

Feinberg to fishermen: “Don’t blame the spill—life is unfair!”

Workers angry over decision to subtract “cleanup pay” from claims

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Gulf fishermen have reacted in anger to a decision made Friday by Obama’s appointee to oversee the “independent” claims escrow account funded by BP. Millionaire lawyer Kenneth Feinberg announced that he would subtract from any damage award the fishermen ultimately receive from BP money they have been paid for participating in the Vessels of Opportunity (VoO) cleanup program.

Through VoO, BP contracts local vessels in order to assist in highly dangerous oil containment and cleanup activities. Vessel owners reportedly earn about \$5,000 per month through their participation in the program. Fishermen say that BP is rejecting their boats over arbitrary requirements and that even among those declared eligible to participate, only a fraction have been put to use.

Now, according to Feinberg’s announcement, anybody who does participate in the VoO program and receives pay will have that money deducted from their total settlement amount.

Feinberg announced the ruling at a meeting with fishermen in Biloxi, Mississippi on Friday. Fishermen protested from the floor and some stormed out of the meeting in anger, declaring that it is now “pointless to work under the Vessels of Opportunity program, set up by BP to help clean up the damage” from the disaster, Reuters reported.

“This is totally the opposite of what was said at community meetings in St. Bernard Parish months ago,” said George Barisich, president of the United Commercial Fishermen’s Association. “Yes, you are working, but working with hazardous materials cleaning up their mess. Once they leave there is no telling what’s going to happen. You are working and

doing their work for them. But for the fact that they blew the well I wouldn’t have to be doing hazardous work.”

“How do you penalize someone for cleaning up your mess?” demanded boat owner Kimberly Chauvin.

The news of the new policy of subtracting cleanup pay from damage awards has heightened anger among fishermen who have encountered numerous hurdles in recovering anything approaching their lost income.

Although Feinberg frequently reiterates that he is not beholden to either the Obama administration or BP and that his standards of documentation are not stringent, news came last week that more than 40,000 of the nearly 100,000 Louisiana claimants receiving money from BP will see their checks reduced because their “claims files were incomplete”—i.e., not having sufficient documentation. BP will also reduce payments to fishermen beginning in the fall, “based on the seasonal nature of fishing activities, which will also result in a decrease in payments,” according to Kristy Nichols, secretary of Louisiana’s Department of Children and Family Services.

The *New York Times* reported a telling exchange between fisherman Joseph Buras and Feinberg. Buras explained to the claims administrator that the past two years have been bad for shrimpers because of low prices and high costs, and that therefore documentation wouldn’t show their normal income.

Feinberg responded with disregard. “If business was bad before the spill, I’m not a magician,” he said. “I can’t change that. At some point I have to say, don’t blame the spill—life is unfair!”

Feinberg’s decision that fishermen’s work in cleanup will count against their claims is only the latest

confirmation of the analysis made by the *World Socialist Web Site* the day after Obama and BP executives announced the Independent Claims Facility. We warned that the fund's purpose is to "defuse popular anger against both BP and the Obama administration, and to assure the financial markets that BP is in no danger of bankruptcy or criminal prosecution." (See: "Obama cuts deal to shield BP assets")

Feinberg has already all but ruled out approving claims for those he says are "indirectly" affected by the "perception" of the oil spill, including Gulf businessmen and homeowners who have seen their businesses close and home values decline but who cannot demonstrate direct contact with oil. Fishermen who operated on a cash-only basis will have to pay back taxes to be considered, Feinberg told National Public Radio.

Even were it to be fully distributed—and there is no reason to believe that it will be—\$20 billion represents only a small fraction of the damage inflicted on the people of the Gulf.

Feinberg is a veteran of defending powerful government and corporate interests. He negotiated claims settlements for the victims of the September 11, 2001 terrorist attacks on New York City in a bid to keep their families out of the courts, where it was feared suits might reveal uncomfortable facts about the Bush administration and military-intelligence standdown that took place in the leadup to the attacks.

Before being appointed by Obama as "Pay Czar," where he ensured multi-million dollar remuneration for CEOs at bailed-out Wall Street firms, Feinberg also negotiated class action settlement claims over workers killed by exposure to asbestos, the "Dalkon Shield" birth control device that killed and injured women, and the class action lawsuit of US Vietnam veterans who were victims of the chemical defoliant Agent Orange. (See: "Who is Kenneth Feinberg?")

The timing of Feinberg's decision is revealing. It came the day after BP claimed initial success in capping its runaway Macondo well and in the midst of an Obama administration campaign to drive the disaster "off the front page," as one Republican critic complained on Sunday.

Should the well be capped, the fishermen and others affected by the disaster can only expect Feinberg to

draw a harder line as the blowout fades from media attention.



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