



## BP

**The Indictment: You are charged with causing the oil spill in the Gulf of Mexico. Through carelessness and self-interest, you have set a disaster in motion that is killing this region. Because of your irresponsible actions, vast regions of the gulf are turning into a dead zone; ecosystems and endangered species will be destroyed. Human communities, jobs, and economies will be devastated.**

- You were in charge of the Deepwater Horizon drilling project; you are guilty of the spill. You put us all at risk so you could make money. You hired the contractors who built the well. Your engineers designed the project and calculated the risks. You have shown a systematic disregard for safety, especially when safety measures would decrease your profits.
- You have the worst safety record of *any* oil company. Since 2007, U.S. regulators have charged BP with 760 “egregious and willful” safety violations.
- You have demonstrated in previous cases that you put cost-saving above safety. At an oil refinery in Texas, you constructed cheap buildings that could not survive an explosion. The refinery was cited many times for safety violations. When it did explode, 15 workers were killed. BP documents proved that you were aware of the safety problems and thought it would be cheaper to pay off families should an explosion occur. You pleaded guilty to a felony after this was made public. You have a history of shameful, greedy decisions, so what has happened in the gulf comes as no surprise.
- You are notorious for using shoddy construction in your drilling projects. Your own contractors, including Halliburton, warned you about dangerous changes you requested in order to decrease the cost of drilling this well. For example, Halliburton warned you that single-walled piping would increase the risk of a severe explosion. Despite these warnings, you ordered them to proceed.
- You have worked hard to corrupt federal employees and roll back regulations. You have given free trips, made bribes, and systematically weakened the work of auditors. You have behaved in a corrupt and dishonest way.
- You have continued to drill in riskier and riskier conditions. You should know the difference between knowing *how* to drill and deciding whether it is safe to drill. You insisted that you could contain any blowouts and were wrong.
- You submitted worst-case scenarios in your drilling application to the U.S. government. These scenarios predicted a maximum blowout that was a tiny fraction of what occurred. Your application was incomplete and contained many factual errors. You never filed a spill response plan (it was never written).
- Contractors working on your project warned of problems with the rig and predicted disaster. For example, a worker who survived the explosion reported that he had seen part of the blowout preventer broken off of the rig. He also reported that the spill started before the larger explosion. You could have prevented the spill if you had only listened to your own employees.

### Possible defenses:

- You are a for-profit company. You are responsible to your shareholders and your No. 1 priority is making sure they get a good return on their investment.
- It is the job of the government to regulate your business; you should not be doing their job. It is natural and expected for you to push for deregulation; it is the job of the government to keep you honest.
- You really didn’t break any laws. It is the job of elected officials and people of the United States to tell us which laws you must follow.
- You have provided many high-paying jobs to Americans, particularly in economically depressed areas in the gulf.
- The risks you took drilling were necessary to supply the growing demand for oil. You were simply trying to keep oil flowing and keep costs down for consumers.
- If one of your contractors did low-quality work and covered it up, you are not responsible for their mistakes.



## The Government of the United States

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- People want to blame the Bush-Cheney administration for cozying up to energy companies like BP and going soft on regulation. In fact, both the Bush and Obama administrations are to blame for the catastrophe in the Gulf of Mexico. Let's go over just some of your mistakes.
- The Bush administration deregulated the oil drilling industry systematically and completely. The Minerals Management Service (MMS) was criminally corrupt. Applications for drilling, while required, were not actually reviewed. Companies were "highly recommended" to submit a spill response plan, but it was not required. Laws were barely enforced.
- You have encouraged consumer culture and oil addiction at every turn. After 9/11, didn't you tell people of the United States to get out their homes and start shopping?
- You pressured your own scientists to take out warnings about wildlife and spill impacts from environmental reports. You allowed companies to write their own reviews.
- In 2006, BP was responsible when 250,000 gallons of crude spilled from an Alaskan pipeline. The EPA recommended a \$672 million fine; the Bush administration reduced the fine to \$20 million. By backing down and lessening penalties, BP has not been punished for previous offenses. Why would they ever change if you didn't make them change?
- The Obama administration promised to overhaul MMS, but reforms were spotty and you kept many corrupt officials in power. While stating that you were against offshore drilling in the campaign, you quickly changed course once elected and pushed for more offshore drilling. The drilling expansion you are proposing is bigger than anything seen during the Bush administration.
- You approved the application for the Deepwater Horizon well in February 2009. There is no evidence the application received a serious review before it was approved.
- You have a cozy relationship with the oil and drilling industry. Some of your agency employees are former oil executives.
- After the spill, and under your direction, NOAA (National Oceanic and Atmospheric Administration) scientists have been silenced. You have not shared accurate spill rate estimates, have kept quiet about environmental consequences, and have withheld information about the underwater oil plume.
- Four weeks after the spill, Secretary of the Interior Ken Salazar continued to push for an expansion of offshore drilling.
- BP has had a long history of corruption and profit-making no matter the cost. It was your job to identify this pattern and stop making deals with them. It was your job to create and enforce the regulations found in nearly every other country with offshore wells. As one of your own scientists said, putting BP in charge of the drilling and capping of the well was "like a drunk driver getting into a car wreck and then helping the police with the accident investigation."
- It is your job to protect our most important natural resource: a healthy environment. The government should be the single most important force in protecting the environment. You opened huge regions of the gulf to drilling without seriously considering the negative impacts.
- It is your job to create strong, sustainable economies in our country. BP is a foreign company and most of its profits leave our shores. In addition, your negligence has destroyed many small businesses in the gulf. Fishing and tourism will collapse in these areas for the foreseeable future.
- Your efforts to decrease oil consumption through legislation are unimpressive, and that's putting it mildly. It took nearly 30 years for the U.S. government to increase fuel efficiency standards in cars. By 2016 the average U.S. car will reach 39 mpg of gasoline. Compare that to Europe: New laws there will require

cars to operate at 47–52 mpg by 2012. Banning fuel-guzzlers and increasing gas prices could create the economic incentives needed for U.S. consumers to choose alternatives to oil. It is your job to create the laws that will wean us off our oil addiction.

**POSSIBLE DEFENSES:**

- You are elected by the people. If there have been any “crimes” committed, then blame the people; they put you in power.
- Our heavy dependence on foreign oil has led to war and terrorism (just to name a few of the consequences). You must do everything you can to create domestic energy sources.
- You were given false information from oil companies about the safety of the drilling rigs. You based your decisions on bad and dishonest information.
- If drilling were to be banned or heavily regulated, our economy would experience immediate and serious consequences.
- With all of the things on your plate (wars, economic disasters, etc.), reorganizing MMS did not seem like a top priority; how could you have predicted the scale of this disaster?
- You have already created incentives for U.S. citizens to increase energy efficiency. For example, you have given a huge tax credit to homeowners who make energy-efficient upgrades. Passing legislation is hard work; you should get credit for the efforts you have already made.



## People of the United States

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- Oil exploration and drilling pushes forward because you demand the product. You represent about 5 percent of the world's population, but consume more oil than any other country on Earth. China, with more than four times your population, comes in second. And they consume just one third of the oil that we do. So face the facts: This spill happened because of your addiction to a dangerous product.
- Let's go into just some of the ways you are addicted to oil:
  - You continue to drive and purchase gas-guzzling cars when smaller fuel-efficient cars are on the market.
  - You live in houses that are too large and take a lot of energy to maintain (the average new house is double the size it was in the 1970s).
  - You spend huge amounts of time shopping for products you really don't need. It takes oil to make many raw materials and packaging. It takes oil to manufacture and ship these products.
- Nearly 70 percent of people in the United States support the expansion of offshore drilling. (Note: this percentage has barely dropped since the oil spill). You have pushed hard for more drilling. What will it take for you to reconsider the wisdom of drilling near our coasts?
- You can't blame BP. BP is a corporation, behaving how big business should be expected to behave. It is your job to push your elected representatives to regulate businesses that could cause us harm. Public pressure can work wonders on politicians. Why didn't you stand up and demand that companies like BP were operating safely? Why didn't you make sure the environmental impacts were considered? A public that is asleep at the wheel shouldn't be surprised when

politicians and companies are corrupt. It is your job to keep them honest.

- You live in a democratic society. You have a free press. It is your job to learn all you can about the things you buy and the politicians you elect. If you ended up making bad choices, you are responsible for the outcome.
- You consume products that cause environmental disasters all over the world. Isn't it hypocritical if you only get upset when a disaster like this happens in your own backyard? When you've caused a problem in some other part of the globe, you behave as if it isn't real. The chickens have come home to roost.

### Possible defenses:

- You are just one citizen in a country of more than 300 million. You can't understand something as complicated and technical as offshore drilling. It's impossible to have an informed opinion about every business and industrial practice.
- Your consumption habits can be blamed on our consumerist and capitalist culture. As one individual, you are part of a system you don't control. It's true that you buy consumer goods, but you'd prefer that these be produced with clean energy that doesn't pollute.
- Isn't it the jobs of your elected officials to speak for you? That's why you voted for them. Their corruption or incompetence can't be blamed on you.
- Look at all the commercials for "green" products. Haven't you already created a demand for products that use less oil?



## People of the Gulf States *(Louisiana, Mississippi, Florida, Texas, Alabama)*

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- You live in the Gulf Coast region. You've seen the damage caused by oil spills and refinery pollution in the past. You've heard the warnings from environmental groups. You ignored them. In fact, you consistently elect pro-oil politicians. In 2006, the U.S. Senate passed an amendment that opened up the western Gulf of Mexico to offshore oil drilling. In 2008, George W. Bush ended a decades-old moratorium on offshore oil drilling. In April 2010, a Chevron pipe leaked 18,000 gallons of oil into the Delta National Wildlife Refuge in Louisiana. Where were your picket signs and TV interviews then? At any of those key moments, did you speak out against drilling for oil? No. In fact, you not only let the majority of your states' elected officials push for more oil and gas exploration off your coast while they chanted "drill, baby, drill," but you actually rewarded these oil-backed politicians by re-electing them to Congress, and the presidency. You seemed to cheer later when President Obama announced his support for expanding offshore oil drilling in early 2010. Now that your coast is drenched in oil, your beautiful beaches are sullied, and your livelihoods are destroyed, you cry out in anger. You seek compensation for lost wages. You trusted the oil companies with your most precious possessions—your air, land, and water. Would you hire a known serial killer as a babysitter? Would you let a convicted arsonist housesit for you while you go on vacation? Of course not, but still to this day, you open your arms to oil companies like BP.
- You glorify the oil industry. You have allowed it to become a central part of your economy and culture. The oil industry estimates that one out of every three jobs in your region is related to oil drilling, piping, and refining. In Louisiana alone, the oil and gas industry directly and indirectly supports \$12.7 billion in household earnings a year. Even your high schools bear mascots like "the Oilers." When you let such a potentially dangerous industry like oil drive so much of your economy, your region is a disaster waiting to happen. Plus, oil is a finite resource; it's going to run out eventually, and many say sooner rather than later. What will your economy be like then? What are your other major industries? Fishing and tourism. This single oil spill has become a triple whammy, devastating to your whole region. Why haven't you diversified your economy with cleaner, more sustainable industries?
- You are to blame for this tragedy because you ignored the warnings by scientists and environmental groups. You have spurned environmental organizations like the Sierra Club and Oceana, who have pushed for a ban on offshore oil drilling. Did you sign their petitions? No. Most of their signatures have come from non-Gulf Coast urban cities like Seattle, Portland, Los Angeles, San Francisco, and New York.
- Many years prior to the Gulf oil spill, the agricultural industry in your region has polluted the rivers with so much pesticide, fertilizer, and hog and cow waste, the Gulf of Mexico has had a 3,000-mile dead zone where sea life dies due to low oxygen levels. You're crying foul over the BP oil spill, but if you really cared about your resources, you would have done something about those factory farms much, much sooner. This oil spill is just a continuation of the type of destruction people like you have let happen for a long, long time.
- Those of you who work in the fishing, shrimping, and oyster industries have already stressed the sea life of the Gulf of Mexico, even before the oil spill occurred. Now, you've blamed BP and the federal government for endangering the Gulf of Mexico's fish, but for years you knew some of your own techniques (trolling, trawling, long lining, shrimp netting, and shrimp farming) were bringing many species of fish to the brink of extinction. Often the most endangered species are caught by accident when fishers or shrimpers go after other non-threatened species. Shrimpers in the Gulf of Mexico are widely considered the worst in the U.S., discarding more than 1 billion pounds of fish every year! This practice has imperiled marine life such as red snapper, bluefin tuna,

loggerhead turtles, striped bass, sharks, and whales. If you had cared more for the resources you depend on, this oil spill would have had a much smaller impact.

**POSSIBLE DEFENSES:**

- Blaming you is like blaming a gunshot victim for not wearing a bulletproof vest. Sure, like any crime victim, you could have taken better precautions. But you didn't drill for oil over a mile under water. You didn't cut corners. You didn't lie about the extent of the disaster.
- The poverty in your region is not of your making. Northern states have always earned the lion's share of government earmarks, and Southern states continuously get short shrift due to regional biases in Congress.
- The gulf states' elected officials are in office because of a corrupt system in which wealthy corporations have immense power. Residents like you have never supported oil-backed politicians, but your voices are drowned out by the wealthy special interests.
- Everyone in the United States is to blame for the spill, not just the people in this region. They're the ones paying for the oil in their cars, which, in turn, pays for the powerful oil industry lobbyists who can get what they want so much easier than people who fish, or run a local hotel.



## Global Capitalism

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- It's tough to accuse a system of being responsible for a crime. We tend to think of individuals or maybe groups of people committing crimes, but a system? In capitalism, the rules are simple. Make profits and you survive and prosper. Fail to make a profit and you don't survive. What doesn't show up as profits is invisible to you. It doesn't count; it doesn't exist. Oil is a highly profitable commodity—more profitable than any other industry in the world. Healthy communities, vibrant cultures, and a healthy ecosystem are hard to quantify in dollars, so those things become invisible, or worse, expendable. Under capitalism, short-term profits of corporations like BP trump everything else, even life itself. The gulf oil spill is a perfect example of this system's outcome.
- Sure, capitalism will produce ingenious new technologies. But only so long as there is a profit, which relies on consumption. Since there is no profit for reducing energy use and consumption, those things will not be embraced. So, oil will continue to be drilled, piped, and shipped around the world, which means there will always be spills like the Deepwater Horizon.
- Capitalism has pushed forward the notion that corporate research and technology can solve all problems, can tame any of nature's obstacles, and that companies can manipulate and re-engineer nature with minimal risk to the natural systems that sustain us. Capitalism has duped people into thinking that resources and raw materials are infinite—all that's needed is a little ingenuity. This way of thinking has encouraged deeper and deeper drilling in sensitive areas of the world.
- Disasters like the Deepwater Horizon spill can be very profitable for some companies and corporations who have figured out how to make money when there is an environmental disaster or a war. This is called disaster capitalism. Disasters offer new profitable markets for makers of equipment and those who have "technical expertise." Often, federal and state governments are all too happy to give those companies contracts using taxpayer money. In such a perverse system, there is actually an incentive for reducing government regulation and allowing disasters like these to occur.
- One German company, Kässbohrer, has seen its stocks jump dramatically since the oil spill. Its "Beach Tech" beach cleaning machines might be used to filter oil from the beaches. Plus, as their website points out, "The polyethylene finisher provides a nice groomed look on your surface, pleasing all your beachgoing customers."
- Another example, a company from Wilsonville, Oregon, named FLIR Systems, usually makes money by selling night-vision equipment to the U.S. Army and for border patrol along the U.S.-Mexico border, but in the gulf, they've found a way to use the same equipment to spot oil in the ocean. FLIR Systems has already sold more than \$100,000 worth of night-vision equipment for the oil spill cleanup.
- Investors, too, can get in on the action. In a recent Forbes article titled "How to Profit from the Oil Spill," Cassandra Toroian writes that short-term loss in property values in the gulf states "can be a gain for a home buyer in the market for a vacation home."
- Some companies, like Dawn detergent, have benefited from the increased marketing opportunities provided by oil spills. "An oil spill is exactly the situation where Dawn is able to help and exactly what we want communicated about the product: tough on grease, yet gentle," one representative said.
- The market, capitalism, the profit system, neoliberalism. These days you go by lots of names. But whatever we call you, the facts remain: You have no heart, no empathy, no conscience. Profit is the only objective. And the problem is that all the benefits from damaging ecosystems in the drilling, shipping, and refining processes, as well as polluting the atmosphere with greenhouse gases, are private, and all the costs will be borne by people—mostly poor people—around the world.

- You can blame the transnational oil companies, if you like. They are the ones that extract oil, refine oil, sell oil—oil that gets burned for energy and results in carbon dioxide emissions. Or you can blame elected officials who allow campaign contributions to influence their decisions, or the auto companies or people of the Gulf of Mexico. But they all behave the way they do because of the rules of the capitalist system: Do whatever yields the greatest profit. It is a system that demands grow, grow, grow; buy, buy, buy; sell, sell, sell; profit, profit, profit. And every day, as a result, places like the marshes near Plaquemines Parish, Louisiana, get trashed and endangered species go extinct.

**POSSIBLE DEFENSES:**

- Only humans can be charged with crimes.
- It will be the profit system—global capitalism—that will save humanity. People will develop green technology not because they are different kinds of people, but because they can make a profit from saving the planet.
- No one forces anyone to buy a polluting car or to use polluting energy. Human choice is at the root of what happens in the world, not the profit system.



## Environmentalists

**THE INDICTMENT: You are charged with causing the oil spill in the Gulf of Mexico. Through carelessness and self-interest, you have set a disaster in motion that is killing this region. Because of your irresponsible actions, vast regions of the gulf are turning into a dead zone; ecosystems and endangered species will be destroyed. Human communities, jobs, and economies will be devastated.**

- You are supposed to be the ones fighting for the environment because the endangered species and critical habitat cannot speak. Yet, when President Obama declared his support for offshore oil drilling, many of your organizations remained silent since you supported him for president in the first place. You also made the calculation that Obama's pro-drilling position comes from a desire to pass Climate Change legislation. This is something environmental groups want more than anything else because climate change has such far-reaching impacts on the environment. Your silence on offshore oil drilling was really an invitation for industry to trash the coasts of our country.
- You, the people working for environmental organizations like Sierra Club, Natural Resources Defense Council, the Nature Conservancy, and Friends of the Earth, are often called elitist and fringe. Why? Your focus on increasing organizational membership and lobbying has caused your organizations to collect members where the large population centers are—cities. Then, you spend millions of dollars preaching to the choir. You have become a movement for well-to-do, white, college-educated liberal Americans, despite the fact that those suffering from environmental pollution are disproportionately people of color and people in poverty. So, it's the white, college-educated liberals whose neighborhoods and communities get protected. You may not realize it, but your movement has further alienated and marginalized people like Monique Harden, an African American lawyer in Louisiana, who said, "Our communities, our families, don't have a political voice. We don't wield political power and thus,

we're expendable." You, environmentalists, could have and should have done something to help Monique and her community.

- You have also done a poor job reaching out to small business owners, and people who depend on nature for their livelihoods. As a result, when you call for people to speak out against offshore oil drilling, your message is largely ignored by many of the fishermen, hotel owners, and tour boat operators who live along the coast in the Gulf of Mexico.
- At a time when Americans are most concerned with the economy, you have failed to show Americans how voting for environmental protection is also beneficial to their wallets and their local economies. You seem to wait until a disaster like the BP oil spill occurs before trying to point that out, which then seems like you are profiting from these disasters, as your membership increases.

### POSSIBLE DEFENSES:

- You spend every minute of your day trying to keep disasters like the gulf oil spill from happening. It is not your fault Americans are not listening to your warnings.
- The corruption in government makes it nearly impossible for your organizations to effectively fight back, when wealthy oil corporations have seemingly unlimited funds for lobbyists and political action committees. Your inability to stop offshore oil drilling in the Gulf of Mexico should be blamed on those corporations, not you.
- Even if sometimes you could be more effective, it's ridiculous to blame you for the disaster in the gulf. You weren't the ones who drilled for oil over a mile under water; you weren't the ones who didn't invest in safety; you weren't the ones who lied about the extent of the disaster.
- It's the environmental movement that represents the hope for a better future—one that does not depend on fossil fuels. Not only are you not responsible for oil spills, if not for your work, there would be many more disasters than have already occurred.