

## Justice Department 0-5 In Felony Convictions From Blowout In Gulf

The impact of the blowout of the Deepwater Horizon six years ago will be felt for many years to come. The economic and environmental aspects have been staggering.

But for five individuals the long and agonizing trail ended recently when the last BP employee charged with ignoring warning signs leading to the explosion was found not guilty by a jury in New Orleans. The U.S. Department of Justice (DOJ) brought criminal charges against five individuals, but could not get a single felony convictions.

Actually, the Justice Department tried to turn a series of equipment failures and mistakes made by several companies into a criminal act conducted by five employees. BP was the operator that hired Transocean Ltd. to drill the well from their drill ship and Halliburton to provide the technical services. It was later learned that the blowout preventer failed to close properly, and other safety equipment failed.

Initially the DOJ brought some 50 criminal charges that resulted in only three misdemeanors negotiated through guilty pleas.

The last trial ended on Feb. 25 when a jury found Robert Kaluza, the well site leader in charge just before the explosion, not guilty. He had been accused of negligence that led to the deaths of 11 workers on the drilling rig.

He was charged with 11 counts of Seaman's Manslaughter, which were dismissed, and 11 counts of involuntary manslaughter, which were withdrawn. He was found not guilty of violating the Clean Water Act.

Lawyers for Kaluza argued that the explosion was an accident and not a crime.

Previously, Donald Vidrine, the BP well site leader who was in charge when the explosion happened, also had 11 counts of Seaman's manslaughter dismissed and 11 counts of involuntary manslaughter withdrawn. However he did plead guilty to violating the Clean Water Act on the condition that he receive probation.

The other BP employee who pleaded guilty to a misdemeanor was Kurt Mix, a drilling engineer who played no role in the events leading to the spill. He was brought in to kill the well, but DOJ charged him with two counts of obstructing justice because he had deleted some texts from his iPhone.

After four years of court battle, DOJ dismissed the last remaining obstruction charge against Mix on Nov. 6, 2015.

Three days later, Mix wrote about his account of the events that followed the blowout in the Wall Street Journal with the headline "I Was an Oil Spill Scapegoat."

"My case centered on the fact that I had deleted from my iPhone two extended text-message conversations, one of which was almost entirely personal; the other included personal texts as well as material related to our effort to kill the well," Mix wrote. "I acknowledged from day one that I had deleted the texts. Any information related to our work, including flow-rate simulations, was fully addressed in the thousands of emails and documents I gave investigators."

He said that through the help of a forensic expert, the deleted messages were retrieved and given to DOJ in September 2011. "I certainly had meant no harm and thought that would be the end of it. I was wrong," he wrote.

As his case dragged on, DOJ offered Mix a deal: If he would plead guilty to a misdemeanor for deleting the text messages (something he had already admitted), they would drop the felony charge. He wrote that he accepted their offer "to protect myself and my family from any further entanglement with the criminal-justice system."