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Exxon seeks legal sympathy over Valdez
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P-I COLUMNIST

In his Savile Row threads, the senior partner from a distinguished Los Angeles law firm rose in a Seattle courtroom and argued a case that made the blood leave my face: The Exxon Corp. had suffered enough.

Eighteen years have passed, and Exxon is still imploring judges to feel its pain. On Tuesday, it asked the U.S. Supreme Court to review an appellate ruling that it owes \$2.5 billion in punitive damages from the 1989 Exxon Valdez oil spill.

The big "E" has been appealing since 1994, when an Anchorage, Alaska, jury awarded \$5 billion to class-action plaintiffs. Fishermen, cannery workers and Alaska natives claimed lasting economic damage from the fouling of Prince William Sound and 400 miles of Alaska coastline.

The case has bounced up and down like a Cordova fishing boat in a Gulf of Alaska storm.

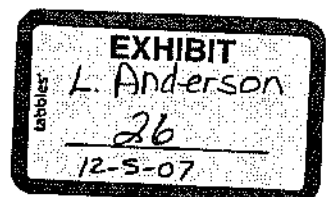
The 9th U.S. Circuit Court of Appeals sent it back to District Court, which affirmed the \$5 billion judgment. Exxon took it back to the '9ers, who cut the award in half.

An estimated 20 percent of the plaintiffs (some of them Seattle fishermen) have died since Exxon started appealing. One of the appellate judges who heard the Seattle argument, Charles Wiggins, is no longer with us.

Exxon soldiers on: It hopes Antonin Scalia, Clarence Thomas and other Supremes will prove a sympathetic audience.

While acknowledging the spill was "a very emotional event," the world's biggest oil company argues: "The ongoing case is whether further punishment is warranted."

Exxon-Mobil has lately sought to lower its profile. It has cut money to front groups formed to fuel public confusion on causes of global warming.



Anderson-Exhibit # 26

Other oil companies busily greenwashed themselves.

ConocoPhillips used shots of breaching whales and Beethoven's music to herald the arrival of double-hulled tankers. British Petroleum has run ads claiming its initials stand for "Beyond Petroleum." Shell has aired profiles of a groovy solar scientist and a gorgeous cultural anthropologist who advises indigenous peoples on how to coexist with oil development.

If you put aside the TV spots, however, big oil is giving us the same old gas.

British Petroleum used the cover of a post-Hurricane Katrina refinery bill in Congress for a sneak attack on legal protections against supertankers in Puget Sound. Reps. Jay Inslee and Dave Reichert thwarted it.

As the Senate marked up energy legislation, Sen. Maria Cantwell, D-Wash., tried to shift subsidies from big oil to renewable energy development.

The industry successfully resisted under guidance of lobbyist and ex-Louisiana Sen. John Breaux, a man famous for saying that while his vote was not for sale, it could be rented.

The anthropologist babe was absent this week as Royal Dutch Shell resumed its attempt to drill exploratory wells for a coal-bed methane project in one of British Columbia's most beautiful alpine basins.

A band of protesters from the Tahltan and Iskut Indian bands blocked Shell crews. The company is considering a court injunction, which would likely lead to arrests.

The land at issue is called the Sacred Headwaters: It forms the headwaters of the Nass, Stikine and Skeena river systems: All are major salmon streams. The Nass is a rare case in Canada of a well-managed fishery. The Sacred Headwaters is a major hunting and fishing ground for native peoples.

"Three years ago, with tenure to drill in hand, Shell Canada didn't waste any time: While most Tahltan were attending a funeral, Shell's contractors unceremoniously bulldozed an access road through a Tahltan trapper's camp and quickly drilled three exploratory wells," theyee.ca, a Vancouver online newspaper, recently reported.

Shell picked a curious week to bulldoze its way back into the Sacred

Headwaters. With great fanfare, British Columbia joined six U.S. states and Manitoba in the Western Climate Initiative, a partnership to reduce carbon emissions.

Who cares about a few dozen Indians in ceremonial costumes blocking a road 600 miles north of Vancouver? Isn't it "old news" that fishermen and tribes are still seeking damages 18 years after the Exxon Valdez spill?

Answer: We ought to extend our attention spans and renew a basic sense of social justice.

During four trips to the Sacred Headwaters country, the Iskuts have impressed me as spiritual, sensible, down-to-earth people who don't want the global economy to roll over their gorgeous corner of the world.

They are willing to accept mines, but one at a time, so the region isn't hit by a boom-then-bust economy. And they want hands off the Sacred Headwaters. They're willing to endure stiff contempt sentences that Canadian judges impose on those who defy corporate power.

The Exxon Valdez plaintiffs have a powerful argument in or out of court: We told you what was going to happen.

As Capt. Joseph Hazelwood was drinking at the Petroleum Club in Valdez, a Cordova biologist-fisherman, Dr. Riki Ott, was talking by phone to a meeting elsewhere in town.

She forecast that Prince William Sound was due for a catastrophic oil spill, the question was not whether but when, and that it would not be contained.

The prediction came true a few hours later. If only the Exxon Valdez had shown its corporate parent's skill at maneuver and evasion.

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