Required Reporting of Oil Spills by Those Responsible Is Upheld by Supreme Court

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON—The Supreme Court upheld the federal government's authority to require those responsible for oil spills to report them, even when it leads to a fine.

The high court ruled, eight-to-one, that fines for water pollution from oil spills are levied in civil hearings and that persons who report spills don't enjoy any constitutional protection from self-incrimination.

The court turned aside the arguments of L.O. Ward Oil & Gas Operations which was fined $500 in 1975 when oil escaped from a drilling site near Enid, Okla., and spilled into an Arkansas River tributary. A federal appeals court based in Denver accepted Ward's argument that reporting of the spill, required by federal law, amounted to self-incrimination in violation of the Fifth Amendment to the Constitution.

Justice William Rehnquist, writing for the court, said there was "overwhelming evidence that Congress intended to create a penalty civil in all respects." The Fifth Amendment would apply only to criminal proceedings. By determining that hearings on the imposition of oil spill fines are civil, the court said the Fifth Amendment didn't apply. The court noted that there are separate criminal penalties for failure to report the oil spill in the first place.

Only Justice John Paul Stevens disagreed and said that the penalty levied against Ward was criminal in nature.

While the issue is an important one, the impact may be less than it would seem at first glance. According to papers filed with the Supreme Court, civil penalties were levied by the Coast Guard in 8,000 oil-spill cases in 1978, but only 350 involved possible self-incrimination.

In another action, the Supreme Court ruled Friday that a Washington, D.C., man who received worker's compensation benefits in Virginia could also apply for benefits in Washington that went beyond those in Virginia.

The worker, Halley Thomas, injured his back in 1971 while operating an air hammer in Virginia for Washington Gas Light Co. He won compensation benefits from Virginia and applied for additional benefits in Washington. An examiner at the U.S. Labor Department, which is responsible for the worker's compensation program in the District of Columbia, ruled for Mr. Thomas. But a federal appeals court reversed the examiner, saying the award in one state precluded an award in another.

The issue was a constitutional one, centering on part of the Constitution that requires states to give "full faith and credit" to the acts and laws of other states. However, of the seven justices ruling in Mr. Thomas's favor, only four addressed the constitutional question. The four justices, in an opinion by Mr. Stevens, issued a broad ruling that the Constitution doesn't preclude dual claims under two states' worker's compensation laws. Three justices, in an opinion by Justice Byron White, took a much narrower view, simply concluding that Virginia's law didn't preclude a later claim in Washington.

Justice Rehnquist dissented, joined by Justice Thurgood Marshall.