

CHRISTOPHER K. JONES

**BROTHER OF GORDON LEWIS JONES,
WHO DIED ABOARD THE *DEEPWATER HORIZON***

**HEARING BEFORE THE SENATE COMMITTEE ON
JUDICIARY: “THE RISKY BUSINESS OF BIG OIL:
HAVE RECENT COURT DECISIONS AND LIABILITY
CAPS ENCOURAGE IRRESPONSIBLE BEHAVIOR?”**

**HEARING DATE AND TIME-JUNE 8, 2010 AT 10:00 A.M.
DIRKSEN SENATE OFFICE BUILDING-ROOM 226**

**Testimony Before the Senate Committee on Judiciary
United States Senate
June 8, 2010**

***Damage Caused by Transocean Deepwater Horizon
Explosion – A Brother's Statement***

Christopher K. Jones

Chairman Leahy, Ranking Member Sessions, and other members of the Committee, Thank you for the opportunity to appear before you today to tell you how this disaster has affected the lives of my family and the lives of the many other families impacted by this tragedy.

My name is Chris Jones. Seated behind me is my father, Keith Jones. Gordon is my only brother. Gordon is survived by his wife, Michelle, and two sons, Stafford and Max. Stafford is 2 and Max was born three weeks ago. Gordon is also survived by a mother, sister, in-laws and other family members, and many friends who miss him very much. Words cannot describe what Gordon meant to this family. And I hope this statement will give you a better understanding of the anguish experienced by all of us and the struggles and heartache we can expect in the future.

I appear before you as a representative of only one family affected by this accident. Unfortunately, there are many more. At a recent memorial event for the eleven men who died aboard the *Deepwater Horizon* I spoke with some of the other family members. We stood together during a service no one should ever have to experience. Although we never met before this disaster, I want those other family members to know that we grieve for them and are committed to telling our story so we can try and correct the inequities in the law and so no one else will find themselves in this situation in the future.

Of course, you are aware that Gordon died aboard the Transocean *Deepwater Horizon* oil drilling rig. He was employed by M-I Swaco, a contractor for BP

hired to provide mud engineering services aboard the rig. He had worked aboard that rig for the past two years and was excelling in his profession. As many rig workers do, Gordon expected to spend his time on the rig, gain experience and continue to advance with his company. He never got that opportunity.

As an example of Gordon's thoughtfulness and good nature, I want to tell you about how he found himself at the immediate location of the explosions that fateful night. Although his shift did not start until later in the night, Gordon relieved a fellow mud engineer before his shift was up. He relieved him early so the mud engineer could head to bed. A few days after the accident, that mud engineer drove to Michelle's house to make sure she told Stafford and Max their father saved his life.

[Show Picture No. 1]

This is a picture of the fort Gordon built, with Stafford's help, for Stafford and Max. It sits in the middle of the backyard of their home. Although you may not be able to tell, it is not finished. Gordon planned to finish it when he returned home. He will never get that chance. Certainly, others will step in to make sure it is finished and try to fill the tremendous void left by Gordon's death. But this is yet another example of an incomplete life and what has been lost. I am at least comforted that it will be finished, and Stafford and Max will enjoy it for years to come and know their father built it for them.

[Show Picture No. 2]

The next picture is taken shortly after Max's birth. Notably absent is Gordon, whose presence in the delivery room was limited to a single family photograph.

[Show Picture No. 3]

Lastly, I show you possibly the last picture taken of Gordon before his death. It is taken just after Gordon gave Stafford his first golf lesson, an experience Gordon thoroughly enjoyed. You can see the joy in their faces. I am saddened

that neither will experience this same joy again.

I want to take this opportunity to address recent remarks made by Tony Heyward, CEO of BP. In particular, he publicly stated he wants his life back. Well, Mr. Heyward, I want my brother's life back. And I know the families of the other ten men want their lives back. We will never get Gordon's life back and his wife will live a life without a husband and her two children a life without a father.

The last time I was here I walked in front of the United States Supreme Court. At the top of that building is the phrase "Equal Justice Under Law." As a United States citizen, and as a lawyer, I agree with that principle. Unfortunately, it does not exist in the cases of deaths occurring in federal waters. This is not a phrase that applies to Michelle, Stafford and Max in this instance. That is not right and I ask you to change the Death of the High Seas Act to ensure these families are protected by equal justice under law. I do not make this request only for my family, or the families of the other 10 men. Rather, I make it also for any families who could find themselves in our same position, and who will quickly learn that our current laws do not protect those who need it most.

I want to be very specific. We are asking you to amend DOHSA to allow for the recovery of non-pecuniary damages. Currently, Michelle, Stafford and Max can only recover pecuniary damages, comprised of Gordon's future lost wages minus income taxes and what Gordon would have consumed himself.

Stafford and Max will never play in the Father/Son golf tournament at the local golf course with their Dad. They will never go with him to breakfast at Louie's near LSU on a Saturday morning. They will also never see how proud their father would be after they caught their first fish out of False River. Likewise, Michelle will never again experience a quiet dinner at home after a hard day with her true love. She will also never celebrate another wedding anniversary. Gordon and Michelle were looking forward to celebrating their next one on April 23rd, three days after this accident. Most recently, Michelle did not have Gordon there to comfort her in the delivery room and tell her how much he loves her and the beautiful baby we now call Maxwell Gordon. These are all

experiences, among many, many others, for which there is no compensation under the current law for maritime victims.

The overwhelming impression I have gotten from the parties responsible for Gordon's death, besides that no one wants to take responsibility for it, is that they are immunized by the current law. Under the current law there is a finite, maximum amount that Michelle and her boys can recover, and nothing more. Think of it as a drastic liability cap. While some, but certainly not all, of these same parties express their sympathies, and claim to want to do the "right thing," they can also hide behind the law and say they are protected from doing any more. As an example, like in Transocean's case, they seek protection under laws like the antiquated Limitation of Liability Act to limit the recovery of victims killed on their rig, as well as all other persons harmed by the resulting oil spill.

There is, of course, an exception for recovery of non-pecuniary damages under DOHSA. After a tragic plane crash that occurred in federal waters in 1996, this Congress passed a retroactive amendment to DOHSA to allow for the recovery of non-pecuniary damages. But, that recovery was limited only to commercial aviation victims. Currently, while victims of airline accidents are allowed recovery of these damages, victims of all other accidents occurring in federal waters are not, including aboard cruise ships, ferry boats, and in this instance, oil rigs where hard working men make their living to support their families.

During this past month and a half I have gained tremendous perspective on things. Certain things that I thought were important before April 20th are just not important any more. This is important. This is important to Michelle, Stafford and Max, and all the other families affected by this tragic event. This is also important to the other families who, unless things change, will experience the same anguish after another similarly tragic event. You have an opportunity to make this right and provide some comfort to the families who loved these men. I ask you to please create equal justice under law for these families.

Thank you, my father and I are more than happy to answer any questions you may have.