

Exxon Valdez Litigation Documents Project

“On March 24, 1989, the Exxon Valdez, an oil tanker bound for Long Beach, California, struck Prince William Sound's Bligh Reef and spilled hundreds of thousands of barrels of crude oil into Alaskan waters.”

NHPRC News: Alaska Oil Spill Records
(<http://www.archives.gov/nhprc/newsletter/2012/feb/>)

The Exxon Valdez off the coast of Alaska. *Courtesy NASA*

Who was responsible?

"I don't think you could spill enough oil in Prince William Sound to harm the commercial fisheries and shellfish."

Who would clean this up?

Chevron spokesman Clayton McAuliffen, quoted in Alaska Advocate, April 7, 1977 (article: Tom Kizzia, "A problem in search of a perspective," p.6)

How would it be cleaned up?

Who should pay for it?

Would fishermen and cannery workers be compensated for the lost season?

What would happen to the wildlife affected by the oil?




Oil spill progression (March 24 - May 18, 1989)

Map of the oil spill from the Alaska state government report.

Photographs: Alaska State Archives Record Group 1 Office of the Governor; series 801Exxon Valdez oil spill records

Before the spill nobody thought the oil tanker business running through the sound could cause as much damage as it did. However, a map of the spill 3 months after shows that the oil spread quite far down the coastline.

The oil spill left the surrounding communities asking many questions including who was responsible, who would clean up, how would it be done, and how would those affected be compensated. It was clear from the reports, depositions, and other documents in the files that these were the central questions of the litigation case.

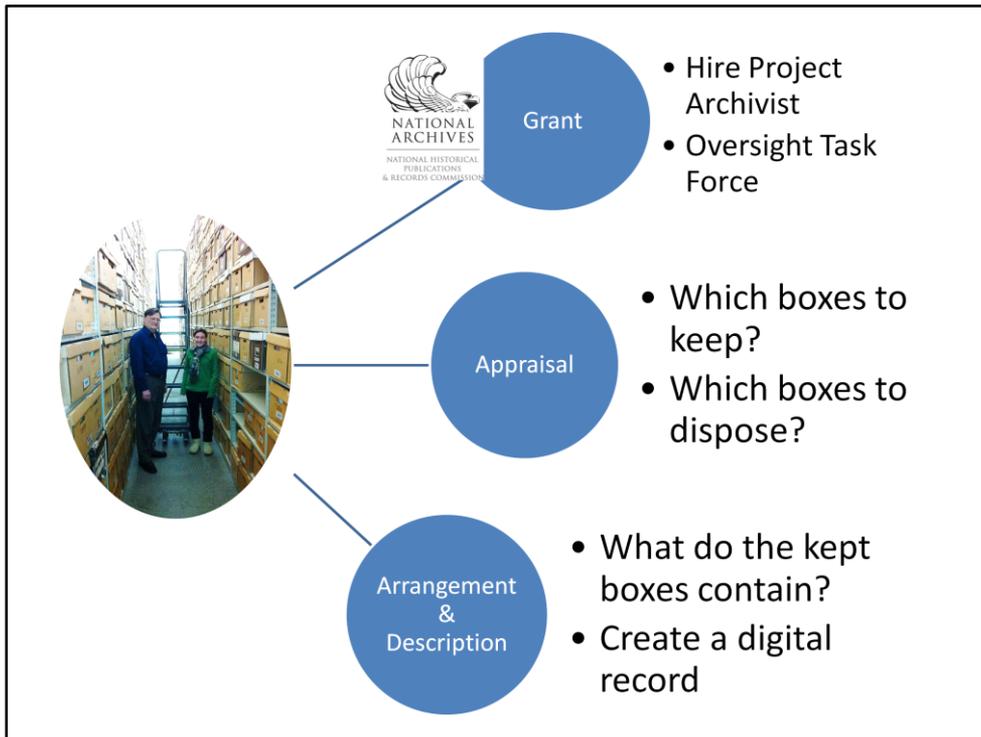


Photo by Chris Hieb/Alaska State Archives

The spill caused 5 years of litigation,
1989-1993

Produced a case file of approx.
8,000,000
pages

Alaska State Archives currently houses
3,528
Exxon Valdez Oil Spill litigation boxes



The project had 3 parts: The first part consisted of hiring a project archivist and compiling an oversight task force.

Oversight Task Force Members



Patience Andersen Faulkner,
*Member Eyak Tribal Council
Prince William Sound Regional Citizens Advisory
Council & Cordova District Fishermen United*



Kurt Fredriksson,
*Former Commissioner Alaska
Department of Environmental
Conservation*



Andrew Goldstein,
*Curator of Collections &
Exhibitions Valdez Museum &
Historical Archives*



Carrie Holba,
*Librarian Exxon Valdez Oil
Spill Trustees Council
Alaska Resources &
Information Services*



Jennifer Schorr,
*Assistant Attorney General
Alaska Department of Law
Environmental Section*



Craig Tillery,
*Lead State of Alaska Attorney
Exxon Valdez Oil Spill
Litigation*



Barbara Hendricksen,
*Lead State Paralegal Exxon
Valdez Oil Spill Litigation*

The Oversight Task Force was put together to review project activities, and advise the archivists on legal issues, science and technology of the spill and cleanup, regional concerns, and public information. The people in the task force have all been involved with the spill at various points.

The Task Force members:

Craig Tillery: Lead Department of Law Environmental Litigation Attorney during the litigation

Jennifer Schorr: Current Lead Department of Law Environmental Litigation Attorney

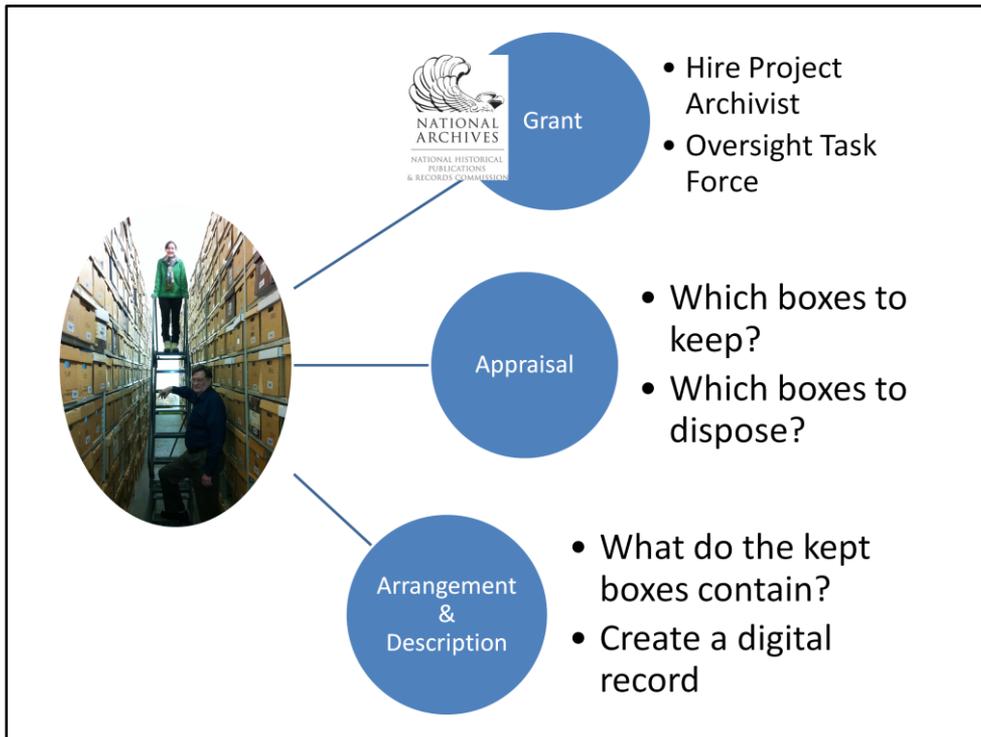
Kurt Fredriksson: Opened the Governor's on scene oil spill office; later Director of DEC's Spill Prevention-Response & DEC Deputy Commissioner & Commissioner

Barbara Hendricksen: Plaintiff's Discovery Supervising Team Paralegal

Carrie Holba: Involved from the beginning; now Exxon Valdez Oil Spill Librarian, Alaska Resources Library & Information Services

Patience Faulkner: Alaska Native leader; deeply involved in private case litigation management

Andrew Goldstein: Curator at the Valdez Museum & Historical Archives

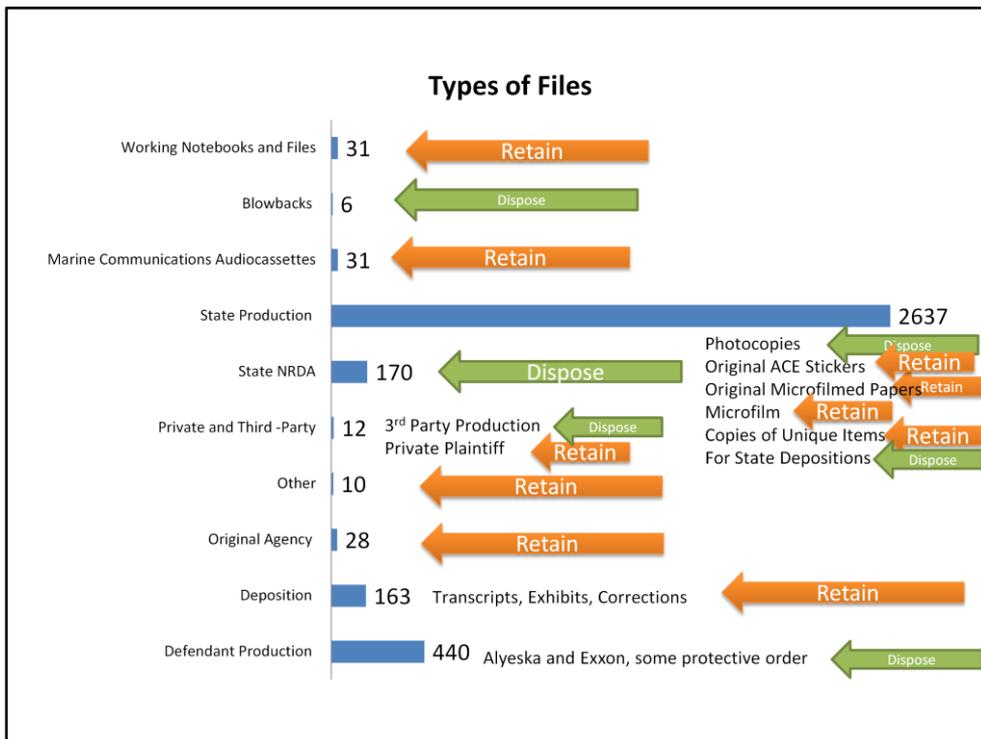


The second part of the project was the Appraisal-determining which boxes to keep and which to dispose.

Criteria for Material Disposal Decision

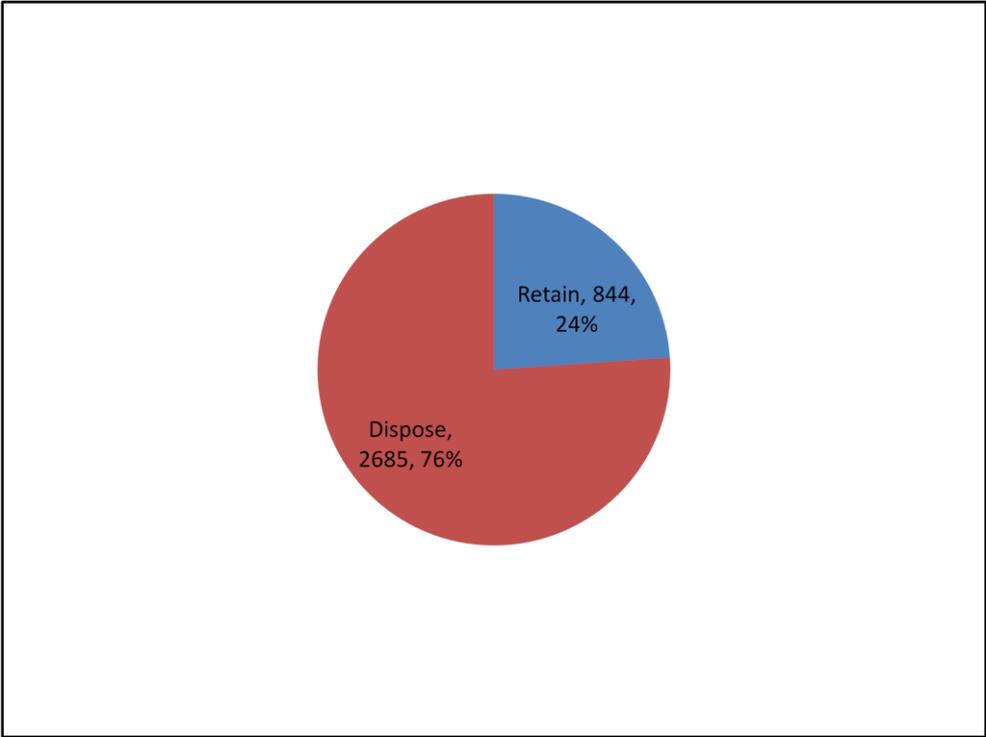
- Is the material duplicate?
- Do we have a longer lasting, more stable copy of the material (Microfilm)?
- Is the material restricted indefinitely or will the public be able to access it?

Just about the same time as I started the Exxon project, the litigation case was reopened. As we all know, no project goes exactly as planned. Thus, a clause in the litigation said that if more money was needed to finish the clean up the case could be reopened. However, for the Archives, this means that nothing can be disposed while there is the possibility it may be needed by the lawyers. Therefore, the material we have decided does not have archival value or does not fall under the mission statement of the State Archives, will be set aside for disposal or transfer back to the Department of Law when the reopener is finished.

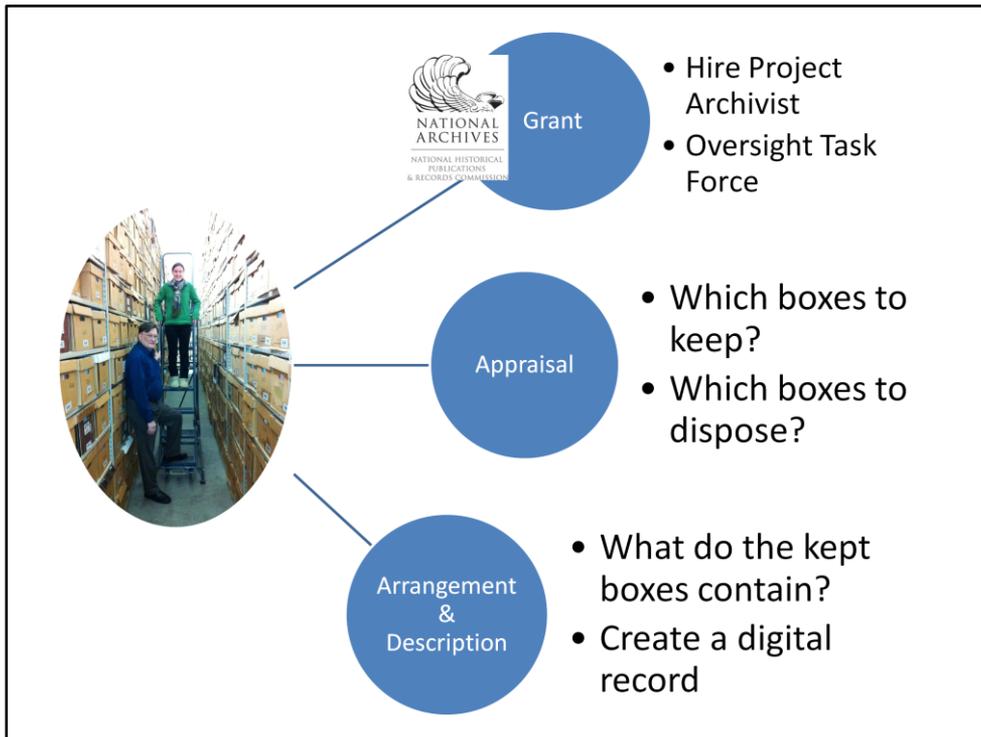


Because 3,528 boxes is overwhelming, I found a logical way to divide the boxes into smaller groups to make the process more manageable. When the boxes were originally transferred to the Archives they were transferred in groups by types of files. This made the job easier because some types of files had obvious archival value, and some did not. For example, depositions are the transcripts of interviews of people ranging from the captain and crew of the Exxon Valdez Tanker Vessel to local business owners and fishermen who's seasons wages were affected by the spill. Therefore the 163 boxes of depositions we marked for keeping. Also, the Working Notebooks, which are the notebooks spill workers were writing their observations in as they stood on the beach, have archival value so those 31 boxes were marked for keeping. On the other hand, Blowbacks are copies of material with sensitive information blacked out. So not only are the documents duplicates, but they do not contain the original full information. These 6 boxes were marked for eventual disposal. The State NRDA Public Release Photocopies, are copies of publications that are available at multiple libraries. If it is available elsewhere, the Archives does not need to keep copies.

Some of the larger groups of boxes I was able to break into smaller subcategories. For example, the 2,637 State Production files. This group contained several boxes of microfilm. As discussed in the last slide, microfilm lasts longer than paper, so these boxes will be retained. Boxes of photocopies, or duplicates, will not be retained. Part of the State Production included 516 boxes of original material from agencies that have since closed and therefore the information the documents contain may not be represented anywhere else.



The goal of the grant is to keep 15% of the Exxon material. While we are over that, at 24%, we not only are close, but 516 boxes of the 844 are the original state agency material, which is technically not litigation papers, but important to retain. Therefore if we remove that from the percentage, we are below the 15% marker.



The third part of the project consisted of finding out exactly what was in the boxes we decided to contain and then creating a digital record for every single box and its contents.

What types of material are in the boxes?

Field Notebooks
*Hands-on records of spill
survey and remediation*



Folders filled with
papers



Audio and Video
Micro Cassette Tapes



Microfilm Reels



Evidence Envelopes
VHS Tapes



Things I've learned...

One can find entertainment in even the dull task of Xeroxing documents

Notes I found while inventorying State Production Documents, Copies of Unique Items:

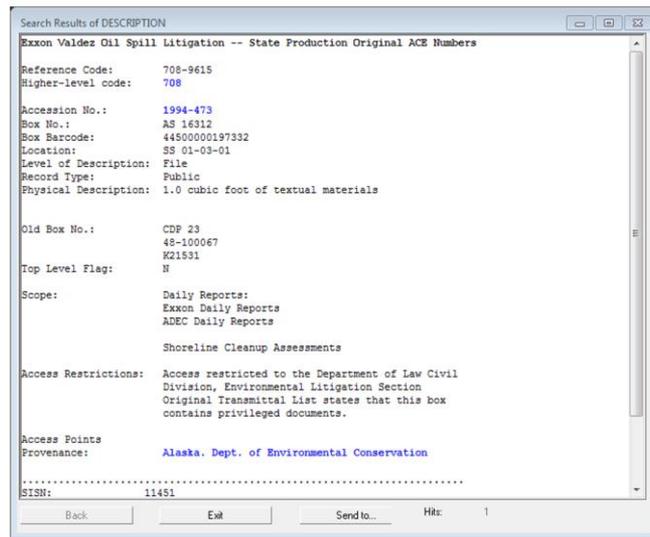
- *"Copied by Rich 10/19/92"*
- *"Copied with enthusiasm by Rich 10/19/92"*
- *"Copied not once, but twice by Rich 10/20/92")*
- *"Copied by Rich with promise & anticipation but commanded by the Hand of the Inevitable 10/20/92"*
- *"Copied in a manner most conducive to proper application of the combined talents of the xerox 1090 and Rich by Rich 10/20/90"*
- *"Copied with pride by Rich 10/20/92"*
- *"Copied with an enervating sense of fulfillment by Rich 10/20/92"*
- *"Copied with confusion by Rich 10/21/92"*
- *"Copied with tenderness, love and a deep sense for my responsibility to the public in general and my co workers specifically by Rich 10/21/92"*



Thank you to Rich Foehner for providing humor

"Rich spent all day in a copy room for 2+ years and found interesting ways to amuse himself." Kay Rawlings

MINISIS Entries



MINISIS is the in-house database of the State Archives. After creating a word document log of the material in all the boxes we had determined the Archives will retain, I transferred the information to the database, creating a record for every single box.

What's Left?

- Physical care: reboxing & refolding
- Work with our Task Force: addressing restrictions and public information and affairs issues
- Records still in Dept. of Law custody
- Publicizing the project
- Library Catalog Entry

Questions

Contacts:

Larry Hibpshman, Project Director

907-465-2241

Larry.hibpshman@alaska.gov

Sara Bornstein, Project Archivist

907-465-2271

Sara.bornstein@alaska.gov

Alaska State Archives

POB 110525

Juneau, AK 99811-0525

907-465-2465(f)

<http://archives.alaska.gov/>



Project Webpage

[Link to Exxon Valdez Oil Spill Litigation Records Appraisal and Processing Project webpage](http://www.archives.state.ak.us/valdezProject.html)

(<http://www.archives.state.ak.us/valdezProject.html>)

On the webpage you'll find:

- About the Project
- Oversight Task Force
- FAQs
- Links

Found among the litigation documents...

THOUGHTS TO GET YOU TEROUGH ALMOST ANY CRISIS

1. Indecision is the key to flexibility.
2. There is always one more son-of-a-bitch than you counted on.
3. If you ever find something you like, buy a lifetime supply, because they will stop making it.
4. All things equal, fat people use more soap.
5. You can't tell which way the train went by looking at the track.
6. Be kind, everyone you meet is fighting a tough battle.
7. This is as bad as it can get, but don't bet on it.
8. There is absolutely no substitute for genuine lack of preparation.
9. By the time you can make ends meet, they move the ends.
10. Happiness is merely the remission of pain.
11. Nostalgia isn't what it used to be.
12. Sometimes too much to drink is not enough.
13. The facts, although interesting, are irrelevant.
14. The world gets a little better every day and worse in the evening.
15. The careful application of terror is also a form of communication.
16. No one shred of evidence exists in favor of the idea that life is serious.
17. Someone who thinks logically is a nice contrast to the real world.
18. Things are more like they are today than they ever have been before.
19. The other line always moves faster until you get in it.
20. Anything worth fighting for is worth fighting dirty for.
21. Everything should be made as simple as possible but no simpler.
22. Friend may come and go but enemies accumulate.
23. It's hard to be nostalgic when you can't remember anything.
24. I have seen the truth and it makes no sense.
25. To live forever, acquire a chronic disease and take care of it.
26. Suicide is the most sincere form of self criticism.
27. If you think that there is good in everybody, you haven't met everybody.
28. If you can smile when things go wrong, you have someone in mind to blame.
29. One seventh of your life is spent on Monday.
30. The more you run over a dead cat, the flatter it gets.