But residents say the spill was a crippling blow for a town dependent on commercial fishing, particularly for herring, whose numbers plummeted several years after the spill and have yet to return.

Mike Webber, 47, a Native Alaskan artist and fisherman from Cordova, said his marriage did not 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.

He said that he has been sober ever since, but that others kept drinking and abusing drugs and sank into severe depression and, in some cases, suicide.

Webber carved a "shame pole" last year to commemorate the spill and will be in Washington with the 7-foot carved piece of cedar, which depicts former longtime Exxon chief executive Lee Raymond with dollar-sign eyes and a Pinocchio-like nose. An oil slick pours from his 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 is what they did, right in our hearts and it hurts. And they took part of our soul."

According to plaintiffs, Exxon knew Hazelwood had begun drinking after seeking treatment, but it 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 beside the \$3.5 billion in cleanup costs, compensatory payments and fines it has paid. As for the environmental effects, the claim about severe, continuing damage "is simply untrue," according to the Texas company, which earlier this month posted the largest annual profit by a U.S. company — \$40.6 billion.

"The environment in Prince William Sound is healthy, robust and thriving," Exxon spokesman Tony Cudmore said. "That's the conclusion of many scientists who have done extensive studies of the Prince William Sound ecosystem."

To the casual observer, the sound's stunning beauty has been restored, its many islands, fjords and glaciers is a photographer's dream. But residents in Cordova and other communities say the region is still a long way from healing. It took years for salmon to rebound, and sea otters and Harlequin ducks are still below pre-spill numbers.

An estimated 85 tons of crude linger, according to a federal study released last year. Jars of oil-stained sand and rocks still being dug up in the spill area can be examined at the Prince William Sound Science Center at the south end of town.

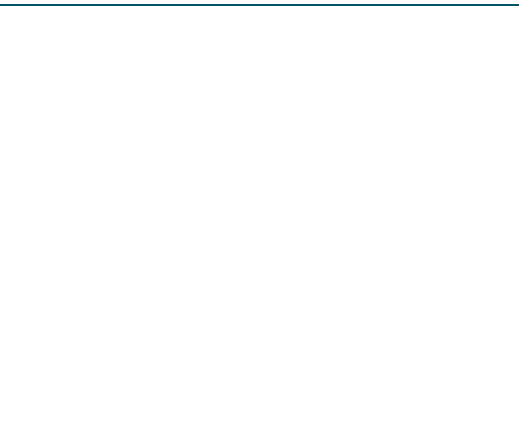
Most devastating, the once-lucrative herring fishery has not returned in significant numbers since 1993, a failure precipitated by the spill, according to a recent report by science center researchers. Exxon maintains that there is no link between the spill and the virus that reduced the number of herring.

"A whole lifestyle has gone," restaurant owner Libbie Graham said. "Life was great. I mean, you worked hard, but you were rewarded for it."

In 1988, Cordova received \$1.2 million, 2 percent of the value of fish caught, through the state's raw fish tax, according to Joyce, the mayor. Post-spill, the town's annual cut has averaged about \$500,000.


Steve Picou, a University of South Alabama sociologist who has been researching the

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effects of the spill on Cordova residents, said that initially, reports of stress and depression were directly linked to the loss of jobs for fishermen and the damage to the environment so crucial to Alaska Natives who hunt and fish for their food. Later, he said, the stress increased because of the drawn-out court battle.

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