

# Government charges low-level BP employee in Gulf oil spill

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United States FBI agents arrested former BP engineer Kurt Mix this Tuesday on charges of obstruction of justice. More than two years after it happened, Mix is the first and so far only person charged in relation to the Deepwater Horizon oil spill in the Gulf of Mexico, the worst environmental disaster in American history.

The federal government is bringing charges against Mix for allegedly seeking to cover up the extent of the spill in the weeks after the initial explosion on April 20, 2010, which killed 11 workers. However, the Obama administration itself worked closely with top BP officials to downplay the scale of the spill, despite warnings from independent and government scientists.

Mix is accused of deleting hundreds of text messages from his phone in 2011, after federal investigators sent him several “legal hold” notices barring him from withholding or deleting evidence. The texts, most of which have been recovered by the FBI, contradict BP’s official pronouncements at the time of the spill, which grossly underestimated the size of the spill in an effort to protect the company’s bottom line.

When BP attempted to plug the hole with drilling mud and pieces of rubber and plastic, a process known as a “top kill,” BP’s CEO and COO publicly estimated that the procedure had a 60-70 percent chance of success, and furthermore that the extent of the spill was irrelevant to the process.

These pronouncements came about a week after a team that included Mix determined that, according to one text to an anonymous supervisor, the “top kill” was doomed to failure. In the words of Mix, there was “too much flowrate—over 15,000 [barrels] and too large an orifice.” The affidavit also notes that BP’s stock plunged 15 percent the day after the company announced the failure of the top kill in late May, more than a month after the explosion.

The affidavit, while ostensibly concerned with the criminal actions of a single, relatively minor individual associated with the disaster, implicitly acknowledges that BP’s CEO and COO deliberately lied to the public about the true extent of the disaster.

BP responded by seeking to pin the entire blame on Mix, saying that the company “had clear policies requiring preservation of evidence in this case.” The government also noted in court filings the instructions from BP that text messages needed to be preserved.

One impact of the prosecution is to divert attention away from the circumstances that led up to the deadly explosion and the spill—including relentless profit-driven cost-cutting by the company, abetted by government agencies.

The prosecution of Mix will be aimed not at exposing the real culpability for the BP disaster, but at covering it up. This has been the role of the Obama administration from the beginning. A catastrophe was made incalculably worse by the Obama administration’s fawning attempts to accommodate BP’s attempts at damage control.

In the days after the spill, the administration parroted BP’s line that any spill was minimal. Government and company officials cited a figure of, at most, 1,000 barrels a day. Coast Guard Admiral Thad Allen, placed by the administration at the head of the government’s response, declared at the time, “I trust [BP CEO] Tony Hayward.”

The oil giant was left essentially in control of the cleanup of a disaster entirely of their own making. BP immediately set to work limiting reporters’ access to the spill and banning all contact between cleanup workers and the media, a policy that was enforced by local police and the Coast Guard. BP also refused access by scientists to the spill itself, which would have made possible an accurate estimate of the flowrate.

Despite these efforts, scientists began making independent estimates of the scale of the disaster by the

end of April—well before BP attempted its “top kill” procedure. On April 28, Ian MacDonald, an oceanographer at Florida State University, issued an estimate of 30,000 barrels a day, 30 times the figure given by BP and the government.

In response, the government issued a revised estimate of 5,000 barrels a day, which was not based on any scientific study. This figure was taken up by the media as the accepted number for several weeks. In mid-May, after BP finally released short video of the underwater blowout, several independent scientists released estimates ranging from 20,000 barrels a day to 100,000 barrels a day. These were simply ignored until after the top kill method was attempted.

The administration’s policy of acting as attorney for BP was continued in the wake of the disaster. When it became clear that resulting fines and litigation could potentially ruin the company, the Obama administration rushed to its aid, capping liability at \$20 billion and establishing the Gulf Coast Claims Facility, which required all those seeking compensation to waive their right to sue.

BP recently reported a profit of \$26 billion in 2011. Earlier this month, the company finalized a government-brokered settlement valued at about \$7.8 billion, far below the \$20 billion cap.

If convicted, Kurt Mix could face up to 20 years in prison. Meanwhile, the real criminals have yet to be prosecuted. While some in the media have suggested that Mix’s arrest could lead to other arrests, the government’s culpability in the disaster makes clear that top officials will remain untouched.

Furthermore, the larger culprit, capitalism, will continue to be held as inviolate. However, the fact remains that as long as private corporations are allowed to exploit natural resources for private profit, similar disasters will not only be likely, but inevitable.

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