

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1946 SCOMM 76: HOUSE SPEC. COMM. EXXON VALDEZ OIL SPILL... 1991-92 163

SANDRA K. CELEY

JAMES N. PRICE

APRIL R. CELEY

CC: SEE ATTACHED LIST

ACE 447540

10441 Birch Road
Anchorage, Ak 99516

April 5, 1991

Hon. H. Russell Holland
U.S. District Court
Anchorage, AK

Your Honor:

In the matter of the proposed EXXON oil-spill plea bargain, I respectfully urge your rejection thereof.

The magnitude and persistence of the Prince William Sound oil-spill tragedy call for far more legal consideration and severity of penalty than the provisions of the plea bargain allow. Judicial proceedings are clearly in order. I believe that they are imperative.

It is being argued that the plea bargain "beats going to court" and that "we must get (the spill) behind us." Neither view is valid. The fundamental virtue of action through the Court is that of judgement rendered through argument and counterargument ... the educative value of which is foremost and beyond calculation, either numerically or monetarily. Moreover, the level of awareness and sensitivity appropriate to the profundity of the issues can only be nurtured by court proceedings, a forum which cannot be equalled by any other agency of the people or by academic discussion.

I ask that you read the essay on the "Social Function of Catastrophe" which I am enclosing with this letter.

Respectfully,

Charles Konigsberg
Charles Konigsberg

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APR 05 1991

CLERK U. S. DISTRICT COURT

ACE 447541

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by Charles Konigsberg

The Social Function of Catastrophe

We have been reversing the evolutionary process which made our world safe for life...

We can now understand that — given our nature as the human species — catastrophe serves the function of reawakening us to the fundamentals of our existence, and of placing all else in that crucial perspective. The catastrophic nature and magnitude of the Prince William Sound oil spill thus serves to reveal the shallowness and superficiality of so much in our daily lives — our preoccupation with and enslavement to means, to the neglect of ends — while at the same time exposing the pattern of myths which underlies that cultural malaise and its destructive consequences.

Perhaps the most dominant component of that mythic pattern has been the notion that the economic (how we make our living) factor is the most essential element in our lives, the one with respect to which all other factors must take a subordinate place. But this notion assumes, above all, that the economic factor can be understood as separate from all other important elements of our lives. Clearly, that is not so.

Is the Exxon/Alyeska oil spill (with its antecedents and its consequences) but an economic matter? Or is it really political? Scientific/technological? Psychological? Environmental? Cultural? It is all of these, and more. Each and all are strands of that whole we call life on earth. That we have given these parts different names does not mean that they are separate from the functioning of the whole.

In this perspective, it is clear that we can no longer tolerate the myth that the economics of how we make our living can somehow be separated from the health and integrity of the natural world which makes our very lives, not just our living, possible. It's equally clear, therefore, that neither Exxon/Alyeska nor the oil industry collectively have any right to the power they have so arrogantly assumed and exercised over our lives (and world) under the mythic cloak of economic separability and priority.

We can now see what a profound misconception it has all been. The notion that the power of the industry applies only to and within the economic sector and that it can and should be considered apart from

and unrelated to all other important aspects of our lives has been a subterfuge, a deliberate misconception.

In this light, two related myths of that supposed self-contained economic world have also been exposed for all to see: the notion that private/corporate business activity is inherently more efficient than that of public agencies, and that the private/corporate personnel involved are necessarily socially responsible citizens. Exxon/Al-yeska have laid those myths to rest for all time. Not only did they fail in their planning and readiness for such an incident but they also had — in the usual way of those who exercise illegitimate power — carefully concealed their failure and pulled the strings of their governmental allies to deny funding and personnel to our public protection agencies. They hid themselves behind their state and federal surrogates and the hired guns of their PR-hype campaigns.

It seems clear enough that the failure and its concealment were consciously pre-calculated and deliberate. They occurred because of the distortion of perspective from the bottom line... leading to the financial decision to accept any costs of potential errors, human or otherwise, which could then be carried, like any cost, as just another cost of doing business.

To be sure, our public agents also had their responsibilities. These personnel cannot perform as required, however, if the necessary resources are not funded and if the (manipulated) climate of opinion discourages enforcement — and if, in the ultimate sense, the people continue to be blinded and misled by the PR-hype incessantly disgorged by the industry and its camp followers. The crucial consideration in understanding this issue of responsibility is that responsibility and accountability lie, must lie, always, with those who have and use the power which eventuates in the catastrophe.

We can now see that the operative power in our society often rests not with our public institutions and public authority but with those private and corporate holders of power, whose exercise of power is concealed from our view and protected by continuously repeated myth. Because they believed their power to be hidden, Exxon/Al-yeska played recklessly with Prince William Sound — not only with the Sound itself but with us, our lives and our world. Their behavior has been irresponsible in its worst sense.

Given the pattern of thought and behavior by Exxon/Alyeska reflected in the oil spill catastrophe, can we ever again afford to take them and their industry at their word? We cannot. Some years ago,

the industry's war cry of "A nation which runs on oil can't afford to run short!" unintentionally defined itself as an essential public utility. Can we afford any longer to entrust the control and management of an energy source so important to our societal well-being to such corporate groups?

These questions lead to the consideration of yet another basic myth exposed by the oil-spill tragedy, a myth which forms the framework which underpins the success of the others. And that is the myth that "numbers-dollars-things" are the language of life. We have allowed that myth to dominate virtually every hour of our waking life and, for many, even the life of dream-fantasy.

Once articulated, and we become aware, the gross absurdity of this myth is readily apparent...which is why those persons and groups whose interests such language serves have ever been quick to turn every issue of public policy and socio-ecological concern into a discussion of numbers-dollars-things: to forestall awareness.

But numbers-dollars-things is not the language of life. It is the language of those who put their economic interests above all else while obscuring and minimizing all other considerations, however important. It is the language of power in our society. It is not surprising, therefore, to observe that Exxon/Alyeska — having allowed time for our most deeply felt reactions to the oil-spill to subside — are pursuing a PR campaign to recapture the terms of discussion of the catastrophe: numbers of people, length of booms, miles of coast, numbers and size of boats, equipment, contracts, hourly rates, calendar dates, etc., etc....all instantly translatable into impressive numbers of dollars. And let's be sure to spotlight that \$1 million penned on the back of a business card. Numbers, dollars, things — and "Hey, enough emotionalism already!"

What is most important to understand in all this is that whoever controls the terms of discourse or discussion of any public issue also controls the outcome. Numbers-dollars-things automatically and instantaneously diverts attention and concern from the cultural and ecological, life-threatening dimension of this tragic catastrophe — while also fostering dissension and conflict among workers, fishermen, businessmen, and others seeking compensation. (And "No talking to the media people!") It's divide and conquer — the industry's expertly-practiced tactic of turning any situation to its advantage.

ne basic power over others lies, however, in reconstituting that attitude of mind in which numbers-dollars-things are the unquestioned perspective in which to view all concerns. Once accomplished — if they are permitted to do so — the industry will have re-established their power over our lives and world.

They do, indeed, know what they must plan for and do. We may contrast Exxon/Alyeska's practiced PR with their failure at spill response. "Damage control" was sought in the word not in containment of the crude.

Once we understand the manner and extent to which myth and language can give illegitimate power to those who wish to control others — to dictate how we shall live and for what purposes — we can then begin to take back that power, our power, and make it visible through public authority... public authority which, as the oil spill catastrophe demands, must rededicate itself to democratic principles, among which it is now clear, the maintenance of cultural and ecological integrity must be given a position of the first rank and priority.

That is the most valuable lesson we can learn from Prince William Sound's tragedy and our own suffering. If we do not, or if we fail to act accordingly, then we are surely the least deserving of species.

— Charles Monigsberg
Anchorage

ACE 447545

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APR 01 1991

CLERK, U.S. DISTRICT COURT
ANCHORAGE, ALASKA

March 27, 1991

Clerk of Court
United States District Court
222 West Seventh Ave., Room 261
Anchorage, Alaska 99513

Subject: United States of America v. Exxon Corp and
Exxon Shipping

Attention: Bill Maykoski

Enclosed is a five (5) page comment regarding the plea agreement entered into between the United States of American and Exxon Corporation and Exxon Shipping Company.

Please contact me if you have any questions or wish further information.

Sincerely,

JoAnn Holmes

JoAnn Holmes, Technical Assistant
Ivanof Bay Village Council
601 West 13th
Anchorage, Alaska 99503

Phone: (907)258-5523

ACE 447549

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In the case of the United States of America v. Exxon Corporation and Exxon Shipping the following is submitted on behalf of the village of Ivanof Bay for the court's consideration in rejection of the plea agreement entered into by the parties.

On the south side of the Alaska Peninsula, in a relatively protected bay, lies the small Aleut village of Ivanof Bay. The 45 full-time residents of this community rely on the sea to provide subsistence foods and cash incomes, the sole basis of their economy. The local government has always operated as a traditional council. The village is recognized by state and federal government for the purposes of grants that support local government services. In 1989 the Lake & Peninsula Borough was formed: village leaders felt that it would be to their benefit provided they continued to receive all monies they received as the local governing body. Ivanof Bay was entitled to receive an annual payment directly from the State of Alaska a grant for local government assistance.

There is neither village commerce nor commercial tax base with which to fund the operation of the community facilities. Diesel power generation system, water and sewer facilities, sanitary landfill, road/trail/runway maintenance, health care, and public safety are either maintained through tenuous state or federal funds or do not exist at all. The problems that exist in village government administration, subsistence and commercial fisheries preservation can be very difficult for a community of this size and are compounded by a lack of a local tax base.

The additional problems created by the grounding of the Exxon Valdez and ensuing spill of 11 million gallons of crude oil during the spring of 1989 are frightening. Ivanof Bay is nowhere

near Prince William Sound and at the time no one realized that the spill would travel 650 miles from Elkh Island in Prince William Sound, down the Kenai Peninsula, across Shelikof Straits to Kodiak and down the Alaska Peninsula to Ivanof Bay. This mindless mass of crude oil closed commercial fisheries, fouled traditional subsistence use areas and sent the Ivanof Bay Council into chaos. Archie Kalmakoff, Council President, stated that several residents, in quiet panic, were preparing to leave to look for work in either Anchorage or Seattle. The people had no money to purchase winter food supplies and did not know if their traditional subsistence resources were contaminated. They disposed of questionable foods gathered and supplemented their diets with caribou from a rapidly-dwindling Caribou herd residing on the lower part of the Alaska Peninsula. This herd, as speculated by the State Dept. of Fish and Game, is extremely small in size and number because of starvation due to overgrazing. It may not continue to be a supplemental food source.

The village residents did not participate in oil-spill clean-up which supplemented the incomes of many of the other villages in the path of the spill. The village also did not participate in any subsistence food exchanges or Exxon's generous donation of unused leftover food from their summer clean-up effort.

During June of 1989, the Village of Ivanof Bay emptied out, as usual, for their annual trek 50 miles northwest to Chignik Bay, another coastal Aleut community on the Alaska Peninsula. The Chignik commercial fishing industry supports 103 fishing boats and one cannery. Its permanent population is less than 200; however, Chignik provides support facilities for an annual

summer influx of approximately 500 people (Chignik Bay Village Profile). In 1982 the salmon fishing industry alone was responsible for a total catch worth over \$22 million. with the average income per boat estimated at \$215,000 gross. The people of Ivanof Bay fish, work in the cannery, or care for children here during the summer months.

The Chignik River drainage produces the largest wild stock of red salmon and the only wild stock king salmon run on the south side of the Alaska Peninsula. The salmon spawn during the summer months, the eggs hatch during the winter, and the fry emerge from their gravel beds in the spring. These communities also rely on halibut, bottom fish, crab and herring as other sources of sustenance and income. The adult fish of all species congregate at great depth, but migrate to near-shore spawning and rearing habitats at various times of the year. The fry spawned by the "humpies" will not return until 1992. The fry spawned from the red salmon will not return until 1993 and 1994. The fry spawned from the silver salmon will also not return until 1993. The total damage is unknown.

Members of the Ivanof Bay Village Council have stated that these critical habitats have been damaged by the Exxon Valdez oil spill. The contamination of these areas could affect the survival of the off-spring of all species in the area-- which include subsistence as well as commercial fishing resources.

The residents believe that it is impossible at this time for anyone to comprehend the magnitude of the damage done during the spring of 1989 and that further damage is occurring. It is their belief that as the storms churn the waters and clean Prince William Sound during the winter months and as the water warms in

the spring that critical habitat is still being polluted. The spring is the time when life emerges anew from all species of sea life. The new-borns are small and easily-harmed. As the habitat was destroyed in areas where sea-otter's thrive, they move on to other areas. On March 24, 1991 the residents of Ivanof Bay counted at least 30 sea-otters in the small sheltered bay where they live. The village residents generally do not see more than two or three at a time. The life-cycles and habitat is changing.

During the peak salmon fishing season the summer of 1988 the area fished by the Ivanof Bay villagers was closed. It opened during the month of September for a very brief period of time. The people of Ivanof Bay did not do well.

Another concern is the affect of the oil spill on the red king crab resource rehabilitation taking place in this area. This resource has been closed to commercial fishing since 1982 due to commercial over-harvesting (Quota Doubles for Bristol Bay King Crab: Other Areas Depressed, King, 18). The effect of the oil spill on this already stressed resource could be devastating and may guarantee that no commercial fishing of red king crab will take place any time soon. The Ivanof Bay Village Council reports that piles of three to four hundred dead crab washed up on the beaches near the village during the latter part of September, 1988. On the shores of the coast outside Ivanof Bay is Humphack Bay where residents observed a mass of feathers, crude oil, and other unidentifiable matter that was one foot deep and twelve feet wide for as far as they could see.

These people have been deprived of their jobs and of traditional alternatives to provide foods for their families when no jobs exist. The Court must realize what the total impact of

the crime has been, and will continue to be, upon the victims. Remissions of the amounts considered to be appropriate by the parties in the plea agreement are not adequate even though:

(a) defendants recognize their responsibility with respect to the grounding of the "Exxon Valdez" and resulting oil spill. This admission was unnecessary considering its obviousness.

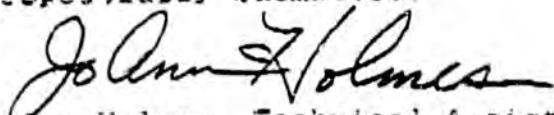
(b) defendants have expended in excess of \$2 billion in response to and clean up of the oil in Prince William Sound. There were no clean-up efforts in Ivanof Bay or its environs.

(c) defendants have paid in excess of \$360 million to claimants allegedly injured by the oil spill. The amount of money actually received by the Ivanof Bay villagers is minuscule regardless of this fact.

(d) defendants cooperated in the federal criminal investigation of the grounding of the "Exxon Valdez" and resulting oil spill. Though cooperation in all criminal investigations is exemplary, little weight can be given to this consideration. Public outcry was such that the defendants had no viable alternative.

Acceptance of the plea bargain by the Court will not ensure the reprehensible conduct of the defendant adequately reflects the level of harm to the victims. Let the punishment fit the crime.

Respectfully submitted,


JoAnn Holmes, Technical Assistant
Ivanof Bay Village Council
601 W. 18th
Anchorage, Alaska 99503

Phone: 907/258-5523

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Public Comment
Exxon Settlement
John Grames
13

JOHN J. G. GRAMES,
Plaintiff-Appellant,
vs.
STATE OF ALASKA, et al.,
Defendants-Appellees.

No. 90-35883
DC# CV-90-0371-H
Alaska
(Anchorage)
MEMORANDUM TO SHOW CAUSE

1. Thank you for a clear and concise order, plus an extension of time to show cause.. Nevertheless, your decision that this case likely is "moot" is an oversimplification and more likely wishful thinking on your part.

2. While my original demand was simple, thereafter it became progressively more complicated when neither defendants, nor Judge Holland, would place my name on the ballot. They stonewalled my pleas to allow this plaintiff to participate in representative democracy and ignored my constitutional rights. This complaint got more involved through no fault of my own.

3. I asked the Clerk of the Court if the Ninth Circuit judges had all of the A-90-371 file to look at since your view was "this case does not present extraordinary circumstances", "that the federal courts cannot give appellant effective relief" and "that election is now over." She showed me the whole file had been sent to appeals.

4. In my motion, signed December 12, 1990 (filed January 9), asking for more time and co-counsel, appellant states the appellees

"should be compellr to run a fair and equite election over again." This was my way of asking for relief--that a special reelection of State Senate Seat H be held--that the Division of Elections, State of Alaska, be ordered to bring my candidacy before the voters so that The People can rule.

5. Plaintiff/appellant has complained in both this case, and a companion obstruction of justice case, A90-372 Civil Grames v. Supreme Court, State of Alaska, before Judge Kleinfeld, that I must argue against the very same judges who dismiss my arguments rather than adversarial lawyers of the defendants, who never have to make an appearance for the other side, in court.

6. At the risk of being redundant, if I received 6% of the vote--which I did (late); then I could easily obtain 1% of the registered voters' signatures. The defendants admitted in State court that the August 1 deadline was "arbitrary," "unconstitutional" and "of no compelling interest." Then, why did they and Judge Holland put me through this ordeal?

7. Because there was no penalty; and they were protecting their vested interest in secret government, of, for and by the judge and lawyer members of the Alaska Bar Association, from any outside opposition like myself: the public is held in contempt and pro se litigants beneath their contempt.

8. Judge Holland also belongs to the private Anchorage Bar Association. The President of the Anchorage Bar Association is Assistant U. S. Attorney Addingham, who suppressed any federal

Bar Association collect money from the lawyers, the law library and clerk's office; funds used to propagandize the legal profession and have parties for this powerful, elite group.

9. One man, one vote, his imperial highness, H. Russ Holland, wants to dictate the oil spill cleanup. Enclosed is a newspaper article showing his low opinion of the people's elected representatives, public debate and environmentalists like myself. This judge has already made up his mind. He is what we call an oil company judge, like Judge James Fitzgerald who threw out the well written and strongly perceived State Tanker Insurance Law, which went through the complete Democratic process. His reward was a lifetime federal judgeship, although he single handedly ended up causing the Exxon Valdez disaster when the oil-company-controlled legislature and administration did not pursue an appeal of his decision to a higher court.

10. I am issue oriented; this is my principal political motive. This means that I do not run for office as a politician, to win or lose necessarily, but to increase public awareness--as a good citizen of the Republic. Same in court. My opponent, Rick Uehling, had 60% of the vote and hundreds of thousands of dollars to campaign in the General Election, but I provided another voice for the voters.

11. The point is, it seems judges and lawyers can do anything they want above the law and the governed cannot do anything about

it within the government. I tried to go and try to be elected, but a Bar Association conspiracy prevented me.

12. In the General election news coverage, the Anchorage Times and Daily News would not even mention my name. I ran on the Green Family ticket. The Green Party of Alaska is now an alternative political party for sensitive change and reform. Family law in this state discriminates against fathers, non-custodial parents, and second families. For the health of the basic unit of society, and the nation, this must be rectified, broken family ills cured by everyone encouraged to work together.

13. Please consider, on the home front, what we fought the Gulf War for: Justice. Rule of Law. Democracy. Due process. Equality. Liberation from oppression. Freedom.

15. Give meaning to these words by our political leaders so that these principles become worthy. Overrule Judge Holland. Call a new election: Including the retention of judges where the Judicial Council gave the voters misinformation and used government funds to perpetrate themselves in the Judicial Branch of government, not mentioning that I was demonstrating and complained against the retention of corrupt judges who break the Law.

DATED this 22nd day of March, 1991, at Anchorage, Alaska.

John Grames

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ACE 447630

Judge flays Legislature for meddling

By JAY CROFT

TIMES WRITER

U.S. District Judge H. Russel Holland has kept quiet since the Exxon Valdez oil spill, but Friday he lashed out at Alaska lawmakers after Exxon pleaded guilty in his courtroom to environmental crimes stemming from the 1989 disaster.

The Legislature on Thursday asked Holland to delay until May 3 consideration of the plea agreement worked out between Exxon and the government. Lawmakers said they needed time to review the deal.

Holland said he was angered that the Legislature notified him of its action by a telefaxed message and that he was concerned legislators were trying to use the federal criminal case to their advantage in a state lawsuit against the oil giant.

Attorney General Charles Cole quickly tried to distance the Hickel administration from the Legislature's action.

"It wasn't from the state," I guarantee you," Cole said. "Not from the Hickel administration did it come."

Holland later refused to discuss the case or his remarks concerning the Alaska Legislature.

A lawyer who asked not to be identified said Holland was ang-



Russel Holland

ered by the Legislature's meddling in a criminal case to affect the state's lawsuit.

Such manipulation would violate legal ethics, he said.

Holland's words and his later silence were indicative of the quiet jurist, who began his legal career in Anchorage humbly and has gained a solid reputation as a thorough, inconspicuous judge.

He received a bachelor's degree in business administration in 1959 and got his law degree in 1961 from the University of Michigan. He moved to Alaska

and was a clerk with the Alaska Supreme Court.

Holland joined the Alaska Bar Association in 1963 and was an assistant U.S. attorney in Anchorage from 1963 to 1965, when he entered private practice with Ted Stevens.

Holland worked for the firm of Stevens, Savage, Holland, Erwin and Edwards, and later with Stevens alone. The partnership ended when Gov. Walter J. Hickel appointed Stevens to fill the unexpired term of U.S. Sen. Bob Bartlett, who died in 1968.

Holland was recommended to become a U.S. District Court judge in 1983. Mary Kay Hughes, then president of the Alaska Bar, said, "Russ is very competent, very reasonable. He has what I would call a judicious attitude."

In July 1984, at age 47, Holland was sworn in as Alaska's fifth federal judge. He was to handle cases involving Native claims, endangered species preservation, mineral leases and resources management.

At his swearing-in, speakers described Holland as "a sound craftsman who knows his profession" and a man of "compassion, uncanny good sense, courage, who also is free of any arrogance."

When he was appointed, Hol-

land described the federal judgeship as "sort of the ultimate goal" in the career of an attorney. "I'm kind of excited about it," he said.

Before his appointment, he had worked in partnership with George Trefry, and had handled commercial cases.

Of the seven lawyers who applied for the federal post, Holland was ranked third in the "extremely well-qualified" category by nearly 800 members of the Bar. State Superior Court Judges Douglas Serdahely of Anchorage and Thomas Schutz of Ketchikan were ranked higher.

Anchorage lawyer Edgar Paul Boyko described Holland as conservative, cautious and principled.

"He's going to interpret the law and not make national policy," Boyko said.

"If I were a liberal environmentalist, I would feel a little nervous about his natural conservatism. But I think that would be a needless worry because I feel in the end he would be fair to everybody."

"The one comforting thing about him is you can be sure he's not going to go off the deep end on either side. At times (he's) a bit naive about the world, but learning."

My philosophy of life is: live and let live; leave alone. Everything begins at home. Alaskans: respect each other's privacy-this life long Alaskan, more than most. My sons give drug-free message without criminal records.

Representative Democracy is based on mutual trust between the people and their politicians. People who know me know I'm ready to bring honesty, intensity and sensitivity to my single term.

The greatest expense of government is corruption and abuse of power. Everyday, lay-people will have an open invitation to influence their government and political issues. Citizen oversight and review encouraged everywhere. More Legislative Public hearings, then action taken on the findings, will help all the people involved do something about their testimony. Town meeting get-togethers.

Alaska is one of the wealthiest places on the planet, yet our economy has been on a long, downhill cycle in a fast changing world. We are giving our resources away to uncaring multi-national corporations, with little in return to turn the economy around. We must get a better deal from our share; as well as, keep control of the resources we own. My office will provide the new political leadership to foster in-state business, labor, manufacturing, and consumer interests.

The issues I will bring to Juneau:

- *State comprehensive health plan, with affordable premiums, run by private companies, underwritten by the State of Alaska as the Reinsurance Company.
- *Wilderness and wildlife belong to everyone. Everybody should be able to buy living licenses priced the same as hunting licenses (resident or out of state). All licenses would equally go into a lottery, either to let live or harvest, all proceeds to Democratic Game management.
- *Tribal Native rights and subsistence. A Native Welcome Center downtown Anchorage run by Village Councils.
- *Minority hire on new pipeline work according to Alaska Pipeline Act.
- *Revive AKPIRG for consumers and citizen government.
- *Lower local energy costs, price of gasoline from State in-kind oil.
- *Permanent Fund Checks to permanent residents. Investigation of Election and Voter Registration fraud.
- *DMV substation downtown.
- *Cure social ills rather than dumping them on Fairview.
- *Impeachment trial for Superior Court Judge Carlson based on Senate Family Law Review Task Force evidence.
- *Separation of powers-three branches of government: Judiciary stop making laws, lobbying the Legislature and Executive.
- *Open courthouse to public scrutiny. Audit sweetheart, no-bid copiers contract between Law Library and Bar Assoc. (monies to public libraries). ISER research price per litigant. UAA seminars on alternatives to court system. More voter information for retention of judges. Citizen law enforcement Boards (i.e. Gressett case). The politicizing of Justice breeds corruption: Judges and lawyers can get away with anything-in-house.
- *Family Commission: Equal rights for fathers, mothers, children and second families. End discrimination against heterosexual males.

Alaska Judicial Council

Recommendations

The Alaska Judicial Council, an independent citizens agency created by the Alaska Constitution, has evaluated the judges who will be on the ballot on November 6 and recommends they be **RETAINED**. In making this recommendation, the Council reviewed:

- Peace Officer Surveys
- Attorney Surveys
- Juror Surveys
- Conflict of Interest Statements
- Court Records Check
- Disciplinary Records Check
- Interviews
- Written Public Comments
- Courtwatching
- Anchorage Citizen Retention Advisory Committee Recommendations
- Court Watch Evaluation
- Public Comments at 15 Communities Statewide, including Anchorage, Seward, Homer, Wasilla/Palmer, Valdez, and Kodiak

While there was some controversy about a few of the judges who decided to retire, information about the judges who will be on the ballot (all of those listed below) was overwhelmingly positive. Refer to your Official Election Pamphlet for more information.

Vote YES To Retain

JUSTICE WARREN W. MATTHEWS, Supreme Court

Third Judicial District

JUDGE CHARLES K. CRANSTON, Superior Court

JUDGE J. JUSTIN RIPLEY, Superior Court

JUDGE BRIAN C. SHORTELL, Superior Court

JUDGE ELAINE M. ALBREWS, District Court

JUDGE MARTHA BECKWITH, District Court

JUDGE MICHAEL L. WOLVERTON, District Court

Printed for by the Alaska Judicial Council, 1029 West Third Avenue, Suite 201, Anchorage, 99501, 275-3454.

27 5321 John Graves

P.O. Box 100827, Anchorage, AK 99501

March 29, 1991

Alaska Judicial Council
1029 W. 3rd Ave, 201
Anchorage, AK 99501

Dear Ex. Dir. William T. C.
I called today and asked you directly whether Federal funds were used to buy Ads for the November retention of Judges election? Serious business. Your answer was a firm, "no!" Then I quizzed you if any visitation mediation Project monies were co-mingled with the budget of the Judicial Council without a separate accounting? Don't v call your reply, except you accused me of being abusive, but did not deny it. This spells the end of any conversation between us, since the ombudsman believes Court officials over a no attorney. Litigants are not allowed on the hand-picked Citizens Advisory Board to the Bar Assoc. controlled Council. The women's Commission placed the Project in the Council (from OPA). We could not afford to lobby in June. We could also not afford to buy ads to counter your misinformation to us and to the Governor e.g. Judge Andrew

04/08/91
BILL - CRIMINAL
DOCKETING.

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APR 8 1991

CHAMBERS, U.S. DISTRICT JUDGE
H. RUSSEL HOLLAND

Honorable Judge Holland,

4/5/91

I am writing to you concerning the Exxon oil spill settlement. I strongly protest. Due to the damage to our state by the oil spill and Exxon's negligence, I feel that further litigation is preferable to agreeing to this deal (especially in light of the fact that the damage study of the Sound is not available to the public). I feel the deterrent value of the settlement is totally inadequate. Sincerely,
Mary Ellen Arnold RN, PhD

ACE 447636

15

Ahead of TIME Consultants
637 "P" Street
Sacramento, CA 95814

April 3, 1991

Judge Russel Holland
United States District Court
222 W. 7th Ave.
Anchorage, AK 99513

RE: Public Notice and Call for Comments
U.S. v Exxon Corp. & Exxon Shipping Co.

Honorable Judge Holland:

BILL
CRIMINAL
DOCKETING

RECEIVED

APR 8 1991

CHAMBERS, U.S. DISTRICT JUDGE
H. RUSSEL HOLLAND

I protest the conditions of the plea agreement signed and filed March 13, 1991 by government officials and counsel for Exxon Shipping Company and Exxon Corporation.

I do not believe the Public is served well by cutting off a Public Debate of such importance with a guilty plea by industry to the least harmful charges. The fine being considered appears to be insignificant to Exxon's leadership. Lawrence Rawl, Exxon President, had an opportunity, when the spill first occurred, to display some sensitivity to the harm done a national treasure. He did not. On the occasion of the settlement he again displayed a particular hubris in his comments to the national press.

The message presently out is that Exxon can afford an Exxon Valdez disaster. This message has been circulated "prime time" to tens of millions by the media.

ACE 447637

(17)

Judge Russel Holland
April 3, 1991
Page Two

Leadership in business and government serves the public welfare best when it takes the vast resources of information at its disposal and leads. Given this trust requires that the public be well served and not led down the primrose path of rose-colored scenarios and easy choices.

A public debate (trial) is owed the Nation. People should know the results of the scientific inquiries as to the long term consequences of the March 24, 1989 oil spill disaster.

The billion dollar price tag being proposed in fines is not the point. Nature and her spirit destroyed by the oil is priceless. This point must be made - and the environmental destruction illustrated unquestionably. Industry and the Public should not be left with a message that Nature can be despoiled for a price.

Whether this message is supported depends upon two judges. Please reject this message to our Nation and provide another, setting America on a higher path. Give our children seven generations into the future, the same Alaska you are able to experience now.

Sincerely,

Wayne Moody
Wayne Moody

WM:ss

ACE 447638

"Whatever He Does to the Strand, He Does to Himself"

(U.S. vs. Exxon Corporation Through Metaphysical Gateways)

Part I

by Wayne Moody

[Editor's Note: Part II of this feature will appear in next month's WTPE. Wayne wishes to thank S.S. for "atomic fuel" in making this article possible.]

A great statue's symbolism will ring the human soul. Its vibration will carry in the memories of future generations communicating messages on multiple levels, even to the metaphysical/psychic realms. Often these messages can be verbalized and written down in a flood of words. But frequently some things seen with the eyes can only be spoken with the lips with great difficulty. This difficulty suggests that there are metaphysical reasons (having to do with powerful forces) why certain things seen should not be spoken lightly. In truth, symbols have the power to transform.

A recent example of how hard it can be to articulate a statue's message involves a memorial statue designed for installation at the site of one of America's greatest environmental calamities, Bligh Reef, Prince William Sound, Alaska. On March 24, 1989 the supertanker, Exxon Valdez, ran aground on Bligh Reef spilling 10 million gallons of crude oil into the Sound.

A public Alaskan debate has broken out over the choice of symbols making up the proposed statue. The debate rages as oil is intentionally spilled as part of the horrors of the War in the Persian Gulf. This war focuses upon one of the key points of the debate, on the symbolism of oil. What human and environmental price are Americans willing to pay for oil energy? The Peace movements around the world opposing this war believe the cause of the Persian Gulf War is because of oil and the struggle over control of essential oil deposits found not just in Alaska but in distant places like the Persian Gulf.

What should a statue erected at the site of this domestic catastrophe say? Almost half of the nation's elected officials and tens of millions of their constituents believe the war is over oil and that the war represents misplaced values. How can the statue not be written in blood when it is joined at the hip to a bloody war?

At stake in this public debate over symbolism are important messages. What memories will the statue's symbolism release in the minds of future generations of Americans? Will we leave messages valuing oil (or any wealth wrested from the Earth) as worth war or the ruin of Earth's environment?

The model of the proposed statue (a 30 foot bronze, Neptune-like figure, astride a killer



whale) will be presented synchronistically with the beginning of the trial (U.S. v. Exxon Corp.). Hopefully this trial will adjudicate responsibility for the oil spill catastrophe and help establish the nation's values in a clear way.

It is my personal hope that this landmark trial's judgment will result in an enlightened America imbued with a new vision of the Earth. These words of wisdom taken from America's original inhabitants epitomize that vision.

"For example, Americans began protecting fur seals with an international treaty in 1911. Limits on whaling and wiser salmon fishing practices have also been acquired over the years. Now we face the oil challenge."

"Man does not own the Earth, the Earth owns man. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the strand he does to himself."

Any memorial monument built on Bligh Reef should reflect the internal and external war of values going on within the American and world psyche. At present the people most interested in promoting the symbolic statue come from the Alaskan tourism industry, perhaps motivated only by economic survival. News of the project has not yet reached the world beyond Prince William Sound. However, one religious

group located close to Bligh Reef and claiming to represent other religious philosophies, feels the suggested symbolism inappropriate. They are offended that the Neptunian figure above a killer whale may suggest that man's cleanup efforts of the Sound were the major force for recovery and not nature's thunderstorms during the winter months following the spill. The same hubris, that set up the conditions for the spill, continues to arrogantly—boastful in its power. On some creative statement would be some but disagree what form it should take. Additionally, it is their hope that the statue attract state-wide interest among the Alaskans participated in the clean-up. They hope to make this statue through public donations. The completed statue is expected to draw an international audience, similar to Copenhagen's "Little Mermaid."

The greater issue of international oil consumption has drawn dozens of countries into the War in the Persian Gulf.

Returning to the statue's controversial symbolism, it is clear that reading symbols requires great skill. Reading symbols is not usually done in a conscious way. Most people respond to symbols subconsciously, usually speaking out about them as a result of intuitive promptings received or expressed through the emotions. This form of insight is normally considered prophetic and is part of the religious history of many cultures. Symbolism is the stuff of our dreams, reflections and memories capable of releasing energies into the world far greater than that produced by oil. The choice of the statue's symbolism must be done in an informed manner.

Techniques for understanding symbolism can be studied and mastered, as the works of the late Joseph Campbell documented. One technique used by astrologers is called correspondence. These correspondences illustrate relationships between our language symbols revealing startling insights into such things as oil and all those things connected to oil, e.g. the Exxon Valdez oil spill disaster, the upcoming U.S. v. Exxon Corporation trial, the proposed statue for Bligh Reef and the Persian Gulf War. Such insights are valuable and worth pursuing. They can be tremendously helpful when the nation is faced with questions about its values. Our nation's founding fathers knew this and set the country's cornerstone with this knowledge. We should do no less as we build modern day monuments revitalizing our values.

Continued on page 25

"Whatever He Does to the Strand, He Does to Himself"

(U.S. vs. Exxon Corporation Through Metaphysical Gateways)

Part II

by Wayne Moody

[Editor's Note: This is Part II of Wayne Moody's USA Vs. Exxon feature. Part I appeared last month. Wayne's references to March 1991 were written in Jan/Feb 1991.]

The Name Gateways

Prince William Sound (Bay) Gateway

The psychic conditions assigned the Prince William Sound are discoverable in the Sound's history. Unveiling the pattern of America's oil addiction provides very numerous connections to a different age and to some famous historical personalities. There are remarkable synchronicities revealed through the astrological lens. The energy in these stories are talismanic, i.e. capable of focusing the transformative and correspondence energies through symbols.

As you metaphorically step through the gateway to the Sound, you find yourself simultaneously amidst the American Revolution, in King George III of England's Court, on board Captain James Cook's ship *Resolution* and in the boardrooms of Exxon Oil Corporation in Houston, Texas, and British Petroleum (BP) in London or on Kuwait's Wall Street. Time is dissolved into an amorphous mass: April, 1778 becomes the day before March 24, 1989, 200 years of time simply lose their distance. The Sound simultaneously becomes linked to: Yorktown, Virginia; Tahiti in the South Pacific; St. Petersburg, Russia; and London, England.

King George III sent Captain Cook to map the Western Coast of America and proceed north in search of the Northwest Trade Passage over the North Pole; Alaska belonged to Russia, England was at war with the newly born United States over the control of North America's people and resources. A Northwest Passage promised to change completely the geopolitical realities of that time. Today one looks at the war over profits from oil and the possible changes in geopolitical realities existing in the Persian Gulf after January 15, 1991.

Captain Cook named the Sound after the third son of George III, Prince William (who was destined to become known as the Sailor King).

There are contrasts and correspondences between Captain James Cook and Captain Joseph Hazelwood. Each was a precocious genius and later garnered a reputation for professionalism. But it is Captain Cook's creed that sets the standard:

"The profession James Cook had chosen did offer one supreme reward. In that reward lies the clue to the remaining mystery. The basic



fact of survival was daily bought at the price of skill. If you learned quickly enough the seaman's arts, you lived. If you didn't or if you grew clumsy or forgetful, you died." (Taken from *Great Sailor* by Vandercook.)

Captain Cook stayed the course of this creed until the end of his illustrious life. Captain Hazelwood, on the other hand, grew clumsy, because he, unlike Captain Cook, abused alcohol. Both grew up in an age which had social problems with consumption of alcohol.

Vandercook wrote:

"Until the supply ran out, usually after a month at sea, Cook like every man aboard was issued one gallon of beer a day. At noon and again at night, he was entitled in addition to one-eighth of a quart of West Indies Rum diluted with half its volume of water, sometimes spiced with a little lemon and dash of sugar. The mixture was called 'Grog'."

"The crews, when their routine duties aboard ship were done, were quietly miserable when sober, and noisily miserable when drunk."

—*Great Sailor* by Vandercook

Despite these cultural temptations Captain Cook chose sobriety. It is noteworthy that Cook instead of falling into this pattern reached deep into the space of himself and chose to study the heavenly bodies through astronomy. He used his teachings on space and time to become a nautical surveyor and master mapmaker of the Earth. It is no small coincidence that alcohol and astronomy both correspond to Neptune.

There are choices, and there are choices. Captain Cook chose to leave a sterling reputation as a nautical surveyor . . . Captain Hazelwood chose "Grog."

Will America choose oil?

It should be clear that Neptune signatures in Prince William Sound took formless and unfortunate forms. Choosing the "Grog" drew Hazelwood in inexorably and magnetically towards his destiny at Bligh Reef.

The Bligh Gateway

Captain Hazelwood's sad misadventure corresponds to one that occurred 200 years before. Let's go for this one. Rex E. Bligh's correspondence list doesn't include reef, but the mind moves metaphorically to terminus, wall, consequences, conclusion, rude awakening and obstacles as possible correspondences for Bligh Reef. The following gets closest: In 1778 Bligh was the Ship's Master to Captain Cook's ship, *Resolution*, on Cook's third and final voyage. Bligh put ashore in the Cook Inlet at a place Cook named "Turnagain." On June 1, 1778 at 2 A.M., after searching for the existence of a Northwest Passage, Bligh made the announcement that was to become the "end" for any faint hope in the matter. Just as the reef named for Bligh (by Captain Cook) was the "end" of the career of Captain Hazelwood, so it seems, that it was the end of the business as usual attitude of the multi-national oil industries.

This gateway further transports one through thousands of miles down the 146-147 West longitude line to the waters slightly east of the Tahitian paradise where 11 years after his voyage through the sound, Bligh became the archvillain (an erroneous label) in the mutiny on the ship *Bounty*. The truth was one of addiction. The *Bounty's* crew, the dregs of English society at the time, without the experience of beauty in their lives found Tahiti a venerable paradise and mutilated to stay in this paradise. One taste of the lifestyle there had them hooked. This has honest parallels in America's taste for the oil lifestyle which Americans refuse to renounce even in the face of visible destruction of the Earth around them.

At Cook Inlet, June 1, 1778, Bligh simply closed the book on whether there was a Northwest Passage. There was no Northwest Passage. There was not to be a paradise for the mutineers, nor for the Americans in Alaska in the late 20th century.

Good Friday Gateway

This recurring symbol corresponds to the anniversary of Christianity's greatest symbol. The crucifixion of Christ is at once a great death and rebirth symbol. The disaster in the

Continued on page 14

W. Findlay Abbott
Yukon Island, Kachemak Bay
P.O. Box 2454
Homer, Alaska 99603

APR 08 1991
LENN U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA)

: Plaintiff,)

vs.)

EXXON CORPORATION)

and)

EXXON SHIPPING COMPANY,)

Defendants.)

Case No. A90-015 CR

COMMENTS OF W. FINDLAY ABBOTT ON THE PROPOSED PLEA AGREEMENT

1. Because of the magnitude, extent, and continuing damage of the EXXON VALDEZ oil spill, a plea bargain settlement at this time or in the near future would be improper and adverse to the public interest.

2. There should be no linkage with ANWR allowed. "Putting this behind us" quickly, so we can sooner open another wilderness for oil is callous and probably illegal. A few development minded politicians cannot properly assess the effects and legal implications of this accident. A better business climate is not accomplished by quick resolution but rather by a just and fair resolution that motivates industry to prevent such an accident in the future. This Court is the final guardian of the public interest.

3. Because of the complexity and magnitude, something more than an ordinary jury should be empaneled for this case. This special jury should be large, meet periodically not continuously, be structured and empowered to take immediate actions, and operate under rules which require consensus on certain issues and majorities on other issues.

4. The jury or juries must investigate the abundant and growing

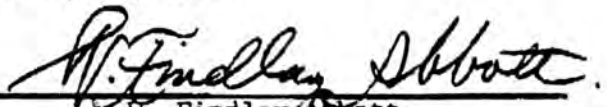
number of allegations against defendants of bribery, fraud, waste, and misrepresentation or suppression of material facts about the oil spill and clean-up. On page five of my own complaint against the defendants (Case No. 3AN91-02280 Civ.) I recount an incident of significant fraud and waste which I observed first-hand. A review of the clean-up by this Court is in order. The excessive secrecy being maintained by defendants over all aspects of the spill and clean-up deprive the public of the right to learn from this tragic mistake.

5. The proposed plea agreement does not encourage industry to improve safety practices. All of the costs of the oil spill are being written off of taxes: the deeply indebted U.S. Treasury is paying the costs of this grossly negligent accident by one of the richest corporations in the world.

6. This criminal case should not be closed until the civil cases are settled or finished. The Court should examine all oil spill expenses and damage payments which defendants write off of income taxes. The criminal fines should be increased by like amounts.

7. The formidable legal resources of the defendants should not be reason to avoid prosecution of this case. In association with State Courts, this Court can require cooperation and compliance from the Defendants. We can prohibit EXXON from operating ships or transporting oil on State waters. The judiciary must oppose with courage the many political forces which are attempting to marshal and direct this case.

Respectfully submitted this 8th day of April, 1991.


W. Findlay Abbott

COMMENTS OF W. FINDLAY ABBOTT ON CASE NO. A90-015 CR

MORRIS K. UDALL ARIZONA CHAIRMAN
 GEORGE MILLER CALIFORNIA VICE CHAIRMAN
 PHILIP L. SHARP INDIANA
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U.S. House of Representatives
Committee on
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April 8, 1991

Honorable H. Russel Holland
 United States District Judge
 U.S. District Court
 222 West 7th Avenue No.4
 Anchorage, Alaska 99513

Honorable Stanley Sporkin
 United States District Judge
 U.S. Court House
 3rd and Constitution, N.W.
 Washington, D.C. 20001

In Re:

United States of America v. Exxon Shipping Company and Exxon Corporation (No. A90-015 CR.)
[Criminal Plea Agreement]

United States of America v. Exxon Corporation, Exxon Shipping Company, and Exxon Pipeline Company,
in personam, and the T/V Exxon Valdez, in rem (A91082 Civil) [Agreement and Consent Decree]

State of Alaska v. Exxon Corporation, Exxon Shipping Company and Exxon Pipeline Company, in
personam, and the T/V Exxon Valdez, in rem (A91083 Civil) [Agreement and Consent Decree]

United States of America v. State of Alaska, and The State of Alaska v. United States of America (A91081
Civil) [Memorandum of Agreement and Consent Decree]

State of Alaska v. Exxon Corporation, et al., (3AN-89-6852 Civil)

The Native Village of Chenega Bay, et al., v. Manuel Lujan, Jr., et al. (91-483 SS Civil) and Chenega
Corporation, et al., v. Manuel Lujan, Jr., et al. (91-484 SS Civil)

Gentlemen:

For purposes of your review of the pending cases cited above and other claims arising from the Exxon Valdez oil spill of March 24, 1989, I want to bring to your attention some significant evidence concerning Exxon Corporation's and the Alyeska Pipeline Service Company's culpability.¹

¹The owner companies of Alyeska Pipeline Service Company ("Alyeska") are B.P. Pipelines Alaska, Inc. (50.01 percent); Exxon Pipeline Company (20.34 percent); Arctic Slope Regional Corporation (29.65 percent).

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Honorable H. Russel Holland
Honorable Stanley Sporkin
April 8, 1991
Page 2

As Chairman of the Subcommittee on Water, Power and Offshore Energy Resources, I have conducted an investigation of matters related to the Exxon Valdez oil spill, including the cleanup response, damage to natural resources, and operation of the Trans-Alaska Pipeline System.² The Committee on Interior and Insular Affairs was a principal author of the Trans-Alaska Pipeline Authorization Act (P.L. 93-153) and has broad jurisdiction concerning public lands and natural resources in Alaska and a special interest in issues affecting Alaska Natives.

In the course of this investigation, Alyeska has provided me with documents which indicate that Exxon and the other owner companies which control Alyeska: (1) knew that Alyeska could not effectively respond to an oil spill in Prince William Sound; (2) failed to make necessary improvements in Alyeska's oil spill response capabilities; and, (3) secretly decided that Alyeska would not respond to an oil spill in Prince William Sound in the manner prescribed by Alyeska's Oil Spill Contingency Plan.

Alyeska's Promises

Before the Pipeline Was Approved

In 1971, during the consideration of the trans-Alaska pipeline project, Alyeska's pollution control specialist R.L. Benyon promised the public in testimony before the Department of the Interior that:

"The contingency plan which will be drawn up will detail methods for dealing promptly and effectively with any spill which may occur, so that its effect on the environment will be minimal. We have adequate knowledge for dealing with oil spills and improvements in techniques and equipment are continuing to become available through world-wide research. The best equipment, materials and expertise which will be made available as part of

Pipe Line Co. (20.34 percent); Mobil Alaska Pipeline Co. (4.08 percent); Amerada Hess Pipeline Corp. (1.5 percent); Unocal Pipeline Co. (1.36 percent); and Phillips Alaska Pipeline Corp. (1.36 percent).

²"Investigation of the Exxon Valdez Oil Spill, Prince William Sound, Alaska," Oversight Hearings before the Subcommittee on Water, Power and Offshore Energy Resources of the Committee on Interior and Insular Affairs (Serial No. 101-5, Parts I to V) (hereinafter "Investigation of the Exxon Valdez Oil Spill").

the oil spill contingency plan, will make operations at Port Valdez and in Prince William Sound the safest in the world. [Emphasis added.]"

On April 10, 1973, the President of Alyeska, E.L. Patten, in testimony urging approval of the pipeline project, promised Congress that the very best technology would be in place:

"In safety [sic] superior American tankers the light traffic between Valdez, Alaska, and the west coast involves hazards of less magnitude than any other tanker run of which I have knowledge. The most modern loading equipment and proposed vessel designs will reduce even these modest risks before pipeline authorization begins."³

In the Right-of-Way Agreements

In exchange for the right to build the Trans-Alaska Pipeline System on public lands, Alyeska signed right-of-way agreements with both the United States and the State of Alaska.

In the section on oil spill contingency plans in the right-of-way contract with the United States, Alyeska promised to control and clean up any oil spill:

"It is the policy of the Department of the Interior that there should be no discharge of Oil or other pollutant into or upon lands or waters. Permittees must therefore recognize their prime responsibility for the protection of the public and environment from effects of spillage.... Permittees shall demonstrate their capability and readiness to execute the [contingency] plans....If during any phase of the construction, operation, maintenance or termination of the Pipeline, any Oil or other pollutant should be discharged from the Pipeline System, the control and total removal, disposal and cleaning up of such Oil or other pollutant, wherever found, shall be the responsibility of Permittees, regardless of fault. [Emphasis added.]"⁴

³ "Oil and Natural Gas Pipeline Rights-of-Way," Hearings before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs (Serial 93-12) at p.526.

⁴ Stipulation 2.14 to Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline, January 23, 1974, between United States of America and Alyeska owners. As used in Stipulation 2.14, Oil Spill Control is defined as: (1) detection of the spill; (2) location of the spill; (3) confinement of the spill; and (4) cleanup of the spill.

At the time of the Exxon Valdez spill

According to the "purpose" section of Alyeska's Oil Spill Contingency Plan (the "contingency plan") which was in effect on March 23, 1989, Alyeska promised rapid and effective response to any oil spill using state-of-the-art technology:

"The objective of the Alyeska Oil Spill Contingency Plan is to minimize damage to the environment...in the event of an oil spill...the resources of [Alyeska] are organized in a preplanned manner to assure rapid and effective response to any oil spill emergency. This manual outlines the techniques which will be in accordance with state-of-the-art oil spill cleanup technology. [Emphasis added.]"⁵

In section 102 of the contingency plan, Alyeska promised that it is the policy of the owner companies to fully comply with the laws and to take "every reasonable action" to minimize environmental damage from oil spills:

"It is the policy of the eight owner companies, constituting the Permittees under the Federal Right-of-Way Grant and the Lessees under the State Right-of-Way Lease and represented by their agent, Alyeska Pipeline Service Company, to take every reasonable action to prevent oil spills and, if they occur, to minimize environmental damage. Alyeska will comply with the relevant pollution laws for the protection and conservation of environmental resources. [Emphasis added.]"⁶

Alyeska also promised in section 102 of the contingency plan that it will be fully prepared to implement the contingency plan even in the event of a major oil spill:

⁵ Section 101, Alyeska Pipeline Service Company Oil Spill Contingency Plan General Provisions (January, 1987).

⁶ "The 'relevant pollution laws' according to Alyeska are: 'Alaska Statute Title 46, and 18 AAC75, and the National Oil and Hazardous Substances Pollution Contingency Plan, and any revisions thereof, as issued by the Council on Environmental Quality (CEQ) under the authority of the Federal Water Control Act [sic], as amended (Public Law 92-500). Alyeska Policy and these plans are intended to be written and executed so as to comply with the Grant and Agreement of Right-of-Way and the Right-of-Way lease with the United States of America and the State of Alaska, respectfully. Alyeska Pipeline Service Company will ensure that the National Contingency Plan is followed during any spill event." p.1-1

"Regularly scheduled training programs will be conducted....The objectives of this training program are:....To maintain the Plans as fully operable working documents [and] To update the Plans to reflect state-of-the-art capability....Full scale, company-wide field exercises will be held at least once per year to insure overall readiness for response to large scale oil spills.... [Emphasis added.]"

Alyeska further promised in section 102 of the contingency plan that, as agent for the owner companies, it will effectively direct and conduct cleanup operations, including those related to any spill in Prince William Sound:

"[C]leanup operations within the areas of liability and responsibility [imposed by law] will be conducted by Alyeska as Agent for the Owner companies and will be conducted in a manner as not to require assumption of control of such cleanup operations by federal or state officials....Alyeska will direct cleanup operations of spills resulting from...[O]peration, involving tankers carrying or destined to carry crude oil transported though the Trans-Alaska Pipeline System, occurring at Valdez terminal, in Port Valdez, Valdez arm or Prince William Sound. [Emphasis added.]"

Promises Versus Performance

In an addendum to its Oil Spill Contingency Plan in 1982, Alyeska informed the Alaska Department of Environmental Conservation that, in the event of a spill in Prince William Sound, the "[e]stimated time of completion of spill cleanup of a 100,000 barrel spill would be less than 48 hours."⁷

At the urging of the State of Alaska's Department of Environmental Conservation, Alyeska reluctantly included a response scenario for a 200,000 barrel spill in the 1987 Oil Spill Contingency Plan for Prince William Sound. "Alyeska believes it is highly unlikely a spill of this magnitude would occur."⁸

⁷Letter from B.L. Hilliker, manager, environmental protection and government reports, to Alaska Department of Environmental Conservation, dated June 22, 1982, reprinted in "Investigation of the Exxon Valdez Oil Spill," Part I at p. 894.

⁸ Oil Spill Contingency Plan Prince William Sound (January 1987), p.3-54. By letter to the Alaska Department of Environmental Conservation dated October 23, 1986, Alyeska predicted that the probability of a 200,000 barrel spill occurring in Prince

This Prince William Sound response scenario assumed that the spill would occur 30 miles from the Valdez terminal and that weather conditions would be conducive to oil spill cleanup. The contingency plan called for equipment, including a barge, to be in place within 5 hours after the spill.

Alyeska's Prince William Sound contingency plan predicted that 35 percent of the oil would be recovered from the water (70,000 barrels), 30 percent recovered from shoreline cleanup, 30 percent to disperse naturally or evaporate, and only 5 percent to remain in the environment.⁹

Yet when the Exxon Valdez spilled some 260,000 barrels on March 23, 1989 the cumulative total of oil recovered within the first 72 hours was less than 3,000 barrels. As one example of the response failure, the equipment barge which the contingency plan relied upon was damaged and unloaded at the time of the spill. The barge did not reach the spill site for more than 14 hours, even though the contingency plan called for it to be on the scene within five hours. Based on my investigation, there were clearly not sufficient quantities of dispersants or application equipment available to make up for the utter failure of the mechanical recovery effort.¹⁰

Even under extraordinarily good weather conditions for the first three days, Alyeska did not have equipment or resources to contain and collect even a fraction of the amount specified in the contingency plan. The failure of Alyeska's cleanup response in the first 72 hours significantly contributed to the ultimate environmental impacts of the spill, since winds of over 70 miles per hour spread the slick completely out of control (more than 40 miles from Bligh Reef) by the fourth day.

The Exxon Valdez spill would eventually soil over 1,000 miles of Alaska's coastline, inflict one of the worst wildlife disasters in our nation's history, and disrupt the lives of thousands of Alaskans who depend on the natural resources of this region.

William Sound would be once in 241 years. "Investigation of the Exxon Valdez Oil Spill," Part I at p. 834.

⁹Oil Spill Contingency Plan Prince William Sound (January 1987) at p. 3-56.

¹⁰"Investigation of the Exxon Valdez Oil Spill, Prince William Sound, Alaska", Part I at p. 303.

As the Alaska Oil Spill Commission concluded, "[p]ublic pronouncements by Alyeska and its owners that the company employed the best available technology and committed adequate resources to safety purposes turned out to be false."¹¹

Exxon and the Alyeska Owner Companies Knew That Alyeska Was Not Equipped to Effectively Respond To An Oil Spill in Prince William Sound.

My investigation revealed that Alyeska was on notice in 1984 that its own personnel believed they were incapable of effectively responding to an oil spill in Prince William Sound. James K. Woodle, former commander of the U.S. Coast Guard's Marine Safety Office in Valdez, and marine superintendent at the Valdez terminal, informed Alyeska's President George M. Nelson that:

"Serious doubt exists that Alyeska would be able to contain and clean-up effectively a medium or large size oil spill....Response to any spill beyond the limits of Valdez narrows should not be attempted with present equipment and personnel. [Emphasis added.]"¹²

A series of documents, which I have enclosed, reveal that Alyeska by 1988 -- one year prior to the Exxon Valdez oil spill -- had reached the same conclusion as James K. Woodle: it was seriously unprepared for an oil spill in Prince William Sound.

On April 18, 1988, W.D. Howitt, then Alyeska's Valdez Marine Terminal Superintendent, wrote to the Marine Services Subcommittee -- comprised of representatives of the owner companies, including Harvey Borgan of Exxon Shipping -- to inform them of a meeting in Bellingham, Washington on May 18, 1988. "Oil Spill Response Equipment" was listed on the agenda [Exhibit A].

On April 28, 1988, Howitt wrote to the Marine Services Sub-committee members with additional information for the May 18 meeting [Exhibit B]:

"The first part of the information package contains the T.L. Polasek briefing that was presented to the Operations Subcommittee on April 6-7, 1988, at the quarterly meeting. The briefing is the result of an action item from January's meeting during which a concern was raised by ARCO on

¹¹Final Report of the Alaska Oil Spill Commission (February 1990) at p.135.

¹²Letter from James K. Woodle dated April 15, 1984 concerning operations of the Marine Department, Alyeska Marine Terminal, Valdez, Alaska, reprinted in "Investigation of the Exxon Valdez Oil Spill," Part I at p. 179 and 890.

Alyeska's capability to respond to oil spills at midpoint of Prince William Sound. [Emphasis added.]¹³

Theo L. Polasek's (Alyeska's Vice President of Operations) briefing on April 6-7 for the Operations Subcommittee was entitled "Oil Spill Issues -- Status of Action Items from January Owners Meeting." [Exhibit C] The topic of "Alyeska's Response Capability to Spills at midpoint of Prince William Sound" is included under the heading "ARCO/Alyeska Response Equipment Discussions." What follows is a comparison of the equipment available to the "Clean Sound" Cooperative in Puget Sound, Washington. According to the document, Clean Sound's spill cleanup methodology is "immediate, fast response to spill, at any location, with boom to contain, exclude, and/or divert oil."

By contrast to the equipment available to Clean Sound, Polasek's briefing on "Present Alyeska Prince William Sound Capability" notes that "no new skimming vessels purchased since 1977." The list of Alyeska equipment is clearly deficient by comparison to Clean Sound.

Polasek's briefing on Alyeska's Prince William Sound cleanup response equipment includes the following indictment of Alyeska's capability to meet its obligations under its own Oil Spill Contingency Plan:

"Immediate, fast response to mid-point of Prince William Sound not possible with present equipment complement." (emphasis added)

Exxon and the Alyeska Owner Companies Failed to Improve Alyeska's Oil Spill Response Capabilities Before the Exxon Valdez Spill on March 23, 1989.

Theo Polasek's briefings to the owner company representatives in April and May 1988 outlined the deficiencies in Alyeska's equipment including the fact that "no new skimming vessels had been purchased since 1977."

¹³Howitt's letter also states that purchases of clean-up equipment for Alyeska, as recommended by Jeff Shaw of Arco, would be discussed at the May 18th meeting. In a document with the heading "Alyeska Equipment Project (for oil spill cleanup)" dated March 22, 1988, Jeff Shaw recommends: 1) a large oceangoing skimmer; 2) a 10,000 barrel barge; 3) an adds pack; 4) fast spill response vessels; 5) a destroil skimmer with power pack; and 6) an additional 5,000 feet of sea quality boom. [Exhibit D] In addition, a separate document indicates that the marine subcommittee members discussed an advanced skimmer recovery system which could operate in open waters, the "Dynamic Inclined Plan Oil Vessel." [Exhibit E]

When Polasek testified, under oath, at a hearing I chaired in Valdez on May 7, 1989, he acknowledged that: "the equipment in this plan was similar to the plan in 1977. We increased the amount of boom and take [sic] other actions, but essentially that was the same equipment decided upon."¹⁴

Polasek's briefing includes a reference to the planned acquisition of a 10,000 barrel tank barge by late 1988. In fact, this oil spill barge -- the "Betty-K" -- was stored in Washington state for the winter of 1989 and was not available in the Exxon Valdez cleanup.

Moreover, Polasek's briefing refers to a "mobile contingency command center with communications repeaters" which would be installed by "mid 1988." In fact, such a system was not in place at the time of the Exxon Valdez spill.

Exxon and the Alyeska Owner Companies Secretly Decided that Alyeska Would Not Respond to an Oil Spill In Prince William Sound in the Manner Prescribed in the Contingency Plan.

According to a June 30, 1988 telex from Roger A. Gale, Manager, Marine Operations, Sohio Oil (now BP) to Polasek of Alyeska, the Marine Services Subcommittee decided to make five recommendations to the Owners Committee as part of an "acceptable compromise" [Exhibit F]:

First, the "current stockpile of clean up equipment is adequate" for spills at the terminal, but "should be maintained to the highest state of readiness."

Second, for spills in Prince William Sound, additional equipment should be purchased of the "type best suited for near shore and beach operations."

Third, a large barge (50-100,000 barrel capacity) equipped with ocean boom and skimmers was needed.

Fourth, a "study of the best and quickest methods of moving the barge around" including predeployment in Prince William Sound.

Fifth, that Alyeska and the owners "press" state and federal officials for "preapproval to use chemicals on a widespread basis."

¹⁴"Investigation of the Exxon Valdez Oil Spill, Prince William Sound," Part I at p. 155.

However, on July 6, 1988, Stanley Factor, Vice President, Chartering and Evaluations, Arco Marine, Inc., objected to Roger Gale's recommendations because the owners had already decided that Alyeska would not respond to spills in Prince William Sound in the manner required by the Oil Spill Contingency Plan [Exhibit G]:

"Arco Marine Inc. does not agree with this telex nor do we concur that this represents the thoughts of the subcommittee.

"At the owners committee meeting in Phoenix, it was decided that Alyeska would provide immediate response to oil spills in Valdez Arm and Valdez Narrows only. Further efforts in the Prince William Sound would be limited to the use of dispersants and any additional effort would be the responsibility of the spiller. [Emphasis added.]"¹⁵

Conclusion

At my subcommittee's hearing on May 7, 1989 in Valdez, Theo Polasek testified under oath on Alyeska's behalf that "[w]e fulfilled our promises in that [oil spill contingency] plan. We have not broken our promises to the people of this State."¹⁶

But the evidence I have set forth indicates that Alyeska broke the law as well as its promises to the State of Alaska and the Congress.

For example, section 309(c)(4) of the Clean Water Act (33 U.S.C. section 1319(c)(4)) provides that substantial criminal penalties may be imposed upon any corporation or responsible corporate official that files information with Federal authorities with knowledge that the documents contain material misstatements.¹⁷ In addition, criminal penalties may be imposed on any person who knowingly submits false information to any agency of the United States under 18 U.S.C. section 1001.¹⁸

¹⁵The Chairman of the Owners Committee at the time was Darrell Warner, President of Exxon Pipeline Company.

¹⁶"Investigation of the Exxon Valdez Oil Spill," Part I at p. 169.

¹⁷ A fine of up to \$10,000, or a prison term of up to two years or both may be imposed under this section.

¹⁸A fine of up to \$10,000, or a prison term of up to five years, or both, may be imposed under this section.

Thus, since Alyeska knew that it could not and would not respond to an oil spill in Prince William Sound as required by its oil spill contingency plans, Alyeska and any responsible officer could be exposed to substantial criminal penalties.

However, the Department of Justice has not even filed any criminal charges against Alyeska or its owner companies other than Exxon. Furthermore, in the proposed Criminal Plea Agreement, the United States would waive its rights not only to pursue any criminal charges against Alyeska and its owner companies, but also waive its rights to pursue civil or administrative penalties against Alyeska and its owner companies.¹⁹

The proposed Agreement and Consent Decree also provides generous protection for Alyeska. The United States and the State of Alaska both waive their rights to raise claims against Alyeska for natural resource damages in Paragraph 20. In addition, should either government recover any amount from Alyeska for claims of any kind, Exxon is entitled to be reimbursed for 20.34 percent of the governments' recovery (this figure represents the percentage ownership by Exxon of Alyeska). Yet Alyeska, including its shareholders and owner companies other than Exxon Pipeline, expressly reserves their rights to sue the United States or the State of Alaska in Paragraph 19 of the proposed settlement agreement.

In my view, the inclusion of Alyeska in the proposed Criminal Plea Agreement and in the proposed settlement Agreement and Consent Decree is contrary to the public interest. Based on the evidence, it is inconceivable that the Department of Justice would waive its rights to pursue criminal claims, and virtually all civil claims, against Alyeska.

In sum, the proposed Exxon settlement fails to hold Alyeska accountable to the public for its wrongdoing and fails to serve as a deterrent for similar conduct in the future.²⁰

¹⁹ Section III.A. of the Plea Agreement states that "[t]he United States agrees not to seek additional criminal charges or any civil or administrative penalties.... against Alyeska Pipeline Service Company or any of its shareholders or owner companies or present or former shareholder representatives, for any violation of federal law arising out of the grounding of the 'EXXON VALDEZ,' the resulting oil spill, the containment or cleanup of that spill, or its or their conduct in connection with the preparation or submission of oil spill contingency plans or related, by Alyeska Pipeline Service Company to the federal or state government...." p.5.

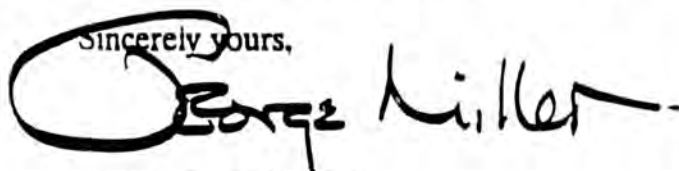
²⁰ Under Alaska law, punitive damages are awarded for the public policy reasons of punishment and deterrent when the defendant's conduct was outrageous, reckless, or malicious. In this instance, there is clear and convincing evidence that Alyeska's conduct merits the award of punitive damages.

Honorable H. Russel Holland
Honorable Stanley Sporkin
April 8, 1991
Page 12

After extensive debate about the environmental risks, the Trans-Alaska Pipeline System was approved in 1973 by only a one-vote margin in the U.S. Senate. In exchange for access to environmentally sensitive public lands, the Congress was assured by Alyeska and the owner companies that the pipeline system would be operated in a safe and environmentally sound manner, using state-of-the-art technology.

The oil industry betrayed its own promises and deceived the Congress with respect to operations of Alyeska and the Exxon Valdez oil spill. Without a commitment by the Department of Justice to prosecute this intentional deception, how is it that Congress and the people of the State of Alaska can rely on such assurances in the future?

Sincerely yours,



GEORGE MILLER
Vice Chairman

cc:

The Honorable Walter J. Hickel, Governor, State of Alaska
The Honorable Ben Grussendorf, Speaker, Alaska House of Representatives
The Honorable Richard Eliason, President, Alaska Senate
The Honorable Senator Ted Stevens
The Honorable Senator Frank Murkowski
The Honorable Representative Don Young
The Honorable Richard L. Thornburgh, Attorney General, U.S. Department of Justice
The Honorable Manuel Lujan Jr., Secretary, U.S. Department of the Interior
The Honorable Samuel K. Skinner, Secretary, U.S. Department of Transportation
The Honorable Edward R. Madigan, Secretary, U.S. Department of Agriculture
The Honorable William K. Reilly, Administrator, U.S. Environmental Protection Agency
The Honorable John A. Knauss, Undersecretary for Oceans and Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce
Members, Committee on Interior and Insular Affairs

ACE 447563

Alyeska pipeline

SERVICE COMPANY

ALASKA MARINE TRANSPORTATION CO BOX 226 VALDEZ ALASKA 99686 TELEPHONE 469-4244 TELETYPE

April 18, 1988

ATTN: CAPT.
Johnson

Capt. Roger Gale
Standard Oil of Cleveland
200 Public Square
Cleveland, Ohio 44114-2373

Capt. Ken J. Fullwood
Mobil Oil Corp
Marine Transportation Dep.
150 East 42nd Avenue
New York, N. Y. 10017

Capt. D. R. Ferguson
Phillips Petroleum Co.
Marine Branch
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John Weichert
Clean Sound Co-op.
Seattle, Washington

Theo L. Polasek
Alyeska Pipeline Service Company
1835 South Bragaw
Anchorage, Alaska 99512

Gentlemen:

A meeting of the Marine Services Sub-Committee will be held May 18, 1988, in Bellingham, Washington.

Present agenda items are:

- Oil Spill Response Equipment (including a demonstration of large skimmer vessel by John Weichert of Clean Sound Co-op.)
- Port Information Manual status.
- Berth Equipment and Repair and Upgrade Schedule.

An information package will be mailed to confirmed attendees for review prior to the meeting.

The meeting will be held at Nendel's Hotel in Bellingham, the Compass Room, commencing at 8:00 am. The skimmer demonstration will commence at 1:00 pm, departing from the small boat harbor.

Roger Gale has informed me that there will be a joint meeting of the Operations Sub-Committee and the Marine Services Sub-Committee on the previous day, May 17th, at the same location. The agenda for this meeting will be advised separately.

Rooms have been blocked for May 17th at Nendel's Hotel, (206)671-1011, and must be confirmed by individual attendees. Arrangements have been made for a continental breakfast and luncheon buffet to be served in the meeting room on May 18th.

For travel planning; Bellingham is approximately 2 hours North of Sea-Tac airport by car or is served by commuter airlines, PSA, Horizon Air, and San Juan Air.

Please reply to C. F. (Chuck) O'Donnell (907)835-6526, indicating attendance or additional agenda items.

Regards,



W. D. Howitt
Valdez Marine Terminal Superintendent

Alyeska pipeline

SERVICE COMPANY

April 28, 1988

Capt. Roger Gale
Standard Oil of Cleveland
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Cleveland, Ohio 44114-2375

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150 East 42nd Avenue
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Subject: Meeting Agenda and Information Package

Gentlemen:

As referenced in my April 18, 1988 meeting notification, an information package is enclosed concerning the agenda items for the upcoming Marine Service Subcommittee Meeting in Bellingham, Washington on May 18, 1988.

The first part of the information package contains the T. L. Polasek briefing that was presented to the Operations Subcommittee on April 6-7, 1988, at the quarterly meeting. The briefing is the result of an action item from January's meeting during which a concern was raised by ARCO on Alyeska's capability to respond to oil spills at midpoint of Prince William Sound. The specific concern stated was the use of the Terminal tugs for the response effort, thereby directly affecting the Terminal's ability to continue vessel loading operations. Alyeska and ARCO personnel visited the Clean Sound Oil Spill Cooperative because of the similarities/comparability of Puget Sound and Prince William Sound operating environments. The briefing summarizes the group's findings.

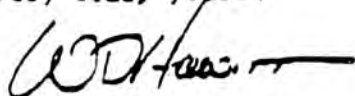
You will note that the briefing makes no recommendations with regard to additional equipment purchases. Mr. Jeff Shaw, ARCO, is prepared to discuss his specific recommendations during the meeting.

The Marine Services Subcommittee has been requested to review the alternatives, and recommend a course of action to the Operations Subcommittee.

The second agenda item covers the present status of the revised Port Information Manual. Enclosed you will find the financial responsibility statements that were presented to the Owners Committee and the Legal Subcommittee for incorporation into the revised manual. A final version of the statement that will be used in the manual will be issued before our meeting, and a distribution schedule of the new manual will be discussed at that time.

The third agenda item covers the Berths and Ballast Water Treatment Plant repair and upgrade schedule for this coming summer. Enclosed you will find a definition of scope and a implementation schedule for each of these projects.

Very truly yours.



W. D. Howitt
Superintendent
Valdez Marine Terminal

CFOD/WDE/pkk

cc: C. F. O'Donnell
L. D. Shier
T. L. Polasek

enclosures

ACE 447567

EXHIBIT C

OIL SPILL ISSUES

ACE 447568

T. L. Polasek
April 6-7, 1988

OIL SPILL ISSUES

Status of Action Items from January Owners Meeting

- **Pursue Advance Approval for Dispersant Use**
 - **Regional Response Team (RRT) has issued first Draft of "Prince William Sound Guidelines" for review.**
 - **Most of Port Valdez and all of Tanker Lanes included in "Zone 1" where dispersant is approved for use, with consent of senior Federal official, USCG Captain of Port.**
 - **Follow up meetings scheduled.**

- **Expedite "ADDS Pack" AFE**
 - **AFE sent to Owners on March 4, 1988.**
 - **Approvals received from ARCO, Exxon, and Mobil.**
 - **Procurement package being prepared.**

OIL SPILL ISSUES

- **Conduct Survey of Commercial Ships Available for Oil Spill.**
 - **Preliminary Survey completed.**
 - **Several Hundred fishing vessels, fleet tenders, and supply boats available in Valdez and Cordova (45 ft. to 120 ft. lengths)**
 - **Several "Rig Tender" oil platform supply and service boats available in Kenai/Homer area (18 to 25 hours travel).**
 - **Four tour boats in Valdez (85' to 100') available for personnel support.**
 - **Availability of all dependent on season.**
 - **Private operators.**
 - **Will pursue negotiating rates for "on season" and "off season".**

OIL SPILL ISSUES

- **Desk Top ARCO/Alyeska Drill**
 - **Drill scheduled for May 3 and 4, 1988.**
 - **Located at Valdez Civic Center and other contingency sites in area.**
 - **Federal/State agencies will participate.**
- **Expeditious Clean-up Cost Reimbursement Procedures.**
 - **Proposed language and section revisions to the Port Information Manual sent to Legal Subcommittee.**
- **USCG Spill Take Over if Responsible Party Unwilling.**
 - **Informal discussions held with Valdez Coast Guard.**
 - **Coast Guard has no problem with concept**
 - **Would continue to use Alyeska as prime "Contractor".**
 - **Discussions with Alaska DEC will be necessary and revision to approved contingency Plan may be required.**
- **Discuss Oil Spill Response Equipment List with ARCO.**
 - **Discussions held.**
 - **Joint tour of "Clean Sound" facilities and equipment during March**
 - **Report follows in this presentation.**

**ARCO/Alyeska
Response Equipment Discussions**

ACE 447572

**T. L. Polasek
April 6-7, 1988**

Response Equipment Discussions

- **Alyeska Response Capability to Spills at midpoint of Prince William Sound.**
 - **Amount/Type of containment of boom.**
 - **Oil skimming vessels.**
 - **Fast response boats.**
- **Equipment and Operating Plan Developed by "Clean Sound" Cooperative for Puget Sound.**
- **Similarities/Comparability of Puget Sound and Prince William Sound Operating Environments.**
 - **Weather**
 - **Sea states and currents**
 - **Environmental sensitivity**
 - **Distances and access**
 - **Spill volume history/exposure**

Response Equipment Discussions

Clean Sound

- **Non-profit, unincorporated organization of Oil and Oil Transportation Companies.**
- **All expenditures by Co-op funded wholly by the member companies.**

ARCO	Union	SPC Shipping
Mobil	US Oil & Refining	Olympic Pipeline
Shell	Foss Maritime	Trans-Mountain Pipeline
Texaco	Chevron	Four others
- **Clean Sound owns equipment and employs small staff.**
- **Contractors utilized for equipment maintenance and operation.**
- **Agreements with contractors assure supply of qualified operators and maintenance personnel**
- **Equipment staged at commercial facilities in five locations:
Bellingham, Anacortes, Seattle, Port Angeles, and Tacoma.**

Response Equipment Discussions

Clean Sound

- Major Equipment and Materials

- 6 each fast response boats (27' to 34'): Each equipped with 1000 foot "Zoom" Boom, sorbent materials, and radar. May be equipped with small, portable hydraulic skimmers.**
- 1 each 42' fast response boat: Equipped with "Destroll" skimming system and 600 gallons recovered oil storage. Has bow door and is capable of beach landing.**
- 3 each 30' work boats: Medium speed response with 1000 foot "Zoom" boom and portable disk skimming units.**
- 1 each tank barge: 12,000 BBL capacity with 60' reach deck crane, 2 diesel powered pumps and tankerman's office/shelter.**
- 10 each highway trailers/vans (32' to 40'): Stocked with booms, sorbents, tools, skimmers, bird scare cannons.**
- 1 each Mobile Command Post: 34' Trailer with charts, maps, contingency plans and communications equipment.**

Response Equipment Discussions

Clean Sound

Major Equipment (continued)

- 3 each "Belt Type" skimmer vessels (34' to 40'): Self-powered, twin hull units rated at 300 to 350 gpm recovery rates.
- 1 each 60' skimmer vessel: Catamaran hull with two each 3 foot belt recovery units rated at 600 gpm total. Designed for all weather operations in all areas of Puget Sound.
- 1 each 75' skimmer vessel: Seagoing vessel designed for sustained operations with minimum crew. Has debris recovery and handling devices. Recovery is 500 gpm with 12,000 gallons on board storage.
- 6000 feet of Kepner "Sea Curtain".
- 30,000 feet of Bennett "Zoom Boom" compactable boom.

Response Equipment Discussions

Clean Sound

- Spill Cleanup Methodology

- Immediate, fast response to spill, at any location, with boom to contain, exclude, and/or divert oil.**
- After boom deployment, immediately begin light skimming operations with small units carried on response boats.**
- Follow up with large, self-propelled, high efficiency skimmers as required.**
- If necessary, deploy land-based support equipment to spill site for continued work.**
- Use contracted helicopters for spill recon and direction of vessel operations.**

ACE 447577

Response Equipment Discussions

Present Alyeska Prince William Sound Capability

- All equipment and material staged at Valdez Terminal.
- Alyeska employees are prime operators with back-up manpower from Northland Maintenance.
- Alyeska equipment maintenance contractor performs maintenance.
- Expenditures funded by Owner Companies.
- **Mission:** To immediately respond and perform initial cleanup of oil spills from vessels in the TAPS trade in Prince William Sound.

Exposure magnitude: Approximately 940 tankers per year, from 30,000 to 265,000 DWT, transiting and loading in a non-congested area with high environmental concern.

Response Equipment Discussions

Present Alyeska Prince William Sound Capability

- No new skimming vessels purchased since 1977.
- Work boat upgrade/replacement program in progress.
- Response Complement:
 - Fast response boats with sorbent boom and light duty skimmers.
 - Medium capacity self-propelled skimmer vessels.
 - Deck barge with sea skimmer and boom.
 - 10,000 BBL tank barge (late 1988)
 - Airborne dispersant delivery (late 1988)
 - Contracted tug boats.
 - Mobile contingency command center with communications repeaters (mid-1988).

Response Equipment Discussions

Alyeska

- **Present Major Equipment and Materials.**
 - **5 each fast response boats (21' to 26'):** Equipped with sorbent booms. May be equipped with portable hydraulic skimmers.
 - **2 each 26' work boats:** For support and supply delivery.
 - **2 each "Belt Type" skimmer vessels (36' and 45'):** Self-powered, twin hull units, rated at 300 GPM recovery.
 - **5 each Vikoma Sea Pack units:** 8000 total feet inflatable boom. Units must be towed to site by tugs.
 - **1 each deck barge:** 16,000 feet harbor boom packed in containers and Vikoma 240 EBL/hr sea skimmer. Must be towed to site by tugs.
 - **3 each 19' work platforms:** Powered by small outboards for calm water use.

Response Equipment Discussions

Alyeska

- **Prince William Sound Cleanup Methodology**
 - **Immediate, fast response to mid-point of Prince William Sound not possible with present equipment complement.**
 - **Dispatch available aircraft for recon and spill cleanup direction.**
 - **Dispatch equipment sets pulled by Crowley tugs and line boats.**
 - **Obtain additional USCG and commercial resources to continue cleanup and relieve Crowley tugs.**
 - **Turn over spill to responsible party or USCG after initial activities complete.**

ALYESKA EQUIPMENT PROJECT
(for oil spill cleanup)

RECOMMENDED PURCHASES

1. LARGE OCEAN GOING SKIMMER, SIMILAR TO THE CLEAN SOUND VESSEL THE NORTH SOUNDER. THIS VESSEL SHOULD BE LARGE ENOUGH TO KEEP THE CREW OUT OF THE WEATHER. THE VESSEL SHOULD HAVE RADAR, BUNKS, GALLEY AND A HEAD, CAPABLE OF A FEW DAYS OF OPERATION WITHOUT RETURNING TO PORT.

THE NORTH SOUNDER IS A BELT TYPE SKIMMER WHICH EVIDENTLY WORKS WELL. I SUGGEST THE SYSTEM THAT McLORI MAKES BE INVESTIGATED.

2. 10000 BARREL BARGE IS NEEDED TO HANDLE OIL THAT IS PICKED UP DURING A SPILL. A SPILL > 5000 bbls. ADDITIONAL BARGES WOULD BE REQUIRED. THE ADDITIONAL BARGES COULD COME FROM SEATTLE, AND BE ON SCENE IN 96 HOURS.

THE DESIRED BARGE SHOULD HAVE CLEAR WORKING SPACE SIMILAR TO CLEAN SOUNDS. CLEAN ONE. ROOM FOR A HELICOPTER PAD WOULD BE USEFUL. SOME "BUNK HOUSE" SHELTERS WOULD BE HANDY FOR EXTENDED CLEANUPS TO HOUSE THE CREWS.

3. ADDS PACK NEEDED. I UNDERSTAND THAT ALYESKA HAS ALREADY STARTED THIS PURCHASE.
4. FAST SPILL RESPONSE VESSELS ARE NEEDED, SUCH AS SEEN AT THE MUNSON BOAT YARD. ALSO, IT IS IMPORTANT TO HAVE A SHELTERED CABIN AND RADAR.
5. DESTROIL SKIMMER WITH POWER PACK, TO BE ABLE TO QUICKLY GET A SKIMMER ON SCENE OR SET UP IN AREAS WHERE THE VESSEL SKIMMERS CANNOT APPROACH. THIS HAS THE CAPABILITY TO USE FROM THE FAST SPILL RESPONSE VESSELS.
6. ADDITIONAL 5000 FEET OF SEA QUALITY BOOM.

JEFF SHAW 3/22/88

JBF DIP MODEL 5001A

DYNAMIC INCLINED PLANE
OIL RECOVERY VESSEL

ACE 447583

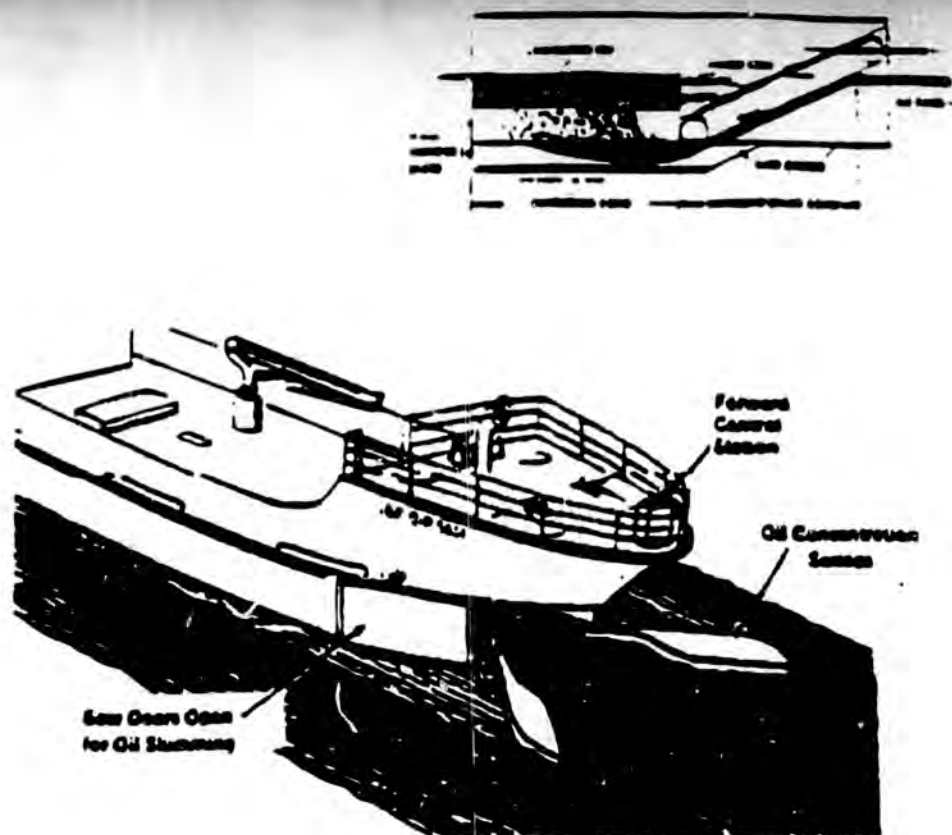


Figure 1-1. JBF DIP Concept and Oil Concentration Sweeps

1-1 PURPOSE OF SYSTEM/DIP CONCEPT

The JBF Model 5001A recovery system is designed to pick up spilled oil and debris from the water's surface. A conveyor forward of the oil recovery system first removes floating debris while water and oil flow through the open-mesh conveyor belt. The oil collection system then collects the oil, separates it from the water, and collected oil can then be pumped into on-board storage tanks from which it can subsequently be pumped to barges or to dockside receiving tanks. The cargo pump and valving system are also designed to allow collected oil to be pumped directly from the collection well to a barge or tank alongside. The vessel is self-propelled and is equipped with a complete and independent power system to drive all collection and pumping systems.

The DIP Model 5001A system is based on the concept (Figure 1-1) of collecting oil under the surface of the water, thus reducing the effect of waves. As the system moves through the water, the oil is forced to follow the surface of a moving inclined plane to a collection well underneath the hull. Buoyant forces cause the oil to surface in the well, forcing water out the bottom. When a sufficiently thick oil layer has collected, it is pumped into storage tanks. Separation occurs automatically and no water is collected.

The vessel can be used in both protected waters and in the more open waters. It can be used in a wide variety of operating modes that require stationary or self-propelled oil-skimming capability. The wide aperture formed by the sweep system makes it extremely effective against oil slicks in open waters. The skimmer can also be used successfully as a link in boom intercepting systems or as a means of picking up oil contained within a boomed-off area.

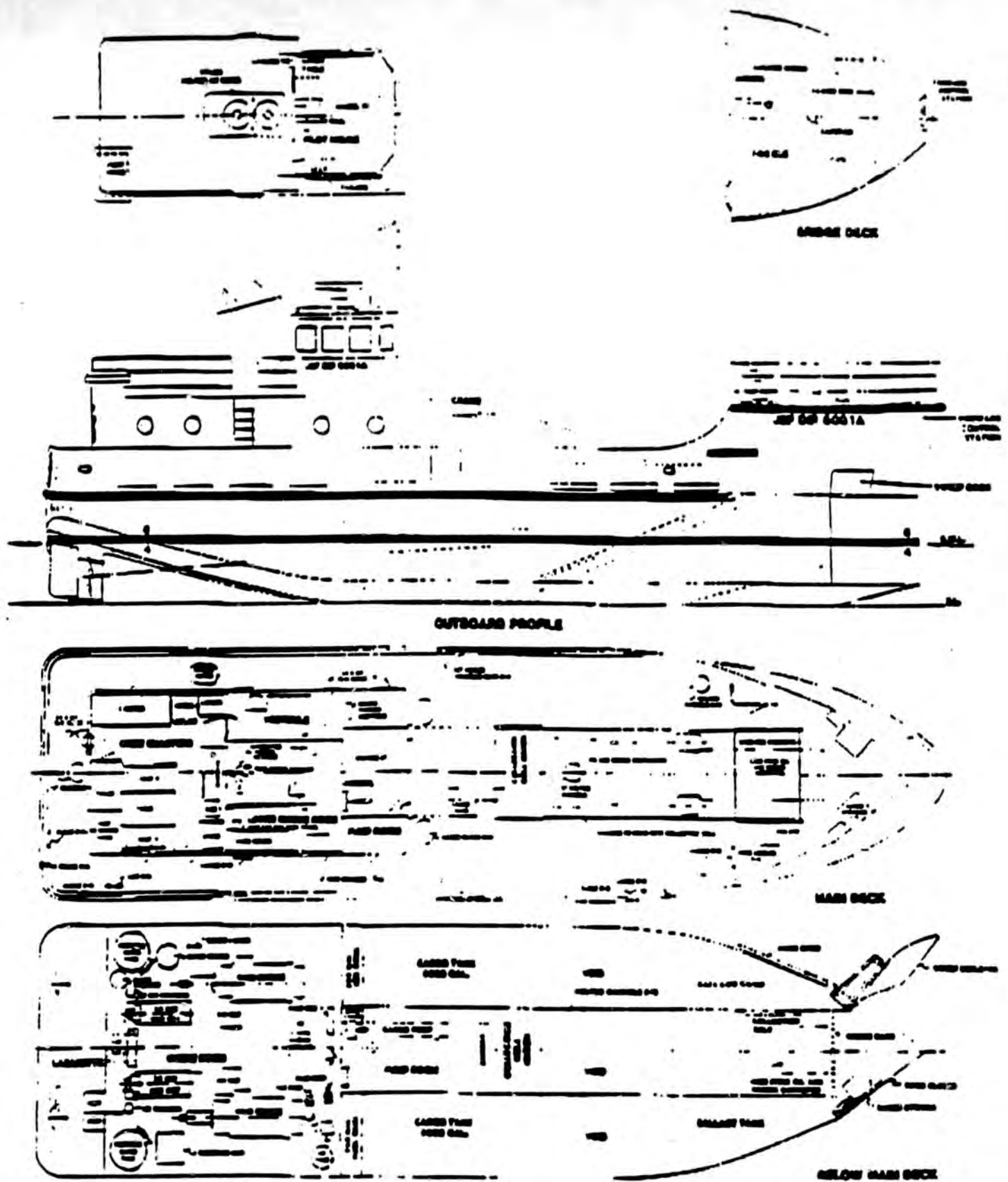


Figure 1-2. DIP 5001A Profile and Arrangements

BT

RE: ALYESKA OIL SPILL EQUIPMENT

IT IS NOT UNREASONABLE TO ASSUME THAT ANY COLLISION LIKELY TO RESULT IN AN OIL SPILL WOULD MOST PROBABLY OCCUR IN MID-CHANNEL AND, THEREFORE, BE IN RELATIVELY OPEN WATER. WHEREAS A STRANDING BY DEFINITION WOULD PROBABLY BE ON A LEE SHORE, WHERE EQUIPMENT DESIGNED PRINCIPALLY FOR OPEN WATER WOULD BE OF LIMITED VALUE. THEREFORE, THE MARINE SUBCOMMITTEE'S SECOND RECOMMENDATION SHOULD BE THAT ANY ADDITIONAL EQUIPMENT PURCHASED BY ALYESKA FOR THE PURPOSE OF ENHANCING SPILL RESPONSE AVAILABILITY IN PRINCE WILLIAM SOUND SHOULD BE OF THE TYPE BEST SUITED FOR NEAR SHORE AND BEACH OPERATIONS.

CONSIDERING THE LACK OF REAL BEACH THROUGHOUT PRINCE WILLIAM SOUND. THE NEED FOR A STABLE WORKING PLATFORM AND FLOATING STORAGE FOR RECOVERED MATERIAL MAKES THE ACQUISITION OF BARGE WITH SUBSTANTIAL DECK SPACE AND TANK VOLUME A PRIORITY. AGAIN, BECAUSE THE CLEAN UP ACTIVITY IS LIKELY TO BE CLOSE INSHORE WITHOUT A BEACH, WORK BOATS MOUNTED ON THE BARGE WILL BE REQUIRED FOR DEPLOYING BOOMS AND SKIMMERS, ETC.

THE MARINE SUBCOMMITTEE'S THIRD RECOMMENDATION SHOULD BE THAT A BARGE (50-100 MEELS.) OUTFITTED WITH VARIOUS LENGTHS AND TYPE OF BOOM (INCLUDING OPEN WATER BOOM), SKIMMERS (LARGE, SMALL AND VISCOUS), CRANE AND WORKBOATS BE ACQUIRED. DEPLOYMENT AND/OR PRE-STAGING OF THE BARGE ARE REALLY SEPARATE ISSUES, BUT ISSUES THAT SHOULD BE ADDRESSED AT THIS TIME IF A PURCHASED BARGE IS TO BE EFFECTIVE. OUR FOURTH RECOMMENDATION SHOULD BE THAT ALYESKA UNDERTAKE A STUDY OF THE BEST AND QUICKEST METHODS OF MOVING THE BARGE AROUND AND WHETHER THE BARGE SHOULD BE PRE-DEPLOYED IN A SAFE COVE SOMEWHERE BETWEEN ROCKY POINT AND THE NARROWS. THE STUDY SHOULD ALSO DETERMINE WHETHER OR NOT PERSONNEL FROM MIDDLE ROCK, INC. (THE PILOT BOAT SERVICE) COULD BE EFFECTIVELY AND ECONOMICALLY EMPLOYED IN MAINTAINING THE PRE-DEPLOYED BARGE.

THE IMPORTANCE OF CHEMICAL DISPERSANTS SHOULD NOT BE IGNORED AND THE SUBCOMMITTEE'S FINAL RECOMMENDATION SHOULD BE THAT ALYESKA, AIDED BY THE OWNER COMPANY'S AS APPROPRIATE, CONTINUE TO PRESS STATE AND FEDERAL AUTHORITIES FOR PRE-APPROVAL TO USE CHEMICALS ON A WIDE SPREAD BASIS. THE OWNERS COMMITTEE HAS APPROVED THE PURCHASE OF AN AODS PACK AND DISPERSANTS CONTINGENT ON OBTAINING STATE AND FEDERAL PRE-APPROVAL.

I BELIEVE THE FOREGOING REPRESENTS AN ACCEPTABLE COMPROMISE OF THE SLIGHTLY DIFFERING VIEWS EXPRESSED BY THE TASK GROUP MEMBERS. THE OPERATIONS COMMITTEE IS DUE TO MEET ON JULY 6 AND THEREFORE I WOULD APPRECIATE YOUR ADVISING ME BY TELEX, COPIED TO THEO POLASEK (TELEX: 09025127 -- ANSWER BACK: TRANSPICEAKS) AT ALYESKA. NO LATER THAN JULY 5 THAT YOUR COMPANY CAN SUPPORT ALL FIVE RECOMMENDATIONS.

ROGER A. GALE
MANAGER, MARINE OPERATIONS
SOMIO OIL, CLEVELAND

CC: F. G. GARIBALDI
J. P. G. CROXSON

TO	FROM	DATE	TIME
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JUN 30 1988			
J. L. POLASEK			
COP. 1000			

COLLEEN WALLENHORST
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TRANSPICE AKG

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1515 POT 07/06/88

EXHIBIT G

ROGER A. GALE
SOMIO OIL.
CLEVELAND, OHIO

MSG NER 016

REF: YOUR TELEX 6/30/88 - ALYESKA OIL SPILL EQUIPMENT

ARCO MARINE, INC. DOES NOT AGREE WITH THIS TELEX NOR DO WE CONCUR THAT THIS REPRESENTS THE THOUGHTS OF THE SUB-COMMITTEE.

AT THE OWNERS COMMITTEE MEETING IN PHOENIX. IT WAS DECIDED THAT ALYESKA WOULD PROVIDE IMMEDIATE RESPONSE TO OIL SPILLS IN VALDEZ ARM AND VALDEZ NARROWS ONLY. FURTHER EFFORTS IN THE PRINCE WILLIAM SOUND WOULD BE LIMITED TO THE USE OF DISPERSANTS AND ANY ADDITIONAL EFFORT WOULD BE THE RESPONSIBILITY OF THE SPILLER. THE DELAY IN PURCHASING THE AODS PACK IS INEXCUSABLE; NO FURTHER APPROVAL WAS REQUIRED.

THE OWNERS ALSO DIRECTED ALYESKA TO REVIEW ITS ADMINISTRATIVE AND EQUIPMENT PLANS TO MEET THE INITIAL RESPONSE. IN OUR OPINION THE ADMINISTRATIVE PLAN MEETS ALL CRITERIA FOR A SUCCESSFUL CLEANUP. ON THE OTHER HAND, THE FINDINGS WERE THAT SOME ADDITIONAL EQUIPMENT WAS NEEDED TO MEET THE INITIAL NEEDS OF SPILL CLEANUP. IN PARTICULAR ADDITIONAL LARGER WORK BOATS. ALYESKA HAS REVIEWED THEIR EQUIPMENT NEEDS AND SUBMITTED A PROPOSAL. ARCO MARINE, INC. SUPPORTS ALYESKA'S RECOMMENDATION AND NOT THOSE AS OUTLINED IN THE TELEX.

STANLEY FACTOR.
VICE PRESIDENT, CHARTERING & EVALUATIONS
ARCO MARINE, INC.

CC: THEO POLASEK

ARCOMAR 8-LGB

TRANSPICE AHG

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DATE	TIME	FROM	TO	BY	REMARKS
		RECEIVED			
		JUL 6 1988			
		T. L. POLASEK			

ACE 447588

19

Robert L. Baldwin
700 West 58th Avenue, Suite J
Anchorage, Alaska 99518

April 10, 1991

Judge Russell Holland
United States District Court
222 West Seventh Avenue, Room 261
Anchorage, Alaska 99513

Subject: U.S.A. vs. EXXON, Case No. A90-015 Criminal

Dear Judge Holland:

It is my understanding that the plea agreement in this case will permanently remove from public access, all scientific data taken to evaluate oil spill impacts.

I strongly believe that oil spill data must not be locked away, for the following reasons.

1. Public resources were used to study a disaster involving high value public areas and ecosystems.
2. The scientific data taken is invaluable for oil spill and ecosystem research purposes, in Alaska and elsewhere.
3. This data serves as baseline information for tracking the natural and artificial restoration of damaged areas and ecosystems.
4. Without this data there is no way to for the public to objectively judge adequacy of cleanup efforts.
5. Many will believe a coverup of inadequate cleanup efforts has taken place.

The use of public resources to acquire the data would appear to fundamentally allow public access. The data literally belongs to the public. I object to selling the data to EXXON in exchange for a criminal plea or a consideration in a civil settlement.

Thank you for the opportunity to comment on this vital public issue.

Sincerely,

Robert L. Baldwin
Robert L. Baldwin

APR 10 1991

U.S. DISTRICT COURT

ACE 447589

19
Teresa E. Deitz
7011 Altoona
Anchorage, Ak 99502

April 10, 1991

Federal Court Clerk's Office
222 W. 7th
Anchorage, Ak 99513

Attention: Judge H. Russel Holland

REC'D
APR 10 1991
CLERK, U. S. DISTRICT COURT

Dear Judge Holland,

I have been listening to and reading various comments in reference to the proposed settlement between Exxon and various Federal and State agencies since last month. As a matter of fact, the Exxon Valdez Oil Spill has been a major topic of radio, television, newspapers, conversation and controversy since March 24, 1989. I would now like to add my comments to the fray.

I would like to first state that I was born and raised in Alaska, so I feel I can comment on this legitimately. All the people who live Outside, who have not been up here and involved, can not realistically give an opinion on this issue, and should leave it to the people - Alaskans - who are involved.

Yes, I too feel that Exxon has an obligation to Alaskans concerning the Spill. Yet at the same time, I am of the opinion that Exxon has gone out of it's way to make retribution in the last two years, and that a final, negotiated settlement is not out of line.

In all of the articles that give reference to Alaska Natives, there is never any reference to the fact that any of the Councils/Associations that asked were given money, food and equipment (that they probably could not afford on their own). This is in addition to the many Councils/Associations that rented a small piece of wilderness, usually at the top of some distant mountain, at very high prices for Exxon to use for telecommunications sites.

As far as the State and Federal agencies go, they also got their piece of the action. They had a lot of offices set up, equipment bought, flights taken and studies done, just to mention a partial list, all on Exxon money.

And let's not forget about the slump that Alaska was in economically. A lot of people were paid excellent wages to help with the cleanup, and there are quite a few who are still collecting these wages.

Granted, there was damage done, but the most of that has been cleaned up. And it's not like Exxon did the damage on purpose. I don't think that there is a business running that would intentionally bring on the extreme cost, not to mention the extensive bad press, that is associated with any oil spill.

ACE 447590

20

I'm quite sure that they could have found a willing market for the crude versus spilling it throughout Prince William Sound.

If the State and Federal agencies in Alaska don't get their collective stuff together and go ahead and settle with Exxon, there is the chance that they won't get all the money they would now to finance the studies and projects they want to do in regards to this spill.

It's not like Exxon hasn't paid out the nose for this already. And if it were a less financially stable company, who would have been paying for this but the fine residents of Alaska. I think greed is blinding a lot of people on this issue, and that we should take the monies being offered, keep in mind the lessons learned during this period, and move on.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teresa E. Deitz", written in dark ink.

Teresa E. Deitz

cc: Governor Walter J. Hickel
Anchorage Daily News
Anchorage Times

ACE 447591

20

Don Soileau
505 W. 2nd Ave. #104
Anchorage, AK 99501

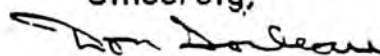
April 10, 1991

Judge Holland:

I would like to take this opportunity to urge you to reject the Exxon Valdez Oil Spill Settlement. In light of recent revelations, I believe that Exxon is criminally responsible for this catastrophe and should be tried for it in court. The proposed monetary settlement is insufficient for rectifying the damage that was inflicted upon the Prince William Sound - Gulf of Alaska ecosystem, and it has only been in the past couple of days that the true extent of that damage has been revealed. At the very least, I would ask that you extend the comment period since the scientific studies relating to the spill are just now being released to the public. If those of us effected by the spill are expected to make informed comments, we will need some time to examine these studies.

Thank you for accepting public comment on this matter.

Sincerely,


Don Soileau

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APR 10 1991

FEDERAL U. S. DISTRICT COURT

ACE 447592

(21)

April 9, 1991

~~21~~
21

Honorable Judge Holland
US District Court
222 W. 7th
Anchorage AK 99501

To the Honorable Judge Holland

I am writing to protest the current State / Federal / Exxon bill settlement. An accurate monetary damage from the spill is not publicly available. However, it is clear that the deterrent value of the settlement is totally inadequate. If any disagreement arises between the state + federal representatives over the fine, Exxon is not required to pay the discrepancy. I strongly urge you not to honor the current proposed settlement. Further litigation is preferable to agreeing to this deal.

Thank you for your consideration of this very important matter.

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Sally Schliesmann

ACE 447593

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(22)

H. RUSSEL HOLLAND
JUDGE

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RECEIVED

APR 10 1991

CHAMBERS, U.S. DISTRICT JUDGE
H. RUSSEL HOLLAND

Dear Judge Holland,

4/4/91

I'm writing to wish you not to support the
State + Fed Exxon Oil Spill Settlement.

The proposed \$900 million settlement, when viewed in
light of the tax write offs for Exxon and the no interest
pymnt plan, actually amounts to only \$450 million!

If any disagreement arises between State + Fed. courts,
Exxon is not required to pay the \$100 million criminal
fine! Also public funds were used to study
damage done to the Pu Sound, and these results
are being withheld from the public by the Hickel
admin. Alaska Co. owes the State compensation! Simon
Further litigation is preferable to agreeing to this deal. Thank you. Tobussin

ACE 447594

(23)

MARCH 24th 1991
NOON
STOCKTON, CALIFORNIA

23

"FINAL ANALYSIS, AND, SYNOPSIS,"
"OF CAPT. JOSEPH J. HAZELWOOD -"
"S.S. EXXON VALDEZ TRIAL" AND "EXXON CORP."

HONORABLE U.S. DISTRICT COURT JUDGE, RUSSEL
HOLLAND, & TO WHOM IT MAY CONCERN,
DEARSIRS & GENTLEMEN,

"THIS IS MY FOLLOW UP," FROM JULY 25, 1990

I AM THE SON OF A MARINE ENGINEER WHO IS
DECEASED IN 1963, I WAS BORN IN SAN-DIEGO
CALIFORNIA 12-12-16, I WENT SEA FOR OVER (40) YEARS
MYSELF, IN THE ENGINE DEPT, TO MAKE A LONG
STORY SHORT, IN MY SPARE TIME AT SEA, I
STUDIED ADMIRALTY LAW FOR OVER (11) YEARS.

IT WAS MORE OR LESS, A CORRESPONDENCE COURSE,
IN A ADMIRALTY LAW SCHOOL, IN LONDON, ENGLAND,
I HAD TO RETIRE IN JANUARY, 1975, AS I HAD AN
ACCIDENT WHILE SAILING ABOARD A VESSEL, IN THE
PORT OF BREMER HAVEN, GERMANY.

WHEN THE "EXXON VALDEZ" WENT AGROUND IN MARCH
OF 1989, I DID NOT REALIZE, AT THAT TIME, I KNEW
CAPT. JOSEPH, HAZELWOOD, ALTHOUGH I HAD NOT SEE
HIM FOR MANY YEARS, HE DID BECOME A CASUAL FRIEND
OF MINE, WHAT I KNEW OF HIM, TO ME, IN EVERY WAY,
I WILL EXPRESS MYSELF IN THIS LETTER.

WHEN THE "EXXON VALDEZ" WENT AGROUND, I STUDIED
AND WROTE ABOUT THE CASE, FOR (10) MONTHS. IN THE

CONFINDS OF MY APARTMENT, AND IN A LOCAL
LIBRARY HERE IN STOCKTON.

WHEN MY FINDINGS WERE COMPLETE IN EVERY DETAIL
AND BEFORE THE TRIAL GOT STARTED IN ANCHORAGE,
ALASKA, I SENT LETTERS TO EVERYONE INVOLVED,
THE CASE AS FOLLOWS. THE FOLLOWING GOT
MY FINDINGS 7-25-1990 - - COPIES TO +
1/ CAPTAIN JOSEPH HAZELWOOD'S ADMIRALTY LAWYER,
MICHAEL CHALOS, IN NEW YORK, N.Y.

2/ BOARD CHAIRMAN OF EXXON CORP,
NEW YORK, NY
MR. LAURENCE RAWL.

3/ EDITOR OF AN ANCHORAGE NEWSPAPER IN
ALASKA.

4/ MUNICIPAL COURT JUDGE, JOHN STONE, THE
PRESIDING JUDGE OF THE TRIAL, AT ANCHORAGE.

THIS IS MY TRUE, AND CORRECT FINDINGS, OF THE
CASE, FROM START-TO-FINISH - 7-25-90.

"AS FOLLOWS"

WHEN THE "S. S. EXXON" VALDEZ" WAS FULLY
LOADED, AND READY TO SAIL, CAPT JOSEPH HAZELWOOD
CAME ABOARD ON HIS OWN STEAM LONG BEFORE
SAILING TIME, HIS FIRST ACTIONS WERE, THE SAFETY
OF THE CREW, THE VESSEL ITSELF, AND PROTECTING

THE EXXON SHIPPING COMPANY AND THEIR INSURANCE COMPANY. HE KNEW THE WEATHER CONDITIONS WERE FOUL AND HAZARDOUS IN "PRINCE WILLIAM SOUND" AND THE VISIBILITY WAS NASTY, PLUS THERE WAS ICE FLOATING IN THE SOUND AS WELL, "BERGS" MORE OR LESS. HE THEN CONVENED WITH HIS OFFICERS AT ONCE. HE HAD ORDERS TO SAIL THE VESSEL REGARDLESS OF THE PORT AUTHORITY, COAST GUARD AND PILOT ASSOC; AND WHAT THEY HAD TO SAY ABOUT SAILING THE VESSEL WITH NO PILOT ABOARD.

AT THIS POINT, CAPT. JOSEPH HAZELWOOD WAS A "VICTIM OF CIRCUMSTANCES," IN OTHER WORDS "HE WAS UP AGAINST A BRICK WALL, AND BEING THE DEVIL AND THE DEEP BLUE SEA," AND RESPONSIBLE FOR A LOADED TANKER TO SAIL THE VESSEL WITH ONE MAY SAY "UNDER PROTEST AS WELL."

AFTER CONSULTATION WITH HIS OFFICERS, HE HAD THREE (3) CHOICES TO MAKE, ALSO, HE HAD NO RIVER PILOT ABOARD THE VESSEL. HIS CHOICES WERE AS FOLLOWS, "HAVE A PILOT TO TAKE THE VESSEL TO A SAFE ANCHORAGE FOR BAD WEATHER CONDITIONS AND HAZARDOUS TO SAIL THE VESSEL. IF NOT THAT, HE COULD HAVE TOLD THE CHIEF MATE, RADIO OPERATOR AND THE CHIEF ENGINEER, THAT HE IS REFUSING TO SAIL THE VESSEL. ALL HE HAD TO DO, FOR EVERY ONE'S PROTECTION, INCLUDING THE VESSEL ITS CREW WAS TO ENTER HIS PROTEST IN THE OFFICIAL

4
G BOOK, SIGN IT, THEN TAKE THE SHIP'S
TICKETS AND HIS MASTERS LICENCE AND
NOT SIGN A SAILING ORDER, AND HE HAD A
PERFECT RIGHT TO DO SO UNDER MARITIME
AND ADMIRALTY LAWS, WITH NO QUESTIONS ASKED.

I HAVE BEEN IN AND OUT OF PRINCE WILLIAM SOUND
MANY TIMES AND I KNOW HOW BAD THE WEATHER CAN
GET THERE IN THE WINTER MONTHS AND WHEN
CAPT. JOSEPH HAZELWOOD WAS UP AGAINST
HE ACTUALLY SAILED THE VESSEL UNDER
PROTEST, AND AGAINST HIS OWN WILL AND
THE CREW OF THE VESSEL ITS SELF.

IT IS ALMOST IMPOSSIBLE TO MANUEVER A VESSEL
OVER "900 FT. LONG" A FULLY LOADED
TANKER IN A SOUND FULL OF ICE, AND BERGS
ALSO, ITS IMPOSSIBLE TO MANUEVER A VESSEL
LIKE A MOTOR CYCLE IN AND OUT OF TRAFFIC
PLUS, DODGE ICE BERGS AS WELL.

CAPT. JOSEPH HAZELWOOD KNEW HE WAS
TAKING A DIRE CHANCE AS WELL AS SAILING
THE VESSEL UNDER PROTEST TO GET THE
VESSEL OUT OF PRINCE WILLIAM SOUND INTO DEEP
WATER, ESPECIALLY WITH NO RIVER PILOT AND
FINDING FOUL AND HAZEDOUS WEATHER
CONDITIONS AS WELL.

IT IS A PROVEN FACT THAT CAPT. JOSEPH
HAZELWOOD KNEW EXACTLY WHAT HE WAS

5

DOING, AND WHAT HE WAS UP AGAINST AT THE
TIME WHEN HE SAILED THE VESSEL,
THEREFORE, THE BLAME FALLS ON THE
S. COAST GUARD, VALDEZ PORT AUTHORITY,
AND THE PILOT'S ASSOCIATION FOR LETTING
CAPT. JOSEPH HAZELWOOD SAIL THE
VESSEL UNDER THE CONDITIONS THAT HE
DID AS MENTIONED IN THIS LETTER.

CAPT. JOSEPH HAZELWOOD, EXXON CORP.
AND THEIR SUBSIDIARY, EXXON SHIPPING COMPANY
IN HOUSTON, TEXAS ARE NOT TO BLAME FOR
ANYTHING AT ALL. THE VESSEL'S R.P.M.
AND STEERING MANEUVERING POWER AT THE
TIME WAS NOT CAPABLE OF SHIFTING THE
VESSEL FROM PORT TO STARBOARD AND
VISE-VERSA IN HAZARDOUS WEATHER
CONDITIONS AND THE VISIBILITY WAS BAD
WHICH DID NOT HELP MATTERS EITHER. CAPT.
HAZELWOOD TOOK A CHANCE, AND A GAMBLE AND
LOST THROUGH NO FAULT OF HIS OWN OR THE
CREW OF THE "EXXON VALDEZ".

HONORABLE RUSSEL HOLLAND, YOU SHOULD
UNDER MARITIME AND ADMIRALTY LAWS ACCEPT
A CHANGE OF PLEA AGREEMENT AND IMPOSE
NO SENTENCE AND DROP ALL CHARGES THAT
EXISTS AGAINST EXXON CORP. AND CAPT.
JOSEPH HAZELWOOD.

6

EXXON CORP. HAS ALREADY FULL FILLED THEIR COMMITMENTS AND OBLIGATIONS AND SPENT AN ENORMOUS BUNDLE CLEANING UP THE OIL SPILL, THAT ALONE SHOULD BE SUFFICIENT ENOUGH UNDER MARITIME, & ADMIRALTY LAWS TO DROP THE CASE, ANY MARITIME AND ADMIRALTY LAW JUDGE WOULD HAVE DROPPED THE CASE ON THESE FINDINGS WHICH ARE TRUE FACTS, NOT HERE SAYS OR FALSE FINDINGS OF ANY KIND WHAT SO EVER.

UNDER MY FINDINGS, UNDER MARITIME AND ADMIRALTY LAWS, THIS WHOLE CASE SHOULD HAVE BEEN TRIED IN A MARITIME COURT UNDER ADMIRALTY LAWS, NOT IN A MUNICIPAL COURT IN ANCHORAGE WITH JUDGE JOHNSTONE AND BRET COLE, PROSECUTING THE CASE. THEY BOTH KNOW NOTHING ABOUT MARITIME OR ADMIRALTY LAWS WHAT SO EVER AND THE WHOLE CASE WAS TRIED LIKE IN A CITY TRAFFIC COURT, AS IT WAS, IT TURNED OUT TO BE LIKE A FARCE IN THE CITY OF ANCHORAGE AND THE WHOLE STATE OF ALASKA.

BRET COLE, THE PROSECUTOR IN THE CASE AND THE PRESIDING JUDGE JOHNSTONE WERE USING CAPT. JOSEPH HAZELWOOD AS A SCAPE GOAT AND THE JURY KNEW IT AND SO DID A COUNTY SHERIFF THAT WENT ABOARD THE VESSEL ON THE DAY OF THE GROUNDING AND FOUND CAP. JOSEPH HAZELWOOD, COOL, CALM, AND COLLECTIVE AND SOBER AS A JUDGE, NOT WHAT A BUNCH OF FOOLS SAID ABOUT HIM.

4
A RECKLESS AND MALICIOUS DRUNKEN
CAPTAIN, "NOWAY."

EXXON CORPORATION AND THEIR SHIPPING
COMPANY IN HOUSTON TEXAS DO NOT HIRE
THAT KIND OF CAPTAIN IN THE FIRST PLACE.
WHEN THE SHERIFF THAT WENT ABOARD THE
VESSEL AT THE GROUNDING SITE ASK CAP
JOSEPH HAZELWOOD, "WHAT WENT WRONG,
HE SAID, "YOU'RE LOOKING ^{AT} OUT THE WINDOW"
AND I HAVE TO TAKE THE CHAM BACK. AN.
THE SHERIFF AGREED WITH HIM ONE HUNDRED
PERCENT, 100%.

CAPTAIN JOSEPH HAZELWOOD IS A FINE
GENTLEMAN AND A SCHOLAR. IF I EVER SA
ONE AND A RELIABLE MERCHANT TANKER
CAPTAIN, YOU MIGHT SAY, AS GOOD AS ANY
AND BETTER THAN MOST IN MY BOOK.

WHEN I FOUND OUT THE TRUE FACTS AND
MY FINDINGS IN THE "EXXON VALDEZ"
CASE, IT TOOK ME ALL OF TEN MONTHS TO SORT
THE TRUE AND PROVEN FACTS OF THE CASE.
I KNEW RIGHT THEN AND THERE THAT CAPT
JOSEPH HAZELWOOD WAS BEING USED
AS A SCAPE GOAT AND I PROVED IT
AND DID MY BEST TO HELP HIM AND HIS
ADMIRALTY LAWYER, MICHAEL CHALDS AS
WELL. IF I COULD HAVE BEEN AT THE TRIAL
IT WOULD HAVE TURNED OUT AN ACQUITTAL,

IN ALL COUNTS, AS IT TURNED OUT, CAPTAIN JOSEPH HAZELWOOD HAD HIS MASTERS LICENCE SUSPENDED FOR NINE MONTHS AND SOME COMMUNITY WORK, THESE TWO PUNISHMENTS, WHAT YOU MIGHT CALL SILLY, AND UNCALLED FOR, ALSO, AND A ADMINISTRATIVE LAW JUDGE, HARRY J. GARDNER, ALSO PLACED CAPTAIN JOSEPH HAZELWOOD ON PROBATION FOR ONE YEAR.

AS IT IS NOW, THE MOST IMPORTANT PART OF THIS CASE, AND AS IT LOOKS TO ME, THE CASE IS UNDER ^{YOUR} JURISDICTION THAT CAPTAIN JOSEPH HAZELWOOD, EXXON SHIPPING CORP, AND THE EXXON SHIPPING COMPANY IN HOUSTON, TEXAS SHOULD HAVE ALL CHARGES DROPPED, AND CAPTAIN JOSEPH HAZELWOOD SHOULD BE COMPENSATED FOR ALL THE THINGS THAT PEOPLE SAID HE WAS, AND HE IS ABSOLUTELY NOT THAT, AND UNFOUNDED FOR

UNDER MARITIME AND ADMIRALTY LAWS, HE AND THE CREW OF THE "EXXON VALDEZ", ARE ABSOLUTELY INNOCENT OF ALL CHARGES. CAPTAIN JOSEPH HAZELWOOD AND HIS CREW ABOARD THE "EXXON VALDEZ" WERE ABSOLUTELY CONFIDENT AND RELIABLE.

THE U.S. ATTORNEY GENERAL, MR. THORNBURG SHOULD BE QUESTIONED ABOUT ALL THIS. HE TOO SHOULD REVERSE AND DROP AN PLEA AGREEMENT, DROP ALL FELONY CHARGES AND ALL OTHER CHARGES, AND GIVE

9
CAPTAIN JOSEPH HAZELWOOD A CLEAN BILL
OF HEALTH, AS WELL AS EXXON CORP.
EXXON CORP, HAVE FULL FILLED THEIR
OBLIGATION, AND CLEANED UP THE OIL SPILL
FAITHFULLY AND CAPTAIN JOSEPH HAZELWOOD
WAS THE FALL GUY, FOR A BUNCH OF FOOLS
THAT DON'T KNOW ANYTHING AND ABSOLUTELY
NOTHING ABOUT MARITIME AND ADMIRALTY
LAWS, THIS INCLUDES MUNICIPAL COURT
JUDGE, JOHNSTONE AND THE PROSECUTOR
BRET COLE.

IN WINDING UP THIS LETTER AND UNDER ALL
RESPECTS SHOULD MAKE GOOD SENSE TO YOU
AND ITS ALL TRUE AND HONEST FACTS, ON
HUNDRED PERCENT 100%, NOT HEAR-SAY.
ALL THE BEST TO YOU,

SINCERLY YOURS
Vern H. Armstrong
MR. VERN H. ARMSTRONG

U.S. MERCHANT MARINE SERVICE
RETIRED - ADMIRALTY LAW ~~BAR~~ BY
PROXY FROM THE LONDON SCHOOL OF LAW LONDON
ENGLAND.

("PLEASE TRY AND SET ASIDE
AN APRIL 11 TH. DECISION, AND
CONSIDER MY TRUE FACT
AND FINDINGS, ITS THE HOW
TO DO")

P. S.

SEATIME, 43 YEARS AND SEVEN MONTHS,
WORLD WAR 2, KOREA AND VIETNAM, AND
FROM THE 1934 SEAMAN'S STRIKE IN SAN-
FRANCISCO. I GUESS I AM ABOUT THE ONLY
ONE LEFT FROM THAT STRIKE.

I HAVE A FINE WIFE FROM ENGLAND
AND MARRIED 40 YEARS.

I STUDIED MARITIME AND ADMIRALTY LAW
BY CORRESPONDENCE SCHOOL, LONDON
UNIVERSITY, LONDON ENGLAND FROM
1947 TO 1958, 11 YEARS IN ALL AND A
FRIEND OF JAKE ERLICH, MARITIME AND
ADMIRALTY LAWYER-DECEASED 1977-
50 YEARS IN LAW. HE WAS THE BEST,
AND NONE OTHER.

V. H. A.

TEL. NO. 1-209-474-6912

RECEIVED

JUL 10 1991

CHIEF

DISTRICT JUDGE
H. G. HOLLAND

BILL

ACE 447604

CRIMINAL DOCKETING.



HAZELWOOD: Wants job back.

Exxon captain acquitted of major charges

The Associated Press

ANCHORAGE, Alaska — A jury on Thursday acquitted Exxon Valdez skipper Joseph Hazelwood of being drunk and reckless in connection with the nation's worst oil spill but convicted him of a minor charge of negligent discharge of oil.

After deliberating for just 10½ hours, the jurors absolved Hazelwood of one felony and two misdemeanors stemming from the disaster, in which his tanker ran

aground and spilled nearly 11 million gallons of oil into Prince William Sound on March 24, 1989.

The misdemeanor charge on which he was convicted carries a maximum sentence of 90 days in jail and a \$1,000 fine, far less than the 7½ years and \$61,000 fine he could have faced if found guilty on all four charges.

Superior Court Judge Karl Johnstone set sentencing for today at 2:30 p.m. PST.

There were bursts of applause

in the courtroom as the judge read the first three verdicts of "not guilty."

Hazelwood's New York lawyer, Michael Chalos, a former classmate of Hazelwood's at the Maritime Academy at Fort Schuyler, N.Y., clapped the skipper on the shoulder and hit the counsel table with his hand at the first "not guilty" verdict.

The normally taciturn defendant smiled broadly for the first time in the 2-month-long trial

and commented briefly to reporters, saying, "I'm just relieved. I was nervous."

"I'm going to try to get along with my life. ... I'd like to go back to sea," Hazelwood told reporters at a news conference later. "That's what I do."

His lawyer said he would begin negotiations with Exxon to get back the former skipper's job and would fight expected efforts by the Coast Guard to revoke Hazelwood's captain's license.

Exxon pleads guilty to misdemeanors

The Associated Press

ANCHORAGE, Alaska — Exxon Corp. and its shipping subsidiary pleaded guilty Friday to misdemeanor violations in the nation's worst oil spill under a plea agreement with the federal government.

U.S. District Judge Russel Holland allowed the pleas but delayed sentencing until he gathers public

comment on the plea agreement.

"I will accept a change of plea," he said. "We will not impose any sentence. I will not decide today whether I will or will not accept the plea agreement."

If Holland rejects the agreement, the nation's third-largest corporation can withdraw its pleas. If he accepts it, federal felony charges against the oil company will be dropped.

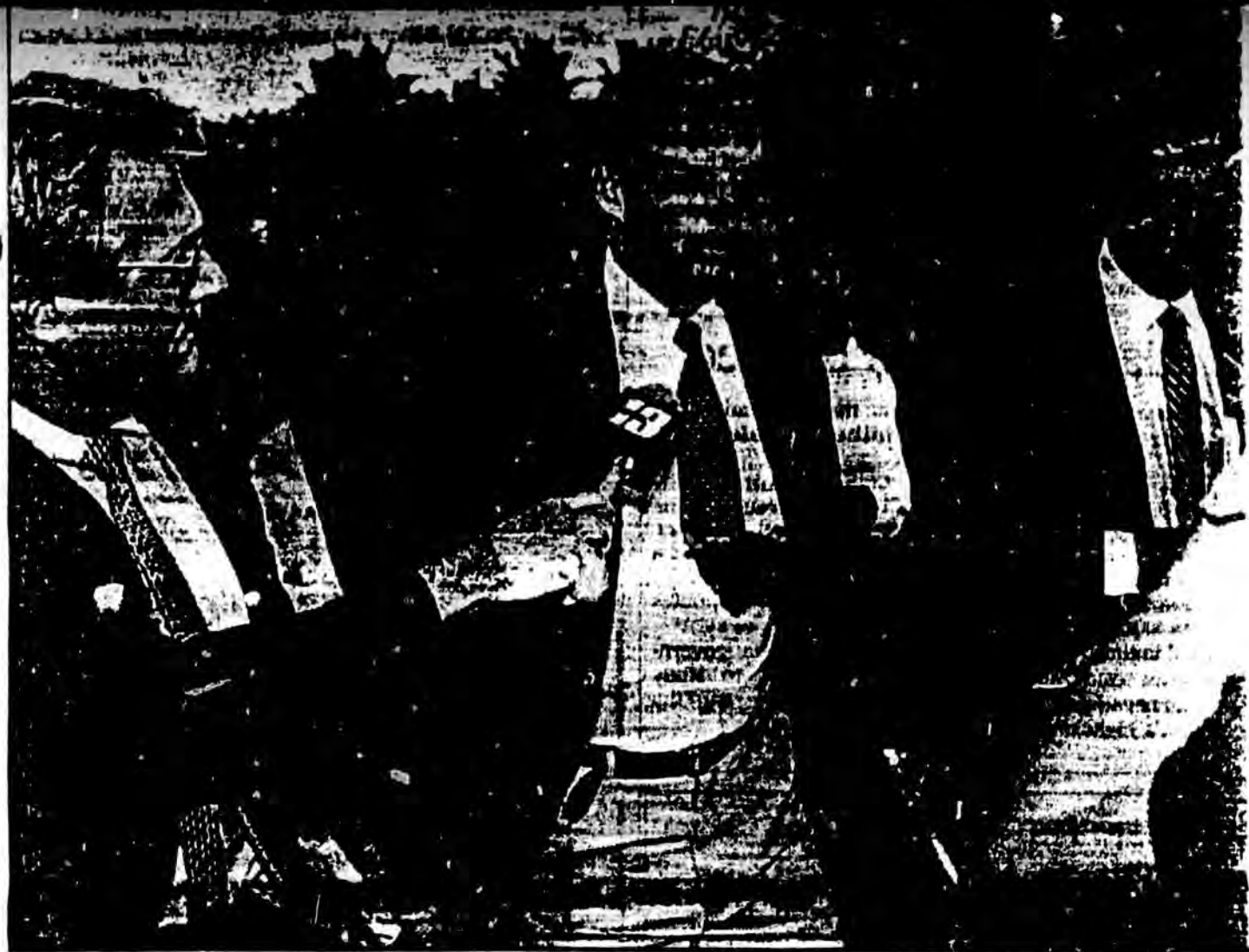
"I intend to solicit information about the impact of the spill from individual victims," the judge said. The court will advertise for comment in newspapers and accept written remarks from the public until April 11. Holland set sentencing for April 24.

Guilty pleas were entered to a misdemeanor violation of the Migratory Bird Treaty Act and three misdemeanor violations of the Refuse and Clean Water acts.

Exxon sues Coast Guard

ANCHORAGE, Alaska — Exxon Corp. and its shipping subsidiary have filed notices of claims against the Coast Guard totaling more than \$2 billion in connection with the Exxon Valdez shipwreck and oil spill.

Exxon spokesman Les Rogers said the Sept. 21 filings satisfy an administrative requirement that preserves options for Exxon and Exxon Shipping Co. to sue the Coast Guard over the spill.



SUSPENDED: Former Exxon Valdez Capt. Joseph Hazelwood is surrounded as he leaves a hearing in Long Beach. AP

Hazelwood blood tests possibly botched

The Washington Post

LONG BEACH — Documents apparently kept secret for more than a year by a California laboratory indicate that blood samples taken from former Captain Joseph Hazelwood were mishandled and that charges of his drunkenness before the disastrous Exxon Valdez oil tanker spill may have had no legal foundation.

Hazelwood's license to operate a ship was suspended Wednesday for nine months after he pleaded no contest to charges of negligently leaving the tanker bridge in dangerous waters and violating a rule against drinking less than four hours before sailing. Administrative law Judge Harry J. Gardner also placed Hazelwood on probation for one year.

In what Hazelwood's attorneys said

was a response to the new evidence, the Coast Guard dropped allegations of drunkenness and improper procedure against Hazelwood and agreed to recommend that his license be suspended for no more than a year.

Hazelwood's attorneys released two 1989 chain-of-custody forms kept by ChemWest Analytical Laboratories Inc. They said the forms suggest a cover-up of vital evidence by the Sacramento-based laboratory, and possibly also by the Coast Guard, the National Transportation Safety Board and Alaska prosecutors.

One form shows that the laboratory noted receiving three "red-stoppered" tubes of Hazelwood's blood on March 28, 1989, not the one red-stoppered and two gray-stoppered tubes prepared by a

Coast Guard health technician on board the oil tanker about 10½ hours after it ran aground on a well-marked Alaskan reef.

The different colors suggest a break in the chain of evidence needed to prove the samples were Hazelwood's and cast into question the testing process. It also causes red-stoppered tubes lack a chemical needed to keep blood alcohol from fermenting.

The second form shows that a laboratory employee changed the notation four days later to show two gray-stoppered and one red-stoppered tube. It also says neither form was given to defense attorneys despite their requests.

Michael A. Peat, director of the laboratory, said, "There was no tampering done with the specimens."

Exxon efforts to avoid spill trial unsuccessful

The Associated Press

ANCHORAGE, Alaska — A federal judge rejected arguments that Exxon Corp. shouldn't be put on trial for the Exxon Valdez spill and has ordered the oil giant to stand trial in April.

U.S. District Judge H. Russel Holland refused the company's request to dismiss a five-count criminal indictment stemming from the wreck of the tanker in March 1989.

The ship, skippered by former Exxon Capt. Joseph Hazelwood, was sailing through icy waters of Prince William Sound when it struck a charted reef and dumped more than 11 million gallons of crude oil into Alaska waters.

Thousands of birds and marine mammals died, fishing seasons were disrupted and miles of shoreline were oiled. It was the worst spill in U.S. history.

At Friday's hearing, defense lawyers said federal pollution laws weren't intended to be used to prosecute shipowners for the acts of a vessel's captain and crew.

Exxon lawyer Patrick Lynch also argued that because the tanker was owned and operated by Exxon Shipping, it was wrong to name the parent company in the indictment along with the subsidiary.

"It's a case of mistaken identity,"

Lynch said.

Exxon Corp. and the shipping subsidiary are charged with criminal violations of the federal Clean

Water Act, the Refuse Act, the Migratory Bird Treaty Act, the Ports and Waterways Act and the Dangerous Cargo Act.

Lynch said Exxon Shipping is a separate company controlled by an independent board of directors. Drawing the parent company into the criminal case would needlessly complicate things, he said.

"It will turn this trial from a straightforward trial on maritime issues ... into a business school seminar on how corporations are managed."

But federal prosecutors say Exxon dominates its subsidiary and makes all the important decisions for Exxon Shipping, which the government called "a corporate puppet on a carefully calibrated string."

Holland denied the motions to dismiss as well as a series of other technical arguments by the companies, including Exxon Shipping's claims that crude oil is not a pollutant under the federal Clean Water Act.

HAZELWOOD

