

The Bush Administration's Department of Justice Sheltered BP Executives From Criminal Probe

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EPA criminal investigator Scott West spent thousands of hours investigating alleged crimes committed by BP — that would have resulted in felony charges — but President Bush's DoJ abruptly shut his investigation down, sheltering BP executives from prison

Tensions between the Obama administration and the scientific community over the Gulf oil spill are [reportedly](#) escalating — prominent oceanographers are accusing the government of failing to conduct an adequate scientific analysis of the damage and of allowing BP to obscure [the true scope of the spill](#). It's not the first time the government has protected BP and its executives.

To Scott West, the special agent-in-charge at the Environmental Protection Agency (EPA) Criminal Investigation Division who was probing alleged crimes committed by British Petroleum (BP) and the company's senior officials in connection with a March 2006 pipeline rupture at the company's Prudhoe Bay Operations in Alaska that spilled more than a quarter million gallons of crude — the second largest spill in Alaska's history that went undetected for nearly a week — BP [reportedly](#) stands for 'beyond prosecution.'

West spent thousands of hours investigating the alleged crimes committed by BP and figured his investigation would result in felony charges against BP and the company's senior executives who ignored warnings from dozens of BP's employees who worked at the Alaska facility. West, who spent nearly two decades in the EPA's criminal division, was told the pipeline would rupture six months before it happened.

Before being able to bring felony charges against BP and its executives, President Bush's Department of Justice (DoJ) abruptly shut down his investigation in August 2007 and gave BP a 'slap on the wrist' for serious environmental crimes that should have sent some BP executives to prison.

West transferred from San Francisco to Seattle in the [summer of 2005](#). In Seattle, West was introduced to Chuck Hamel, an oil industry watchdog credited with exposing weak pollution laws at the Valdez tanker port in the 1980s prior to the Exxon Valdez spill and the electrical and maintenance problems associated with the trans-Alaska oil pipeline operated by BP.

BP failed to inspect corroded pipeline for eight years

Hamel was the defacto spokesperson and protector of dozens of BP Exploration Alaska (BPXA) whistle-blowers who routinely leaked him documents, pictures and inside information about the BP's poor safety and maintenance records at its Prudhoe Bay operations. Hamel also operated the now defunct Anwrnews.com which was the clearing house for the whistle-blower's complaints and an archive showcasing numerous documents related to BP's shady operations and reckless pursuit of profits.

Before the corroded Alaska pipeline burst, BP failed to take steps to inspect it for eight years and ignored and or retaliated against employees who suggested that the company do so. BP

wanted its employees to keep their mouths shut and their head down because nobody at BP wanted to hear about it. BP ignored those who predicted a major oil spill, and their negligence was — and still is — criminal.

In March 2006 the corroded pipeline burst. The leak went undetected for nearly a week because detection equipment, as BP employees had warned, malfunctioned. For about five days, oil spewed from a hole in the pipeline about the size of a pencil eraser. The leak was discovered when an oilfield worker was surveying the area.

The leak was determined to be caused by 'severe corrosion.' BP was forced to shut down five oil processing centers in the region for almost two weeks, leading to a spike in gas prices.

West and his team worked with the FBI, the DoJ and Alaska state environmental and regulatory officials, launching a probe into the circumstances behind the spill. As the investigation progressed, [it became clear](#) that 'very senior people in BP's London headquarters were aware of what was going on with regard to the corrosion in the pipeline and did nothing.' The investigation was one of the top two cases being investigated by the EPA's criminal division in 2007.

Plenty of evidence would have led to felony charges

West would not identify the executives, but two DoJ officials — speaking anonymously due to the issues surrounding the recent explosion of the Deepwater Horizon drilling rig in the Gulf of Mexico that led to the current oil crisis — identified John Browne, BP's then-president and chief executive, and Tony Hayward, who headed BP's production and exploration division.

West faced setbacks because he couldn't use the information he and his investigators obtained from the employees that claimed BP officials knew about the pipeline corrosion prior to the spill. Sources would not allow their names to be used because they feared retaliation from BP and losing their jobs. West had to get a grand jury to subpoena them to testify.

The U.S. attorney's office in Anchorage convened a grand jury to hear witness testimony and to subpoena witnesses and documents from BP. 62 million pages of documents were turned over.

The investigation continued into 2007, and by June of that year, prosecutors were discussing the evidence pertaining to BP's alleged crimes. There was plenty of evidence that would have lead to felony charges.

As noted in a previous [article](#), BP has a criminal history of creating environmental crises. In October 2007, in what West calls a package deal, BP settled all of its major criminal cases. BP also plead guilty to a felony for the Texas City refinery explosion that killed 15 people and entered into a deferred prosecution agreement with the DoJ, where the company admitted that it manipulated the propane market. More details of their settlements and the fines can be found in this [article](#) from TruthOut.

A Major oil company with strong political connections

Many of the BP executives responsible for the management failures that led to criminal charges and settlements are still employed at BP, and some have been promoted to the highest levels of the company.

In November 2007, BP formally entered a guilty plea in federal court in Alaska and was sentenced to three years probation. Bush's DoJ, under Michael Mukasey's leadership would not disclose why they decided to consolidate all of BP's pending criminal cases.

After his investigation into BP was shut down, West's tenure at the EPA was tumultuous. The agency tried firing him because he continued being outspoken about the case. West retired from the EPA in October 2008. Two days after retiring, West [reportedly](#) became a whistleblower himself.

West took his complaints about the way BP's case was handled to the nonprofit organization Public Employees for Environmental Responsibility (PEER). In a two-page statement West issued in October 2008, West stated that he never had a 'significant environmental criminal case shut down by the political arm of the Department of Justice.' He also wrote that he never had a case declined by the Department of Justice before being able to fully investigate the case.

West said the case against BP Alaska involved a major oil company with strong political connections. He felt that continued investigation would have led to criminal culpability involving a number of senior BP officials and to felonious behavior by BP.

BP failed to implement spill prevention technology and violated Federal laws

In response to West's claims, the EPA issued a statement claiming that the EPA, FBI, DOT and DoJ prosecutors concluded that further investigations were unlikely to be fruitful. The DoJ's Office of Professional Responsibility concluded that federal prosecutors acted appropriately.

But, last year, the DoJ filed a civil suit on behalf of the EPA against BP Exploration Alaska over the March and August 2006 oil spills in Prudhoe Bay. The complaint seeks maximum penalties from BP, alleging the company failed to implement spill prevention technology and violated federal clean air and water laws.

The state of Alaska also sued BP for [violating environmental laws](#). Alaska claimed it lost as much as \$1 billion in revenue due to the 2006 oil spills. The suit alleged that the spills, along with BP's work to repair a severely corroded pipeline significantly reduced oil production for more than two years.

Despite its plea agreement, it appears that BP is still scrimping on safety and maintenance. Last November, a pipeline at BP's Prudhoe Bay oil field ruptured. Alaska officials said the rupture was due to an ice buildup inside the pipeline that caused it to burst under pressure. Lo and behold, criminal and civil investigations were announced immediately, led by West's former colleagues at the EPA's criminal division and the FBI. [BP's political connections remain strong](#). More information on how Bush's DoJ sheltered BP executives from criminal probes can be found [here](#).

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