July 20, 2010

We, the undersigned Gulf Coast advocates, support the efforts by Representative Maxine Waters (D-CA) in sponsoring the ***Gulf Coast Oil Spill Legal Liabilities and Claims Act of 2010***, which will ensure the victims of the devastating BP Deepwater Horizon Oil Spill are afforded every opportunity to pursue their claims. This legislation will preclude any legal releases and agreements from extinguishing or limiting tort liability for harm arising from the oil spill if the legal release or agreement was entered into under coercion or duress or was entered into in exchange for any benefit other than a settlement of pending claims. Further, this legislation will preserve the Gulf Coast States' right to sue BP and other responsible parties in state court rather than risk the removal of cases to federal court, as current law provides. Finally, this legislation will amend the Class Action Fairness Act of 2005 (CAFA) and preserve the Gulf States' right to sue BP and other liable parties under state law.

Shortly after the Deepwater Horizon explosion, BP officials reportedly offered struggling fishermen an instant $5,000 cash settlement in exchange for signing a waiver prohibiting them from suing the company for additional damages. BP officials also included legal waivers in its contracts with volunteer fishermen they hired to lay down boom in the Gulf waters in efforts to contain the oil spill and prevent it from reaching shore. BP has indicated the waiver requests were unintentional and have been withdrawn. Nevertheless, BP should never have taken advantage of these distressed fishermen and victims. BP was clearly attempting to exploit the situation, as many of these individuals could have been easily tempted to accept the settlement in order to pay monthly expenses. Congress must make certain that such waivers will not release BP or other responsible parties from liability.

None of the people who have been harmed should be denied their right to compensation because they were pressured to sign a release form when they had no way of knowing their legal rights or how much they had been harmed. Furthermore, the parties responsible for this disaster should not be able to avoid liability by coercing people into giving up their rights after they have lost their livelihoods.

No less important, the Class Action Fairness Act ("CAFA") was designed to facilitate the removal of class actions from state to federal court. However, some courts have interpreted CAFA to limit the rights of States to bring actions in State courts on behalf of their own citizens. Mississippi, one of the coastal States most impacted by the Deepwater Horizon incident, has expressed concern about the effect of CAFA on their ability to expeditiously pursue State law claims in State courts, which have more experience with State law. This legislation will ensure CAFA does not apply to such actions.

We know much more needs to be done to ensure that the communities affected by the BP Deepwater Horizon Oil Spill will be adequately and equitably compensated for their losses. This legislation sponsored by Representative Waters is a tremendous first start, however, and we applaud and support this effort.

Thanking you for your continued attention to this national tragedy, and imploring your steadfast advocacy on behalf of its victims, we are sincerely,

National Urban League
The United Church of Christ, Justice and Witness Ministries
Zion Travelers Cooperative Center – Phoenix, Louisiana
The North Gulfport Community Land Trust – Gulfport, Mississippi
Davida Finger, Esq., Loyola University New Orleans College of Law
David Underhill – Mobile, Alabama
Portersville Revival Group – Coden, Alabama
V.O.T.E. (Voice of the Ex-Offender) – New Orleans, Louisiana
Equity and Inclusion Campaign – Baton Rouge, Louisiana
NAACP – Biloxi, Mississippi Branch – Biloxi, Mississippi
Deep South Center for Environmental Justice – New Orleans, Louisiana
Mayday NOLA – New Orleans, Louisiana
Louisiana Bayoukeeper, Inc. – Barataria, Louisiana
Restaurant Opportunities Center – New Orleans, Louisiana
Clarence Roby, Jr., Esq. – New Orleans, Louisiana
Alliance Institute – New Orleans, Louisiana
Interfaith Worker Justice – New Orleans, Louisiana
Gulf Coast Coalition for Social & Economic Justice – New Orleans, Louisiana
Louisiana Oyster Association – Plaquemines Parish, Louisiana
Urban League of Greater New Orleans – New Orleans, Louisiana
Total Community Action – New Orleans, Louisiana
The Praxis Project/Katrina Information Network – Washington, DC
Women's Health & Justice Initiative – New Orleans, Louisiana
Jane Place Neighborhood Sustainability Initiative – New Orleans, Louisiana
Mennonite Central Committee--New Orleans, Louisiana
Federation of Southern Cooperatives/Land Assistance Fund – Gulfport, Mississippi
Moving Forward Gulf Coast, Inc. – Slidell, Louisiana

Mississippi Coalition for Citizens with Disabilities – Jackson, Mississippi
Lower 9th Ward Center for Sustainable Engagement – New Orleans, Louisiana
Center for Environmental and Economic Justice --Biloxi, Mississippi
Safe Streets-Strong Communities
OneStop Business Institute, Inc. – Mobile, Alabama
Louisiana Justice Institute – New Orleans, Louisiana