

The socio-environmental implications and effects of the Gulf oil spill: Impact on citizens, rights, and recovery in the debate over accountability.

Honors Thesis

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I. Introduction:

On April 20th, 2010, the Deepwater Horizon oil rig in the Gulf of Mexico experienced a disaster of monumental proportion that reeked havoc on those residing in the Louisiana's Gulf region¹. After a malfunction on the British Petroleum (BP)-operated Macondo Prospect, a sudden explosion occurred, killing eleven crewmen. The blast created a leak that began to seep oil from the well into the Gulf of Mexico water. As each day passed, thousands of barrels of oil escaped. The flowing oil not only threatened wetlands, diverse habitats and marine life but it endangered fisheries, shrimpers, local industries and the livelihoods of Louisianans. This catastrophe created social, environmental and economic chaos within the Louisiana coasts and communities while it quickly became the largest offshore oil spill in United States History.

In this thesis, I examine these events, specifically through the lens of citizenship in order to underline the discourses that arose over what happened, what should be done, what was not being done and who was responsible for providing recovery in this crisis. In particular, I explore the way these conflicts began to take form between Louisianans, BP and the local and federal government. These disputes involve the questioning of rights: what they are and who can access them. Specifically, I analyze the rights of the people, particularly their right to access financial compensation, their rights to have protection in the wake of disaster and the right to be provided relief and resources to legally compensate them. These legal rights are entitled, under federal law, to those

¹ The state of Louisiana, over the past decade, has been the center of historic environmental disasters. Not only experiencing severe destruction but also controversial debates over how these hazards have been handled, documented and increasingly detrimental for the people who reside within its borders. Louisiana is important to study because it has been a region that has faced the continuation of socio-environmental problems that inflict on the livelihoods of those in the region. For these reasons and to focus my discussion, I concentrate on Louisiana in this paper while also recognizing that the spill affected other states in the Gulf.

individuals and businesses who have been hurt by the corporation at fault, BP.

Exploring these issues of the post-Spill debate can help us understand not only how the government must provide protection, safety and recovery but also how Louisianans are able to access these rights via the responsibility of BP and the government.

As a corporation BP has responsibility over the environment in which it operates and to the people that live in it. It is important to understand that problems arise when BP does not accept responsibility (i.e. not covering economic damages and failing to document any faulty business practices involved) (*The Times-Picayune*, January 10, 2011). The issues over responsibility also can be interpreted through the government's response or aid efforts. These examples can bring into question the responsibility of those in authority to be able to protect people. Expanding on this, BP, and the state and federal government's duty to take responsibility in this situation comes into contention by the public and media. BP takes part in shifting responsibility onto others and using the blame-game as a way to transfer responsibility off of them. These debates over rights and responsibilities can begin to shift the focus of these authorities to scapegoating and reputation-rebuilding rather than providing relief to the habitats and communities. We can interpret how rights and responsibilities are carried out within the debate. Specifically how they are spoken of, argued over and dealt with in the context the oil spill. Ultimately, this illuminates how the disputes over rights and responsibilities have become crucial to unraveling these issue embedded into this environmental disaster.

In the weeks following the spill controversial debate sparked over whether unsafe behaviors on the rig, failure to comply with inspections or faulty practices caused the explosion (*The New York Times*, June 14, 2010). This began a wave of discussions over who was accountable for the spill. This rise in public disputes were interpreted and

deciphered through different groups involved. As BP and state, national and local Governments made steps to offer environmental solutions, public concerns were soon vocalized in regards to who was responsible for protecting Louisianans in the midst the environmental crisis. In a National response effort, there were several initial steps taken to provide aid to the region. These included resources and assistance supplied by governmental forces, federal agencies, BP, the EPA, the Louisiana National Guard and local organizations. Although these efforts seemed unified, they became caught in a web of public debate over what could have been done, what recovery efforts were being taken, and who was at fault for their actions. These questions become central to the discussions over blaming, the abdication of responsibility and the claiming of rights in the disaster-relief process.

Honing in on these disputes over the past 12 months, since April 20th, 2010, outlines how each of these parties perspectives have developed, altered and become contradictory to each other. Although there were moments of convergence on addressing what the outcomes of the spill were and should be, such as the eventual capping of the well, more generally these competing arguments worked in opposition to each other. These parties' perspectives were contradictory to each other in the sense that they all had different objectives in the debate. These competing objectives can show what these various parties wanted to gain rather than what would be most important for the residents in the gulf. The people wanted aid, resources and legal justice (which they must make claims to do) while BP wanted to rebuild their reputation, shift out of media attention and distribute claims so they can begin to focus back on their economic production. These conflicts between each party's objectives work to sever ties between these groups while also negatively impacting these groups ability to coordinate efforts in the relief process.

In this thesis I am framing these debates around citizenship to further understand how the claiming of responsibility and the adherence of rights becomes worked out through this environmental disaster. Citizenship is an important way to think about this because it provides a framework to discuss the relationships that exist between those in power and those who are bound to them (government and the people who have duties and responsibilities to them). Exploring this debate through the lens of citizenship allows me to highlight the integration between victims and those in authority to further drive home how this relationship becomes distorted, altered and challenged in the months following the spill. I focus on the public debates that revolve around the issues of who is at fault for the spill, what relief efforts are most useful, how financial compensation is being claimed and the abdication of responsibility by BP and various branches of government. I explore the consequences and effects that the shifting of responsibility has among recovery efforts, specifically how parties begin to place blame on others for their failures and lack of relief efforts. I also discuss how the accessibility of rights (in terms of how victims can access financial compensation from BP and protection from the government) become strained as those in power shifted responsibility. Framing the debate in terms of citizenship has allowed me to directly focus on what disputes are being played out; particularly through the media, the public, BP as a corporation and the different levels of government. This enables me to focus on the interplay between these groups in how they provide rights and adapt to responsibilities.

The construction of rights and responsibilities means that some will unfortunately not be able to conceive or access these. This is important to understand in my overall argument because the Louisiana residents represent those struggling to access financial restitution through BP's compensation fund. The way corporations, authorities, the media

and public officials speak about the debate can show how the abandonment of liability works to transfer responsibility upon others. This allows for those to minimize personal or corporate scrutiny while failing to address necessary steps to take toward providing relief to victims. The Louisiana people can seem to often disappear as players in the debate because the spill itself uprooted the social balance of the communities in the damaged regions (they lose a voice in articulating what they want to happen for accessing resources and being provided relief). They become a burden or obstacle to BP that shifts time, money and resources to victims and away from the recovery of damaged profits and reputations. Unpacking this public debate around the discourse of citizenship highlights how these people become less of a concern as more attention is placed on the shifting of responsibility, the failures of other groups involved and the restructuring of damaged reputations. Discussing citizenship allows for those to inquire who is getting rights, who is to blame and who must take responsibility for the actions prior to and following the disaster.

In short, the oil spill was a destabilizing event that invites sociological inquiry and forces a rethinking of the nature of citizenship in the course environmental disasters. This environmental crisis has led to conflicting positions on how recovery should be handled, how compensation has been allocated and who is accountable for the actions taken. I believe citizenship is a powerful way to frame this environmental disaster debate because allows these groups to speak publicly about how accountability, responsibility and the claiming of rights should be handled.

My analysis is structured as follows. I analyze the oil spill as discussed in the popular press. Specifically I focus on the discourses of taking responsibility and the claiming of rights. These discussions involve the differentiation of motives, the

controversy over the accessibility of rights, the variation of discourses of blame and the disputes over BP's compensation processes. In the first section I explore the different frameworks that each different group has developed and interpreted in response to how they view the debate. This will lay the foundation of how tensions exist between these groups. Each group begins to argue with others over their actions and failures in addressing the 'right' relief efforts. The second section of my analysis will describe how these groups begin to take part in blaming. This happens through the shifting of responsibility onto other parties by making claims about their actions or objectives. The third section of my analysis documents the development of the BP compensation fund that outlines the different requirements and eligibility conditions that victims must meet to acquire financial compensation.

II. Methodology:

In developing the different facets of my research, I gathered information from documents surrounding the oil spill event that included news articles, recent news coverage, governmental websites and public reports. I collected documents dating from April 20th, 2010 to April, 2011. I used a combination of governmental and corporate reports which I was able to access through a variation of government websites that provided me with a non-media based perspective. These sources were helpful to strengthen my understanding of the background of the oil spill.

I also focused on gathering a variation of national and local newspapers. This gave me information and data covering a broad story of what was happening within the debate and provided me two various perspectives that were important for highlighting critical issues. I used national sources such as *Yahoo News* and *The New York Times* to gather a broad story of what has happened in the debate. They allowed me to further

acquire data on the public, governmental officials, corporate administrators and other federal agencies. This provided me information on the progression of the spill and on the main conflicts between BP, the Louisiana State Government and the federal government. It also captured the overall story of what issues were embedded in the debate and what key parties were doing to resolve or exacerbate these issues. I also used local papers such as *The Times-Picayune* (this paper covers most of the West coastal region of the Gulf in Louisiana) and news from NOLA.com to further balance and capture local arguments in the debate. I chose the local newspaper because it is one of the most well-known and documented newspapers within the state of Louisiana. Investigating this local media source allowed me to access a more localized perspective on the spill which highlighted local public opinions. It allows me to focus on the responses of those affected by the spill as opposed to major governmental players or agencies. They provided me a spectrum of local opinions where I was able to select ones that were more revealing of capturing the perspectives of the locals (other than just reiterating other news out there). The diversity of local and national viewpoints allowed me to support different claims or statements made by the parties involved. Not only did the news articles give me a timeline of the oil spill debate but they gave me access to a variation of political viewpoints, a range of public opinions, experiences and topics.

I was able to gather these national and local news articles based upon different criteria I used to select this data. Some of this criterion includes selecting, collecting and targeting articles that included key words or themes that signified important articles, paragraphs and reoccurring themes that would be crucial for my research. I summarized the data by documenting different official or public quotations that supported my arguments. I did this by capturing the different perspectives that surfaced and used them

to make comparisons between these arguments. I used different criteria to summarize the articles that included focusing on key claims, disputes and specific themes that arose within the plethora of national and local papers. Particularly I recognized article titles, quotations or different areas of articles that captured any conflict between the victims, government officials and BP administrators. My other criteria for selecting articles included pinpointing articles that documented controversies, issues with blaming and problems with the compensation fund which would be helpful in using in each section of my analysis. Particularly, collecting articles to help describe the different perspectives and groups involved in the debate. I sorted and summarized each article by indicating what perspective it was taking that could be supported in my thesis. I was able to interpret the evidence by delegating what each article was doing to compare, counter and articulate the variation of opinions that was present between each party (the victims, BP, the federal and the Louisiana State Government). I summarized this evidence by writing short paragraphs (documented by interpretations, quotes, etc.) declaring what each article did and what opinions were being present amongst the local or national perspective.

Summarizing my data into topics of framing, blaming and conflicts over the compensation process allowed me gather the evidence into a timeline of what happened when and how. Using this I formulated the evidence by determining what events took place, who were the key players and what disputes were being documented in the papers. I used this as a way to exemplify how conflicts in the debate developed, evolved and countered each other so I could better interpret this evidence to strengthen my arguments. I also interpreted my evidence through quoting different officials, administrators, victims and media personnel over different claims and statements that were being said about the debate. I used these claims and arguments to develop my argument over rights and

responsibilities. I developed an argument using this evidence and information to strengthen and support these claims or statements so I could show how specific issues become played out through the debate.

I focused on the state of Louisiana because it has been the most damaged and impacted state within the gulf region. After recovering from the destruction of Hurricane Katrina, this state was again pounded by environmental and yet social catastrophe when the oil spill wreaked havoc upon the region. Focusing on this state allows me to focus on the historical significance of environmental disruption that imposes social, legal and ethical controversies into the living experiences of these citizens, as Louisiana is a harbinger for these occurrences. This state also can provide a window into understanding how reoccurring environmental conflict impacts how we understand and view citizenship within these regions.

III. The Concept of Citizenship

Citizenship can be understood through many different lenses leading to disputes and disagreements over what it entitles, what rights it entails and how it can be regulated structurally within the society. Citizenship is based on a social contract theory and carries with it both rights and responsibilities which entitle a multitude of meaning in and among themselves. Virginia Leary explains this in terms of rights.

“Citizenship is ‘a bundle of rights — primarily, political participation in the life of the community, the right to vote, and the right to receive certain protection from the community, as well as obligations’...Viewed from the perspective of a long history of the concept of ‘citizenship,’ the concept of ‘human rights’ is relatively new, but it has had great rhetorical, political, legal, and ethical impact”. “These declarations of rights did not appear simultaneously by chance. The way to the great declarations of rights had been prepared by a long intellectual history...These ringing declarations of rights, however, did not truly mean that *all* people were considered free and equal” (Leary 2000, p. 247).

She argues that citizenship is composed of these rights, which does not entitle (guarantee) that all individuals will reap the benefits, but these rights are a

fundamental requirement for the organization of a society. This exemplifies a pivotal feature of citizenship that has been instrumental hitherto. This feature is the relationship that exists between rights and responsibilities that are practiced through the legislative, judicial and political realm of society. This forms the legal foundation of society that allows citizens to receive rights from those in authority who are responsible for distributing these rights, e.g. political rights to vote, social rights to a well-being, and legal rights.

Sociologist T.H. Marshall provides perhaps the classic definition of citizenship that explains that its development is based on civil, political and finally social rights; where social rights are produced through the status of citizenship (Marshall, 1950, p. 152). His explanation of citizenship is directed toward those that are protected by a governmental power and entitled to civil rights within their inhabitation. Citizenship entails membership in a state, collective responsibilities on which stable governance rests and the obligation to promote the livelihoods and betterment for those who are entitled rights and elected duties under those responsible to provide these entitlements (legally, politically, economically and socially) (Marshall, 1950, p. 154)

Marshall's definition describes the practice of citizenship itself in terms of how people and governments balance rights and responsibilities for the common good of society. Thus rather than basing my understanding of citizenship on the practice of rights and responsibilities of citizenship, I focus on how citizenship is grounded in how the relationship between the authority and the victims. I also focus on how this relationship is played out through the different and conflicting arguments and interpretations over the claiming of rights and the shifting of responsibility. Specifically, how BP and the state

and federal government are obligated, through social contract theory and legislation, to provide responsibility over the victims and the financial damages they have faced. These groups also are responsible for delegating protection, relief and safety to the victims. The relationship between how these victims claim rights and how those in power allocate responsibility over these rights is important to understanding what happened in the debate (using citizenship can help show this). The disputes between these groups begin to revolve around the notion of citizenship itself, meaning the debate is built upon conflicts that arise in the practice of citizenship. This includes how blaming, the claiming of rights and the abdication of responsibility can be understood through the variation of group interactions. Therefore I analyze these conflicts through the discourses around rights, responsibilities and the different crucial issues that are embedded in the socio-environmental debate around what is happening to the victims and also what the authorities are doing to ensure their safety (what is not being done, what has been done or what has gone wrong). This contributes to Marshall's understanding of citizenship because it highlights how citizens are being allocated certain social, political and legal rights throughout the recovery and financial compensation process. It also relates to his understanding of citizenship because it illustrates how governmental bodies or authorities should provide protection or stable governance in which the residing Louisianans can recover from the impacts of BP's negligence.

Grounding my analysis in citizenship allows me to examine the relationship that exists between how BP and the federal and state government claim different interpretations of the spill. This results in these groups taking on different actions. These opposing viewpoints can eventually lead these groups to practice blaming against one another. They do this to avoid public scrutiny and to displace responsibility onto others as

a way to protect themselves for their lack of efforts or indecisiveness in the relief process. For example, BP blames other companies for causing the spill and the state government blames the federal government for their failure to produce timely and organized response efforts (*The New York Times*, June 26, 2010)². Rights and responsibilities become important in unpacking these different issues of the debate. Wendy Brown agrees that rights are pivotal within our society, particularly in relation to environmental conflicts, because without rights then those are more vulnerable to an unequal regulation and protection under authority (Brown, 1995, p. 2). She claims that the protection we have from the government or corporations is actually a measure of dependence and an agreement to abide by these protector's rules. Ultimately, this can repress or constrain those who are subjected to the power of these entities. Rights then become a way for individuals to share power through this system while being able to access justice and promote equality; although this is usually not the case in reality. Not all individuals are able to fully obtain or maintain equality in society or equal access to justice. I think Brown's interpretation of rights is significantly important to understand why it is necessary to examine the interaction of rights and responsibilities in environmental disasters. Doing so can provide for a deeper analysis on how the victims can become repressed within the debates following the catastrophe and are often neglected or left to deal with the damage.

² See also, Robertson, C. & Lipton, E. (2010, April 30). BP Is Criticized Over Oil Spill, but U.S. Missed Chances to Act. *The New York Times*. Retrieved from <http://www.nytimes.com/2010/05/01/us/01gulf.html?fta=y> and Leonard, A. (2010, May 4). The Gulf oil spill blame game: A finger-pointing bonanza: Obama moved too slowly, BP cut corners, regulators slept. Meanwhile, the earth moans. Salon Media Group. Retrieved from http://www.salon.com/technology/how_the_world_works/2010/05/04/gulf_oil_spill_blame.

This framework helps me discover what long-lasting impacts this environmental conflict has had on the victim's ability to recover and what can be acquired from this for future disasters or preventative measures that can be taken in regard to who takes responsibility for the variation of impacts. Organizing my research around the disputes between the people of Louisiana, federal agencies, governmental bodies and corporations, allows me zero in on how Louisiana residents are caught in the middle of the disputes between these parties. They are left to fend for themselves and become "moral entrepreneurs, posing questions about the distribution of justice and fairness to the ecological and political conundrums of environmental controversy and its solutions" (Gunter & Kroll-Smith, 2007, p. 7). Ultimately, highlighting the awakening of a political and social consciousness as "people encounter the duplicity of corporations and government agencies" or in other words, the way people's rights come in opposition to how these entities should bind to the promotion of safety, protection and maintenance of responsibility over their well-being (Gunter & Kroll-Smith, 2007, p. 7). As moral entrepreneurs they are able to establish a consciousness over these issues and can bind together in an effort to fight against the corporations and governments. This illustrates how the variability of actions, behaviors and opinions of BP and the government effect how individuals see themselves as against these entities, instead of working with them. They can disappear from the debate itself, as the line between responsibility over rights and the actual acceptance of responsibility blurs. Attention is then spent arguing over who is responsible for Louisianans' rights while paradoxically they do not take responsibility for producing these rights and ultimately alienate the victims from further help.

The question arises then, why use the notion of citizenship to frame your project? Why not rights or environmental-citizenship? I could use these frameworks to capture and explore the debate between BP, Louisianans and local or federal government, but they would limit my ability to fully distinguish the way those in authority have shifted responsibility. I would not be able to describe what has plagued the state of Louisiana since Hurricane Katrina and the issues that arose through the limited response and failed recovery efforts by the Federal Government. These frameworks would leave out space to the critical issues between the claiming of rights and the abdication of responsibility. By grounding my thesis around the discourse of rights and responsibilities I can analyze how these different groups are speaking of and debating about who is taking responsibility, who has not taken responsibility, what should be done for relief or recovery and what is the best process to compensate victims.

There are two further aspects of citizenship that I would like to highlight that are central to my argument. First, the new literature on environmental citizenship and what this adds to the citizenship discourse. The second includes the discussion of the notion of citizenship in the wake of Hurricane Katrina that has continued to overwhelm the victims of the oil spill. The arguments around environmental citizenship within the field of political ecology describe how the relationships between political, economic and social factors emerge in the context of debates over these impacts (and what is being done about these impacts). It also describes environmental controversies that take place where unequal costs and benefits arise that reinforce existing inequalities as the result of altered power relationships between the exploited population and those in power. Peluso and Watts, explain how violent environments create disorder amongst the people. This can lead to disputes over who is at fault, who obtains responsibility in the situation and how

victims are left to deal with the chaos from environmental crises (Peluso & Watts, 2001, p. 37). This argument over environmental disorder is important to understanding in how entire populations become alienated from the political or legislative systems that are in place to protect them. Environmental sociologists who wrote *The Sociology of Katrina*, describe how disasters not only cause victims to lose their sense of trust in the government but that their rights often seem to dislocate from the bodies of authority involved with providing these (Brunsma, Overfelt & Picou, 2010, p. 8). These arguments can begin to describe the incompetence of the government, the absence of authority and the inevitability of social disorder as citizenship seems to lose its meaning while the government becomes incapable of providing resources as BP becomes unable to allocate claims fairly.

These frameworks are relevant to my argument because they illustrate the growing amount of people who are uprooted in environmental disasters where their ability to access legal rights and obtain assistance often becomes difficult.

Environmental citizenship scholar, Kai Erickson, has described incidences involving environmental catastrophes where the community that is harmed begins to deteriorate as they lose a sense of ties of rights, protection, stability, safety and solidarity which can dissipate from those harmed (Erikson, 1976, p. 154). As disaster wreaks havoc on impacted regions so does the incidence of difficulty victims have in attaining justice.

The second important aspect of the discourse around citizenship is the way in which this has become a consistent and crucial debate that arose out of the aftermath of Hurricane Katrina. Katrina not only impacted the state of Louisiana but it brought with it a wave of debates around the concept of citizenship in relation to the response and relief efforts guided by the federal government. Katrina showed that citizenship is important

because of the way these disputes developed in the months following the hurricane where the people struggled to acquire safety, protection and resources they needed to survive while the media and public attacked the government for their slow, un-urgent responses. The public debate around Katrina began the significant environmental citizenship debate within Louisiana itself by illuminating how the environmental conflict damaged the social and economic lives of those affected by this disaster.

The Hurricane Katrina debate not only brought up the question of citizenship within the wake of the disaster but it also paved the road for the recent disputes in relation to the oil spill which have showed similar patterns in terms of the lack of governmental response, the suffering of the people on the ground and the shifting of responsibility away from failed relief efforts. Margaret Somers recently has reflected upon citizenship in the context of Katrina in her book *Genealogies of Citizenship* where she outlines the critical aspects of the Katrina debate (Somers 2008). Her arguments detail how the citizenship of Katrina victims is particularly significant to the way that the federal government has handled the disaster which had left thousands stranded, excluded and forced to deal with the social destruction around them. As she argues,

“The sight of so many forgotten New Orleanians without the resources to evacuate the city was but a monumental snapshot in a steady process of increasing social exclusion and an eviscerating of the public sphere. On the surface it began with the government’s failure to adequately construct and maintain the city’s levees. At the core, however, it was driven by an ideational assault on the idea of poverty as a social problem, and poisoned with the stigmatizing venom of personal blame and cries of dependent immorality” (Somers, 2008, p. 11).

She begins to paint the picture of this around the Louisiana victims as she outlines how this expendable population has been deemed unworthy for aid and recovery relief within the region. Somers directs us to understanding what she conceives of as citizenship as “having the right to have rights- not any single civil, juridical, or even social right, but the

primary right of recognition, inclusion, and membership in both political and civil society” specifically, where in her discussion of Katrina, “de jure legal citizenship and formal nation-state citizenship may have been necessary, but they certainly were not sufficient to secure the rights of the abandoned of New Orleans” (Somers, 2008, p. 26).

As she portrays what is critical to the debate around citizenship with Katrina, we are able to understand the ways in which the victims become more isolated through the process and continued conflicts that affect those facing similar dilemmas of the oil spill.

Somers again uses citizenship as a lens to look at the disaster of Katrina in the way it has inflicted those who have suffered. It also can be used to show how the government worked to further exacerbate the victims’ inability to access relief, safety and resources.

She explains the following,

“the story of the Katrina crisis is a social parable of citizenship in America today as well as for my theoretical account of the conditions that have brought us to today’s imperiled state of citizenship and rights more generally...Consider first the government reaction to the hurricane. Thanks to global media exposure, the world was stunned by the callous indifference and utter ineptitude of all levels of government. Few could believe that it was exclusively the power of nature that explained the death, dislocation, and destruction” (Somers, 2008, p. 63).

This specifically can highlight that it was not only the destruction of nature that caused all the detrimental effects but how the situation was handled, maintained and conceived of by the national government. Their reactions, responses and measures taken to provide this only brought more mayhem to Louisiana and the people who were left stranded.

Examining the relationship between authorities, who have responsibility over the damaged people, and the victims’ situation or struggles themselves, can be critical to understanding what challenges are present within the debates over environmental conflicts. Particularly how the debate forms around critical topics that becomes outlined through how these groups argue over what needs to be done.

Somers is relevant to my argument because she explains that rights were stripped away from the people where citizenship was disrupted through the disaster and the lack of governmental responsibility. She provides space for examination within the aftermath of the disaster and begins to explain how the victims of the hurricane are in fact unique in their experience within the disaster relief efforts. Although the oil spill victims are similar they are not one and the same as the Katrina victims because their circumstances and situations emerge out of different events and also different problems that have arisen from these events. Somers is key to my argument over citizenship in the oil spill because she sets up the foundation for me to interpret similar experiences of disaster complications that victims have faced in the same region as those inflicted by the oil spill.

Another way Somers' argument helps me focus in on the debate of citizenship within Katrina is how she speaks about the people who have been left behind. She paints a vivid portrait of the lives of the innocent who have been powerless. These victims are vulnerable to governmental flaws that, in this particular case, have brought national attention to the crippling impacts felt amongst these populations. She remarks that,

“there was the overwhelming presence of those who can only be called the *left-behind*, which astonished and horrified even more than government ineptitude...People who were kept invisible for so long now took center stage-the old, the sick, the poor, the disabled, the very young, the mentally challenged, the isolated, the single mothers, the African-Americans- all those who, well before Hurricane Katrina, had been the disposable and socially excluded of New Orleans...we watched in dismay as more than 55,000 New Orleanians were packed, virtually caged, and abandoned in the Superdome and the Convention Center- sites of human containment” (Somers 2008, p. 65).

This allows us to question how citizenship is handled in the wake of disasters. These disasters weigh heavily on the minds of not only the victims but also those who are responsible for providing them help (and lack thereof). The interaction of the government and the victims is a significant facet of this debate. It depicts how citizenship is discussed within the disaster, not only Katrina but within the oil spill itself.

The oil spill includes issues over governmental faults, the shifting of responsibility and BP who has continued to disregard victims and exclude some from attaining compensation, this includes eligibility requirements and conditions. Somers articulates this when she states,

“The calamity of Hurricane Katrina was created from the intersection of these two phenomena—a multi-tiered government with dysfunctional rescue and emergency management capacities collided head-on with the fact of thousands who have been left behind, abandoned and helpless in a city that was otherwise evacuated. Alone, either one of these would have been terrible, but would not have amounted to a national tragedy of such proportions. Thousands of people left behind and unable to escape the hurricane would always be horrific; but had the city been fully prepared and organized to meet just such disasters, local, state, and federal government agencies could have prevented New Orleans from turning into a living death-trap” (Somers, 2008, p. 65).

The interaction between both the victims’ helpless ability to find safety or protection and the government’s failure to have plans or implement these plans at the moment of disaster created a wave of chaos. Somers articulates the way in which citizenship can be used to speak or and look at Hurricane Katrina, and just as importantly, I think framing the oil spill in the same light can begin to show what is truly going wrong here. It highlights what continued faults or contentious issues have come into play with Katrina lurking in the shadows.

What opened the floodgates to criticism was the utter failure of federal and local authorities to do something about the Katrina disaster. This is key to understanding why Louisiana is crucial location to examine the oil spill debate because it is a region heavily impacted by this kind of environmental conflict. Like the oil spill, months after the initial blowout the lives and stories of those who were impacted seemed to disappear from the media and soon became “out of sight, out of mind” individuals. Once again reversing the cycle of those who were seemingly forgotten and helpless to begin with before Hurricane

Katrina brought them to the spotlight, even though this attention did not bring with it the capabilities to providing them resources or aid that they needed and in fact still need (Somers, 2008, p. 65).

These dilemmas laid out the foundation for how citizenship, as well, became the core of the debate over the impacts of the environmental destruction. Recognizing the outcomes and shortcomings of federal and local responses to Katrina can help illuminate how this debate as well was framed through the lens of citizenship. Not only has the oil spill exacerbated the impacts that Katrina had, but the historical roots of the debate over how rights and responsibilities are produced within this disaster, have increased the severity of the debate revolving around citizenship. One of the most important aspects about the Katrina debate is how the reputation of the federal government became damaged while an enormous amount of attention was shed on this issue. Haphazardly, the governments focus toward rectifying its reputation and its shift of accountability toward their response efforts left the Louisianan's to deal with the displacement of responsibility upon their shoulders. Understanding how responsibilities are relocated within the Katrina debate can help provide insight into how this already-vulnerable region is susceptible to the continuation of controversial debates over the practices of rights and responsibilities.

Hurricane Katrina as an event has been haunting the lives of those of Louisianans who have fallen victims to the oil spill. President Obama recently reflected on the five year anniversary of Katrina. An article depicted his speech and explained that, "The legacy of Katrina, Mr. Obama said, must be 'not one of neglect, but of action; not one of indifference, but of empathy; not of abandonment, but of a community working together to meet shared challenges". He concluded his statements by saying, "the second promise

I made was that we would stick with our efforts, and stay on BP, until the damage to the gulf and to the lives of the people in this region was reversed” (*The New York Times*, 2010, August 29). This statement by Obama connects the progress, or lack there of, towards restoration of Katrina and the new implications that the spill has inflicted upon this already damaged region. Obama is talking about citizenship, in the sense that the administration will stick to its responsibility in reprimanding BP as the party accountable for the spill and its damages. He is also speaking of citizenship by declaring that responsibility is being held to in fact rebuild the lives of those that have been damaged by BP. His declaration revolves around the crucial Katrina disaster while he recognizes that we must overcome the oil spill by also dealing with the conflicts that have shadowed over the public since the hurricane hit the region years prior.

IV. Background of the oil spill:

As the well exploded, the oil spill began to impact victims economically, politically and legally by stripping them of their ability to prosper in the months following this disaster. The Deepwater Horizon rig was drilling an oil well in the Macondo prospect, which was intended to be plugged with cement, when a sequence of failures took place upon the rig (*BBC News*, September 9, 2010). This section only briefly examines what happened after the leak took place and it describes what was done in accordance to providing relief to the gulf region. One of the first things provided in response to the spill was immediate relief and assistance actions by the government, BP, the U.S. Coast Guard, environmental organizations and federal agencies. Most importantly, there were several investigations opened up by the federal government in the week following the spill (*The Heritage Foundation*, May 18, 2010). These investigations aimed to, 1] understand matters related to the explosion, 2] reach an independent,

science-based understanding of what happened, 3] investigate and prosecute all meritorious reports of fraud related to the oil spill and its aftermath, and 4] recommend how to prevent—and mitigate the impact of—any future spills that result from offshore drilling (Restore the Gulf 2011). These initial steps taken toward the pursuit of lawsuits were key to establishing who was at fault for the spill.

The government also began to address other key issues. They placed BP as the responsible party for the spill and its impacts, and declared that the spill was ‘of national significance’ on April 29th (*The New York Times*, April 30, 2010). Due to constant controversies over the regulation of oil drilling in the gulf, President Obama declared the U.S. would not allow further offshore drilling until the full investigation was conducted into whether the spill could have been prevented. The U.S. Department of the Interior then imposed a six month offshore drilling moratorium (*The New York Times*, September 8, 2010) in weeks following the spill. The federal government took these steps to hold off on any further risks or environmental problems while the investigations were underway. The moratorium was eventually lifted by the federal court because it became contradictory over its implications on the economy. Other parties also took initiatives toward fighting the battle against the oil. The Task Force in the Gulf coalition was developed to further build upon the oil spill response and provide evaluations on the natural resource damage in the area. Other parties that began assistance response efforts included the House Energy and Commerce Committee, the Justice Department, the Environmental Protection Agency, the U.S. Coast Guard, and the Interior Department (RestoretheGulf 2011). The interaction of these entities provided a wide variety of support, documentation and assessment over the impacts of the spill. Other important factors that happened included Thad Allen being named national incident commander of

the spill while BP CEO Tony Hayward stepped down in July and collected a \$1.8 million severance package (Politico, April 12, 2011). Robert Dudley took over Tony Hayward's position because the CEO faced increasing amounts of scrutiny and public attention from the spill.

The state government also took steps toward providing the region with recovery. Three weeks before the hazards and pollutants of the oil began to make its way onto the shores of the Louisiana, a state of emergency was declared (*The New York Times*, June 26, 2010). As this was done other efforts were further deployed to stop the oil from further damaging wetlands, marshes, beaches, properties, industries (fisheries, shrimpers, etc), tourism and businesses. One particularly large scale effort to prevent further oil damage was a project initiated through the state government in junction with Louisiana Governor Bobby Jindal. Known as the Sand Berm Project, it was a plan to protect from more severe damage consisting of a \$360 million dollar budget for the construction of several berms along the Louisiana coast (*The New York Times*, June 26, 2010). After much heated debate and controversy over its projected success, on June 2nd, 2010, the White House approved the construction of five sand berms which BP would fund (*Reuters*, June 2, 2010). As the implementation of this project was underway, the well in the gulf was still leaking thousands of barrels of oil. There were constant efforts being deployed to cap the well and different strategies being tested to come up with the most beneficial and durable way to stop the leak. Scientists, engineers and BP administrators worked for several months trying to stop the oil from leaking into the gulf. Evaluation studies were done regarding the impact of the spill as other experts worked to cement and case the leaking well (*BBC News*, September 8, 2010). Eventually the Deep Horizon

well was capped on July 15th, 2010 after months of failed attempts by scientists, oil experts and BP's company itself (*The New York Times*, September 8, 2010).

Another significant event that took place in the months following the disaster was the establishment of the \$20 million BP compensation fund. As one of the most important players involved within this debate, BP faced a large amount of attention for the impacts that the oil spill has had on the region. The compensation fund outlines what requirements are necessary to make a claim and what guidelines allow one to be eligible to collect on this claim. On June 16th, 2010, the Obama Administration and BP elected Kenneth Feinberg to lead the compensation process (*The Times-Picayune*, November 18, 2010). He not only processes thousands of claims but he is the administrator of the Gulf Coast Claims Facility (GCCF), an independent agency that handles individual and business claims against BP (RestoretheGulf 2011). Feinberg worked directly under BP to delegate money toward those that are making claims. Individuals would accept a final payment by releasing, signing or waiving their rights to sue BP and other companies involved (*The Times-Picayune*, September 7, 2010). Due to stipulation and complaints, over time the compensation process developed different types of payments including final, interim, emergency and quick ones. As deadlines have passed for claiming damages, the compensation process is still going on as funds are being distributed and claims are being evaluated. The compensation requirements and conditions outline how disputes arose and how this process made it difficult for those to claim legal rights.

The events unfolded over the past year have been crucial in understanding the instances where opinions and controversies began to ignite. By this I mean the different times when various groups in the debate interpreted and argued over the actions taken by other groups. The projection of events and necessary relief steps taken were called into

question by groups who did not agree with these plans or actions. In outlining the different players and events that have commenced in the duration of the disaster, I am able to show where the basis of blaming, the shifting of responsibility and the claiming of rights comes into play through these different conflicts. The understanding of the background can begin to bring up questions over what relief efforts were right or wrong and who in fact is pursuing the right objectives to tackling the implications of the oil spill. Delegating these issues will be significant in highlighting the different frameworks that develop through each group in the debate.

V. Analysis

A. The framing of the debate

This section outlines my analysis on each groups framing of the oil spill debate. The four groups I have recognized as active players include the residents of Louisiana, BP, the national government and the Louisiana State Government. As destruction insinuated so did the dispersal of tension and disputes between these groups as they began to react to the spill. These discussions surrounded issues including the cause of the spill, who was at fault for it, how those should proceed with the relief process and how the victims should be compensated. These questions became the core of how each group has structured the debate in terms of their opinions, reactions and examination of the spill. Although I am depicting each group in a broad manner, it is wise to keep in mind that there are a variety of frameworks within the general outline that I have illustrated. Outlining the way they initially framed the debate and how their framework has adapted over the duration of the spill will allow me to exhibit the foundation of reactions to the disaster. Documenting how these frameworks have altered is significant in understanding how groups have interacted with and influenced how other players were involved.

Illustrating the various frameworks of these groups is crucial to understanding how they go about displacing responsibility and blame upon each other, which is the second section of analysis.

British Petroleum (BP):

The existence of this debate would not be possible without the actions of BP that commenced on the day of the explosion. In the weeks prior to the spill there were records released that detailed the complications and rising safety hazards that were ensuing on the Deepwater Horizon rig. An article detailed that,

“A confidential survey of workers on the Deepwater Horizon in the weeks before the oil rig exploded, commissioned by Transocean, showed that many of them were concerned about safety practices and feared reprisals if they reported mistakes or others problems. In the survey workers said that the company plans were not carried out properly and that they ‘often saw unsafe behaviors on the rig’” (*The New York Times*, September 8, 2010).

These maintenance concerns existing days before the nationally significant spill can point out the differing opinions of what or who was at fault. And more importantly what actually went wrong in terms of workers behaviors, the company’s risk-prone strategies or equipment incapability’s. In accordance to these claims over the nature of the spill, The Federal Government appointed BP as the responsible party for providing compensation and financial restitution to the victims due to their company’s faults (*The Times-Picayune*, January 10, 2011). As BP become nationally accountable for the event, their representatives and company administrators felt differently. BP began to form they’re own interpretations months following the blowout. BP’s outgoing chief executive at the time, Tony Hayward, had initially “blamed Transocean for the accident and the failure of the blowout preventer, a valve supposedly able to cut off the flow of oil. But he said BP took responsibility for dealing with the immediate problem” (*Politico*, April 12, 2011). BP executives acknowledged that they took responsibility for the clean-up efforts

and recovery of the spill as they faced several on-going legal investigations by the Federal Government.

As BP publicly stated their sadness for the communities and environmental damage in the Gulf Coast region, they concluded that the tragic accident was something they are addressing in their future operations. In accordance to this BP representatives remarked that,

“We deeply regret this event. We have sought throughout to step up to our responsibilities. We are determined to learn the lessons for the future and we will be undertaking a broad-scale review to further improve the safety of our operations. We will invest whatever it takes to achieve that”
(*Politico*, September 8, 2010).

As they admitted their faults for this incident and ensured the American public over they're future regulations, BP still took part in shifting their framing of their participation in the debate itself. As they are faced with the most important role in the debate, in terms of providing relief and compensation to victims, they have seemed to take a backseat role in accepting accountability for their workers and company's procedures. In referencing this BP has released a report stating the disaster concludes that decisions were made by “multiple companies and work teams” where the accident resulted from “a complex and interlinked series of mechanical failures, human judgments, engineering design, operational implementation and team interfaces” (*Politico*, September 8, 2010). After openly apologizing and informing the public over their failures resulting in the spill, they have seemed to also contradict their statements by releasing documentation regarding that the spill was not solely under BP's responsibility. The variation of opinions between their company's officials and the public statements they have made begin to build the foundation for how BP is taking part in blaming other parties. In doing so they can lift

pressure off of them and displace this upon other companies to lessen the severity of public scrutiny they receive which has worked to further damage their reputation.

As the company faced public, federal and media attacks they were able to interpret and make claims over their responsibility for the spill. As disputes rose, BP was able to estimate the impacts and amount of oil that was leaking in the Gulf. BP administrators initially documented that the spill was around 1,000 barrels a day but later releasing an internal document showing the analysis of the damage as resulting in a worst-case estimate of 100,000 barrels leaking per day (*The New York Times*, March 25, 2011). As their understanding of the severity of the spill developed throughout the debate, they were more heavily criticized by groups in opposition to them. Not only originally being the target of hatred and investigations but the changing of their reports during the duration of the spill ultimately hurt their reputation and financial loss even more. At the beginning of the disaster BP was unable to predict or even measure the amount of damage their actions would cause over the next year. Not only bringing them into a plethora of lawsuits, public outcry and complications over the compensation process but instigating an on-going debate over how BP has often failed to take responsibility for the impacts that the spill has created.

In reference to what I stated earlier, BP also found themselves involved in disputes regarding their subcontractors who ceiled and cemented the well. Although these companies were working for them BP described them as being part of the problem and that the spill could not have occurred without the involvement of these companies's. After a four-month investigation by BP's Head of Safety and Operations there was a report released depicting that BP's involvement was not in pure solitary form. Tony Hayward stated,

“The investigation report provides critical new information on the causes of this terrible accident. It is evident that a series of complex events, rather than a single mistake or failure, led to the tragedy. Multiple parties, including BP, Halliburton and Transocean, were involved” (*Politico*, September 8, 2010).

The development of these reports were in opposition to what the Federal Government and the public believe as being BP’s fault for what practices and maintenance factors could have been prevented. With these contracting companies working in accordance to BP’s standards and objectives, it is hard for other parties involved to pinpoint directly who did what and who failed to follow procedural protocol standards.

Initially barring the brunt of responsible, and rightfully so, BP eventually strained from this and opened up their own legal investigations on rig operator Transocean, as they also are suing oil services giant Halliburton. Sueing Transocean for \$40 billion in damages, BP parties stated they wish to “bring this action to hold Transocean accountable for having caused the blowout, explosion, fire, deaths and personal injuries, and subsequent oil spill” (*Yahoo News*, April 21, 2011). As the course of the debate took form, BP had grappled with taking full responsibility for the spill but as the year anniversary has passed it seems as if BP has began to view the disaster as less of their fault and more of other’s personal errors.

Federal Government:

As BP was the main contributor to the spill, the Federal Governments response and their responsibility for providing relief to the victims was not far behind. The government, federal agencies and other U.S. Departments became involved in understanding what went wrong in preparation to the spill and should be done to mitigate its effects. The Obama Administration began by stating that BP was the responsible party for the cause of the oil spill and they would be held accountable for all financial or legal compensation to the environment and lives damaged (*The New York Times*, June 26,

2010). As the trivial disputes over the response to Hurricane Katrina was still weighing on the minds of Louisiana residents, the government felt even more pressure to provide assistance to those within the Gulf region. As initial impacts of the spill remained up in the air the government was unaware of the procedures and preventative steps to take to protect the region. This all came into realization several days following the explosion. It was stated in an articles that,

“On April 29, just after estimates of the size of the spill were increased from 1,000 barrels a day to 5,000, President Obama announced that the federal government would get involved more aggressively in fighting the spill, and Homeland Security Secretary Janet Napolitano designated the spill as “of national significance” (*The New York Times*, September 8, 2010).

As the relative size of the spill was analyzed the government became to bring in more outside help. This included several federal agencies such as the U.S. Coast Guard, the Navy and other consulting agencies such as the Minerals Management Service and the National Oceanic and Atmospheric Administration to provide further assistance and relief (*The New York Times*, April 30, 2010). But these coordinating efforts did not come for days following the explosion at the well.

As the first couple days came to a close, the public and Louisiana residents wondered if a national and multilateral effort would be solicited in response to the growing leak and dangerous complications that could arise from that. The victims were not only becoming weary over the level of cooperative forces between the Coast Guard and various governmental and non-governmental entities but they began to fear another Katrina nightmare of slow responses and false hopes. It was a whole nine days into the spill that the Obama Administration requested the Department of Defense to deploy the necessary equipment to fight the extreme depths of the well site (*The Heritage Foundation*, May 18, 2010). As the government insists that they were coordinating

federal resources and national support, officials starkly gave little indication that such reinforcements would be available at such a short notice and at that size of scale (*The New York Times*, June 26, 2010). Even with these flaws and controversy over their responses and allocation of resources made available to the victims, President Obama ensured that they were handling the spill as best to their ability. The president pledged his commitment to those whose lives were damaged in New Orleans from two catastrophic disasters in five years. He had said,

“federal efforts to rebuild after Hurricane Katrina would not waver even as the city struggles with the aftermath of the BP oil spill” and he would promise two things. “One is that we would see to it that the leak was stopped. And it has been. The second promise I made was that we would stick with our efforts, and stay on BP, until the damage to the gulf and to the lives of the people in this region was reversed” (*The New York Times*, August 29, 2010).

With Hurricane Katrina weighing in the minds of the victims and in the memories of the administration, the federal government understood the severity of their response and coordination efforts with other entities. Their framing of the debate and oil spill itself could not be understood without the realization of Katrina’s impacts years previous. As they took actions and prepared for the worse the government was able to adapt to misdoings from Katrina and from public outcries over their lack of response in the oil spill to further change their stance of the spill. Ultimately they pursued litigation and investigations for the companies involved as well as stepping up national levels of assistance to prevent further Gulf damages to the region.

As the Administration made this a more nationalized effort, they began to hold those accountable for their faults and misleading information about what was done to cause the explosion. After initially bringing forward federal investigations towards the parties involved the government was able to provide reports detailing the causes.

President Obama's oil spill commission released a report about the decisions made by BP, Transocean and Halliburton managers. In an article is stated that the managers,

“increased the risk of a blowout’. Most were made by BP managers, who had the final say on the project and who repeatedly chose riskier alternatives at crucial junctures, consistently favoring options that saved the company time and money. The findings focus on human errors specific to the Macondo operation. Had managers made better decisions, the commission reports says, they ‘would almost certainly’ have prevented the disaster” (*Yahoo News*, April 21, 2011).

As the Presidential commission documented the faults of these company's managers and their mishaps leading up to the spill, they also came to the conclusion that they could not prove these personal failures. As the commission presented the data in this manner they also changed the way they had portrayed the companies involved. In conclusion to the report, the commission stated,

“the blowout was not the result of a ‘rogue’ management style at BP. ‘Rather the root causes are systemic’ failures by the entire drilling industry and government regulators.” And that they couldn't prove BP or its contractors “consciously chose a riskier alternative because it would cost the company less money” (*Yahoo News*, April 21, 2011).

The way they framed each company's involvement had changed over the duration of the debate and even with proper evidence toward their failures they finalized that they could not prove this.

As the federal governments frameworks and interpretations of the spill change over time so does the way internal forces (federal) are viewing the efforts by their own government. The differentiation of internal opinions can not only lead to tension between federal parties but also in responses to how the spill is handled or observed. These tensions can be explained in the following disagreements over federal intervention. At the time, the Coast Guard Administrator Thad Allen, stated that he

“would recommend against more federal control over the disaster response” while Secretary of the Department of the Interior, Salazar, suggested that “the administration could go further in federalizing the response” (*The Hill*, May 24, 2010).

These differing statements can alter the behavior and actions that the federal agencies or forces plan to take in response to the spill's relief efforts. This blurs the lines between what political steps should and are being taken. The government is responsible for providing safety, aid and protection to the Louisiana residents so any lack of decisiveness in relief efforts can shift responsibility onto the shoulders of the public.

Louisiana State Government:

The state government also took a stance toward their interpretation of the oil spill and composed a variety of opinions over what relief efforts were necessary. The administration looked for oversight from the federal government on what actions should be taken. Jindal stated, "We kept being assured over and over that they had a plan, that there was a detailed plan, that it was coming; we never go that plan" (*The New York Times*, June 25, 2010). The state administration is also responsible for their own plan in coordination with the federal governments because under the law, oil experts say, there are "two kinds of governmental plans pertaining to spills, and the state is partly responsible for both" (*The New York Times*, June 25, 2010). The state was unable to follow oil spill procedure which should be outlined in their pre-spill preparation documents. At the time of the spill their plans included pages with blank charts over details of supplies and equipment to mitigate oil spill effects. The oil spill coordinator office was responsible for signing off on the contingency plans in adherence to federal, state and local officials, but the draft action plan was titled "to be developed" (*The New York Times*, June 25, 2010). Not only was the state administration not prepared to deal with the extent of the oil spill but because of this they targeted other entities for not adhering to plans or providing the state with necessary instruction to go about providing relief. They began to interpret the debate in accordance to what they thought about other

federal agencies or branches of government should be doing yet they themselves were unsure what steps to take. This begins to set up how they were a main contributor to shifting responsibility off of the department and onto others because they were unprepared and ill-equipped to handle the spill.

The state began to frame the debate around other governmental and non-governmental help but as they were indecisive on what to do they ended up wasting more time that could have been dedicated to assisting the victims or preventing further oil damage to the shore. In the occasion of an oil spill disaster, the state and federal laws in conjunction together call for a unified command to marshal resources and create daily action plans. The state seemed to stretch away from this plan and begin to develop they're own opinions over what was necessary to protect Louisiana. The state's approach was divided where some officials worked alongside federal agencies while others, including the governor, followed their independent approach. Jindal praised the building of a sand berm project which was not only costly, estimating up to \$1 billion, but it raised serious concerns from scientists, federal officials and environmentalists. Jindal advocated that the sand berm project was the state's "necessary defense strategy" and that it represented the state's best hope of protecting the fragile Mississippi Delta and its fisheries (*The New York Times*, May 21, 2010). The governor's plan could dissipate in months and actually hurt the shore even more but he was too concerned with providing urgent relief and a plan that represented that his administration was actually taking initiatives to fight this disaster. Jindal's go at it alone approach not only hampered the national efforts but it broke any ties to providing a unified relief plan. As many governments have been attacked for their lack of response and urgency, he often took his urgency too far by deploying a plan that was not studied or proved to be beneficial. This

almost seemed as a response imposed in order to mitigate future scrutiny towards the spill and provide weight to their argument that federal agencies were not stepping up to the plate like the state government has. This not only mirrored the controversy that the federal government found themselves in during the disaster response to Katrina, but it involved the state's hectic and often chaotic approaches that fell stray behind a unified response. As the state proposed their own preventative strategies they began to attack all others who did not follow or agree with their plans. Being more proactive in their own approach began to lay the foundation for how they shifted responsibility off of their shoulders and towards other groups. This will be significant in the way they displaced blame onto others for their failure to adhere to necessary relief efforts.

Residents of Louisiana:

The most important group within this debate is the residents themselves who have been victimized, vulnerable to further disaster and left stranded to deal with the damages imposed on them. This group is different from the previous three because they are not in any way responsible for the recovery efforts or for providing resources to the clean-up process. They do in fact frame the debate differently from all the others as well because they are the ones who are reaping the financial damages. As they grapple with the impacts from the disaster, they are able to come up with their own opinions and interpretations over who is at fault and what should be done, e.g. in terms of recovery efforts and compensation. As the oil reached wetlands and ruined businesses, the residents of Louisiana began to publicly react in different ways. Initially victims responded by saying the oil spill event,

“should catalyze big changes in the way we power our country and regulate our corporations. But with conservatives and politicians from manufacturing states arguing that passing a climate bill would further weaken an already-flailing

economy, is a spill of even these epic proportions enough to stave off backlash against major environmental legislation?" (*The American Prospect*, June 15, 2010).

The long-standing oil crisis and lax regulations have benefited the companies at large but have worked to decrease safety and health standards that directly hurt those living in the gulf. Louisianans who have felt the consequences of the oil giant's mistakes and agree that regulatory and safety changes are needed to avoid another such tragedy.

As this group frames the spill they are able to have a first hand account of the ill effects that have deteriorated their state. Not only have their livelihoods been ripped from under their feet but they are unable to receive full financial compensation due to BP's range of requirements and because the victims are still unaware of the future damages they will endure. Personal accounts of the spills impact can be understood through the stories and complaints that residents have publicized. One Louisiana individual explained her troubles when she said,

"I am from Terrebonne Parish in South Louisiana right along the Gulf. The oil spill affected us tremendously on every scale. Our main industries that we thrive from are the oil industry and the seafood industry. The oil is killing our wetlands and washing into our bayous and waterways. This is killing and contaminating our seafood. Almost every restaurant in South Louisiana is a seafood restaurant. All of our commercial fisherman, shrimpers, crabbers and so on are losing their jobs. The restaurants are closing and many jobs are being lost due to no seafood coming in. Now that Obama has shut down deep water drilling, many oilfield companies are moving to overseas. Not only are we losing jobs in the seafood industry, but we are also losing jobs in the oil industry" (*Yahoo News*, September, 11, 2010).

This victims own account of the damages felt in the gulf were only one story of thousands of individuals offset by the implications this spill has had on their livelihoods. Other individuals commented on how they were "paying the price" for the oil company's mistakes and that through this process they have been "standing in solidarity with the people on the coast of Louisiana." They want "people and individuals compensated fully. And we also want to clean up the energy supply and the way we live" (*The Daily Reveille*, June 21, 2010). Their own personal examination of the spill provides them

ample amounts of hatred and animosity over the government's and BP's responses to clean-up. Other residents have complained that,

“It could get into the local drainage systems and water systems of local communities if it comes inland enough and can begin to cause sickness among people using public water systems, as it has among marine life” (*New American Media*, June 21, 2010).

Louisianan's are weary over the long term effects that oil might have as a pollutant and hazard to their health. As this spill has personally devastated their lives they have developed into a group that is working toward gaining justice. Having this particular point of view allows them to frame certain parties as enemies or those who are creating even more trouble for them in the recovery process, e.g. BP's complicated and controversial compensation process that has left thousands without financial restitution. This group also is almost seen as less powerful in their fight against BP and sometimes governmental forces to obtain the safety, protection and legal compensation in which they are obligated to. This group began to blame others for their lack of responsibility and lack of fully compensating the victims involved. This began to be played out as I compare this group with others within the blaming section.

Tension:

The formation into these groups following the spill begins to separate each by their various opinions, interpretations and understandings of the spill. As these groups frame the debate within their own context they began to oppose the framings of other groups which do not coordinate with what they see as what happened or what should happen in relation to the spill. In accordance to the spill response, these groups begin to take actions or employ preventative response efforts that are not agreed upon by all. Such as implementing the sand berm project or initiating more response days following the disaster. The groups even argue over who was at fault for the spill in their

explanation of what went wrong on the Deepwater Horizon rig. As these frameworks begin to reflect their behaviors and actions then disputes over what is right or wrong begin to come into play. Specifically when opposing groups do not agree with response efforts and the actual cause of the explosion, e.g. BP claims it was not entirely their fault yet the public does. As arguments become prevalent and media backlash between these groups' increases then the act of shifting responsibility takes form. As those become more inclined to propose their plans or interpretations of the spill then they are more likely to blame others for their inability to accept these claims or agree with the efforts being introduced. When a group is certain of its position in the debate they can start to shift blame onto other parties for not accepting this. Targeting these other groups alleviates the media and public scrutiny off their back and onto another party, e.g. BP blames other companies for their faults and the state government blames federal agencies for their lack of responses.

These conflicts between groups can lead to what Administrator Mary E. Landry of the Coast Guard referred to "as 'dynamic tension' among the participants in the spill response" (*The New York Times*, September 8, 2010). These parties involved were not adhering to working as a cohesive unit but they were scattered and opposing each others efforts. This not only began to shift relief efforts away from the victims and environmental damage but it gave more attention to these opposing parties. As they were captured in the media for their consistency to blame others they were seemingly focusing their attention away from the disaster itself. As this 'dynamic tension' becomes the core of these debates, I will use this to outline and describe how the shifting of responsibility begins to develop as these groups polarize their framings of the debate and focus on minimizing the scrutiny they have obtained in the media.

B. Blaming:

One of the most prominent and encompassing factors within the debate is the concept of blaming. Different parties involved can take part in this by shifting the responsibility from themselves onto other parties. Often the abdication of responsibility is an important aspect because many groups fail to take accountability for their own actions as well. Transferring responsibility onto other groups sometimes can result because these parties are trying to avoid facing a damaging reputation and criticism by the public (I will support this with evidence in the analysis). Analyzing this variation of blame can be helpful in understanding how conflict and controversies began to take form and play out as the debate progresses. I have broken down the blaming section by parties who have directed or received blame.

Louisiana State Government:

There are different kinds of blame that take place amongst the state government. This includes blaming towards federal agencies, the federal government and toward BP. I will first detail how governmental administrations have been involved with different acts of blaming in the Louisiana State Government. Particularly the blame that Governor Bobby Jindal has took part in. Jindal becomes an avid player in the blame game by making different statements toward other groups. In the first weeks following the spill he has been highly involved in shifting responsibility onto other parties and failing to admit to his administrations own faults to response efforts. His administration begins to criticize and make claims about the relief efforts by stating (with a statement introduced earlier), “We very quickly ran into challenges with the different entities carrying out their responsibilities...citing a lack of urgency and decisiveness by the Coast Guard (*The New York Times*, June 6, 2010). They’re attacks toward the Coast Guard begin to lay the

foundation to how the different acts of blaming began to take form. Placing blame towards others can be justifiable in the right sense but this administration has continually become active in making judgments about the actions of other entities. Jindal also joins in by debating what needs to be done in response to the disaster that the oil spill has caused Louisiana. He states that these response efforts “demand quick action and quick thinking, and especially common sense. We continue to ask the federal government and BP to join us in this fight and battle this oil spill with the sense of urgency that the protection of our state demands” (*The New York Times*, June 6), 2010. Although he is not directly blaming anyone yet, he is in fact making statements about what he thinks the federal government and BP should be doing to help the state of Louisiana. He is declaring that more strides and efforts must be made toward working with their state in these recovery efforts.

As these pre-blaming statements were made, Jindal begins to shift his perspective on the assistance and responses that these groups continue to make. Contradictory to what Jindal had previously stated in the media, he now attacks the government for being an obstacle to providing aid to the victims. He insists that federal government ‘get out of the way’ and so the state can take matters into their own hands (*The New York Times*, June 26, 2010). He not only is urging the government to get out of the states way in implementing plans for recovery but he also previously criticized them for their lack of help and urgency in their response. His statements are contradictory and he becomes publicized for his constant remarks and displacement of blame onto others for their plans or lack there of. This begins to show some indecisiveness on his part over what he thinks should be done in the response to the spill. As a state governor, he is focusing more on taking sides and forming arguments between critical groups involved in the clean up of

the spill. This works to damage the relationships between these groups that cause further animosity towards working together as the abdication of responsibility becomes more important than coordinating to help victims.

As blaming takes form between these groups it becomes a distraction to following national and state plans to deal with the event of an oil spill. The state of Louisiana has a protocol and set of objectives that should be followed in the event that a disaster of this nature should happen. The following states what should happen when Louisiana is involved in a crisis.

“The state includes a plan that, in conjunction with state and federal laws, outline a response plan ‘called a uniform response...state officials, the responsible party and federal authorities...are supposed to work together to create day-to-day action plans’” (*The New York Times*, June 26, 2010).

This dictates what should happen and should have happened following the response to the oil spill. This declares that the state government should in fact work with BP and the federal government to achieve the best possible outline and plan towards facing the disaster. Instead of adhering to the state plans, Jindal decides to come up with an independent way of going about things. He chooses to blame these groups for what they have done or failed to do but he himself where he falls under the same criticism that he is placing on others. Even know Jindal is not abiding by the precedents of his state he in fact targets others who have not been able to exceed or meet his standards in providing responsibility. Jindal is using this type of blame as a way to leverage himself above these other parties. This transfers responsibility off of the state’s hands into the hands of these other entities. He digs himself further into a hole with all of the media attention he has received. Making these claims about others opened up the opportunity for those to have inquiry on his operations and inability to uphold the responsibility of the state of Louisiana.

Blaming others begins to show a lack of credibility one's own ability to provide responsibilities to those in need. Blame is used for the purpose of instigating change and displacing accountability onto others. The state's use of blame becomes a way to transfer responsibility upon others but this opens up the doors to question Louisiana's ability to uphold responsibility. The following statements represent how Louisiana has come under the same criticism that they have place on other.

“Interviews with more than two dozen state and federal officials and experts suggest that Louisiana...has often disregarded its own plans and experts in favor of large-scale proposals tat many say would probably have had limited effectiveness and could have even hampered the response.” “The state's approach has also at times appeared divided: while some state officials work alongside the Coast Guard and BP every day, others, including the governor, have championed a go-it alone approach” (*The New York Times*, June 26, 2010).

These statements not only refute and contradict some of the state's previous claims but it also opposes the way in which this administration has sought out to achieve a 'streamlined response system'. Using blame in the debate can further exacerbate the severity of disputes between these groups which can lead to the disruption of the practice of citizenship. This means that those who are powerless to the government and corporations are actually further excluded from their ability to obtain assistance in the way that the victims want. The more these disputes continue over blame then the less likely these discussions will be focusing on rights. Without the authority working with those who 'need the authority' then ultimately the duties and obligations that are embedded within the notion of citizenship actually become abstract (they fail to exist and therefore the practice of citizenship becomes disrupted within the context of this conflict).

As I have stated earlier, the state administrators of Louisiana shifted toward providing their own plans to recovery after conflict erupted between the federal

government and U.S. Coast Guard. Their independent plans included the building of the sand berm project. This project created controversy over its implementation and reliability while it also became initiated more blaming. The state government declared that the berms represented the state's best hope to protect their shores and fisheries. It was stated in an article that officials became "frustrated with what they see as bureaucratic inaction" and they have stated that "'they haven't given us any reason for the delay' Mr. Jindal said" (*The New York Times*, 2010, May 21). The state officials began to blame the federal government and other officials for not funding and approving the plan fast enough. An article also explains Jindal's criticism toward the government when it states,

"Our federal government does not need to be making excuses for BP,' Jindal said at the news conference, only moments before he received word that the White House had approved the berm construction. 'Every day they wait, every day they make us wait, we're losing our battle to protect our coast'" (*Reuters*, June 2, 2010).

Although the sand berm project was passed, it still faces heavily scrutiny for its ability to provide protection of the coast because it is an expensive project that only provides a short term fix (while also being able to cause further damage) (*The New York Times*, June 26, 2010). Jindal's use of blame here can describe how if the state is not getting what he thinks they deserve then he has resulted to displacing blame upon other parties for the further ecological or environmental damage that it is causing. As I explained earlier, he was been active in his go-at it alone approach and working against a unified plan with the federal government yet some of his state plans, such as the berm project, require funding and support by the federal government. As a figure who has been known to point his finger and shift responsibility to the federal government he has demanded a lot from their direction. Blaming them for too much help or too little help begins to show a contradiction with what he wants as an independent state plan but yet he constantly

accuses the government for their slow response to approve of it. Other state officials have also blamed the contractors building the project. An article explains that,

“State officials are criticizing contractor Shaw Group Inc. and its subcontractors for not moving fast enough on the 40-mile berm project. The about \$360 million bill is being paid by BP PLC, the owner of the well that caused the Gulf oil spill. Shaw and its contractors ‘haven't delivered what they promised,’ Garret Graves, chairman of Louisiana's Coastal Protection and Restoration Authority, said in an interview” (*DredgingToday*, October 12, 2010).

State officials started blaming the subcontractors who were working the project for their inability to move fast enough. This constant use of blaming begins to seem like a reoccurring theme for the Louisiana State Government. Not only does this hurt their reputation but it highlights how they have been displacing blame onto all sorts of parties for their inability to properly measure up to the standards that the state has set. The state seems to be relying on others because they continually blame these groups for not getting the job done or being too slow.

All of these groups should be working in correspondence with each other because they hold responsibility over protecting the people and providing them safety in the event of a crisis. Not only does the media focuses on these disputes over blame and the shifting of responsibility but the parties involved in blame itself begin to take part in further arguments. The continuation of disputes can illuminate how those are retaliating to scrutiny they had previously received. These arguments may be a device to shift attention off of ones own back and onto someone else's. The focus on these discourses of responsibility rather than on the actual relief efforts themselves can begin to alienate an individual's ability to obtain or maintain rights, e.g. legal rights and the right to be protected within a disaster.

Federal Government:

The federal government is responsible for providing protection and safety for the residents in Louisiana in the days, months and years following the oil spill. Although BP was the responsible party for causing the spill, the federal government has authority to provide relief through declaring different agencies or departments to deploy assistance or resources. The federal government has been blamed for their lack of urgency and response in the days following the spill. Throughout different points in the debate, the national government has often been in opposition to the opinions and perspectives that BP has had about the spill. In particular there was controversy over the estimated flow rates that the spill had released into the gulf. BP's Managing Director Bob Dudley and Carol Browner, assistant to the president for energy and climate change, have argued over the initial estimates of the spill. In an article it stated that,

“‘The estimates from the well rates have never been BP estimates,’ Dudley told host John Dickerson. ‘They’ve been through the unified command center. The best way to estimate those early rates were from satellite picture.’ But Browner countered by saying that BP’s interest isn’t first and foremost to contain and clean the massive spill. ‘It’s important to understand that BP has a financial interest in what those flow rates are. They will ultimately pay a fine based on those rates,’ she said. When asked if BP lied about initial estimates, she said: ‘The very, very first estimates came from BP. They had the footage of the plume. The government then did satellite imagery and we realized that those figures were not accurate’”
(*CBS News*, May 30, 2010).

Although these are only two individual figures that represent BP and the national government, documenting small cases of comparison between these groups can illuminate the overall picture of controversy that exists here. The contention that arose from the estimates show how a variation of blaming takes place in the debate. This statement also depicts how BP is questioned to being motivated by financial interest rather than the interest of cleaning up the spill and repaying the victims. This is significant to understanding the reasons why BP may blame others or shift responsibility off of their shoulders in an effort to avoid further economic damages. This is key to

understanding what each party's objective, goal and interpretation of the spill is in terms of what consequences or repercussions they fear. In comparison to this the people fear future loss and damages as those in authority have tended to focus on how they can rebuild their reputation and limit the amount of public scrutiny they face. In the article a CBS News Correspondent further explained that,

“I do wonder if we're going to see a growing rift between this partnership with the administration...Congress and BP because this is the first time I heard BP so strongly say, hey, the government's to blame for those bad figures. And the government saying back, of course, that BP is to blame for those bad oil flow estimates” (*CBS News*, May 30, 2010).

The continuation of this blaming between groups harms the unified effort that the nation needs to rebuild and restore the gulf region from the oil spill damages. As the two most powerful parties in this debate, BP and the federal government are crucial to providing the resources and responses necessary for the victims. Shifting responsibility and blaming each other impinges this recovery process and without the coordination of these groups then it becomes difficult for officials and administrators to be on the same page about providing assistance to the region. This further complicates things and becomes a reoccurring theme throughout the data I have explored. Groups involved in the debate have tended to shift their focus toward fighting and making arguments in an on-going battle of who is right and who is wrong. This directly depicts why I have found blaming so important. It is a critical aspect to how the debate is played out, argued over by different groups and how the reciprocation of blaming often becomes a first priority in an effort to shift responsibility onto others.

BP:

Through the public eye and the media there have been detailed accounts of blame that has resulted from this debate. An article described that, “In the aftermath of the disaster, there have been numerous efforts to cast blame” (*Salon Media Group*, May 4,

2010). One of the most contentious groups who has done this is BP. As the biggest and most noticeable players in the entire debate, BP has been an active and often controversial party that not only distributes blame onto other parties but does so in a way that tries to focus scrutiny away from themselves. They began to blame other contractors and companies involved with the spill who were working under their jurisdiction. These companies included Transocean and Halliburton. BP released an internal report documenting that the explosion involved a series of failures by a number of companies that ultimately led to the spill. In documentation of this report, a news article stated that,

“the 193-page report deflected attention away from BP and back onto its contractors, especially Transocean and Halliburton. While it puts some responsibility on BP for errors made — such as misreading pressure data that indicated a blowout was imminent — the report tries to undermine the notion that the company acted with gross negligence. Yet because of its authorship, it is unlikely to carry much weight in influencing the Department of Justice, which is considering criminal and civil charges related to the spill (*Politico*, April 12, 2011).

This statement explains that BP was trying to ‘undermine the notion that the company acted with gross negligence’ and that BP was trying to draw attention away from the negativity that they have faced. BP’s report can signify how the abdication of responsibility is a key feature to how BP has shifted some of the responsibility off of their shoulders and towards other companies involved. This act of downplaying BP’s role in the disastrous spill is important to understand in terms of how other parties are beginning to view BP and reciprocate blame back. Another article described that,

“BP accepted some responsibility for the disaster but pointed the finger at what it said were major failures by Transocean Ltd, the operator of the ill-fated Deepwater Horizon oil rig, and oil services company Halliburton, which cemented the deep-sea well that ruptured on April 20. The report drew fire from a prominent U.S. lawmaker who accused BP of trying to minimize its role in the disaster. Transocean called it a "self-serving" attempt by BP to escape responsibility for its "fatally flawed" well design, while Halliburton said the report was filled with inaccuracies” (*Reuters*, September 8, 2010).

As both Transocean and Halliburton have admitted they were involved in the spill, they also have depicted the extent to which BP was the main contributor to this and has failed to take responsibility for their actions.

Further on in the report there are other statements that draw attention to how BP has been finger pointing at these two companies. The internal report that illustrates what failures lead up to the spill and it explained how BP's failed to take full accountability by displacing blame onto others. Based off this the article stated that,

“The BP investigation found fault with Transocean employees aboard the rig at the time of the accident. ‘Over a 40-minute period, the Transocean rig crew failed to recognize and act on the influx of hydrocarbons into the well,’ BP said. But Transocean said BP was seeking to conceal the key factor that led to the rig explosion -- the well design. ‘In both its design and construction, BP made a series of cost-saving decisions that increased risk,’ it said. Halliburton joined Transocean in rejecting the findings, saying the BP report contained ‘substantial omissions and inaccuracies’ and stressed it was fully indemnified for any allegations in the document” (*Reuters*, September 8, 2010).

Not only was BP beginning to blame these companies but the companies attacked BP's report itself. As one party begins to target another by blaming then it opens up the floodgates to a plethora of conflicts, continued blaming and increased retaliation. This not only becomes evident to the parties involved but it also is highly publicized through the media. The article continued to state that,

“BP, which has seen almost \$70 billion wiped off its market value since April 20, is trying to rehabilitate its tarnished public image and restore investor confidence, spending millions of dollars on positive television and newspaper advertising. ‘This report is not BP's mea culpa,’ said Democratic congressman Edward Markey, an outspoken critic of BP's handling of the disaster. ‘Of their own eight key findings, they only explicitly take responsibility for half of one. BP is happy to slice up blame, as long as they get the smallest piece’” (*Reuters*, September 8, 2010).

BP's acts of blaming displays their need to reinvent and establish their public reputation that was severely damaged from the spill. BP's shifting of responsibility onto others shows how they are taking measures to rebuild their public image as well as recover from the negative attention by trying to seem as if they are less guilty. This shifting of responsibility is highlighted in news articles where it is debated over by different public

officials, politicians and powerful authorities who all have various opinions over these acts. This provides us a look into blaming that exists between companies who are responsible for the safety measures, public health and the protection of those individuals residing in areas where they work. This depicts that those responsible for the citizens pre-spill are also the one's who should have accountability over the victims post-spill and be able to step up to the plate by taking full responsibility without casting blame upon others.

The blaming between these three companies was further documented in May, 2010 when all three were representing themselves at a hearing in the Senate. An article depicted this and stated that,

“Executives of the three companies involved in the Gulf oil disaster — BP, Transocean and Halliburton — testified before senators Tuesday and were quick to lay blame elsewhere.’ ‘I can see the liability chase that's going to go on,’ Sen. Robert Menendez, D-N.J., told the Senate Energy and Natural Resources Committee as the hearing got under way. Sen. Lisa Murkowski, R-Alaska, urged the companies not to point fingers, saying that ‘we are all in this together’” (*MSNBC*, May 11, 2010).

This documents how each company is seeming to work in opposition with each other instead of as a coalition united toward providing assistance and restoration to the gulf. I think it is particularly important to notice that the article explained the ‘liability chase’ that is going on here. These parties do not want to take full responsibility because they will be charged and sued even further then they might have if they try to depict that other parties were involved as well. This can be a tactic to avoid further financial losses and reputation damages that they could face, yet drawing attention to their continued acts of blaming does nothing but work to hurt their reputations within the media. Not only has the blaming between these three companies been highly covered in the media but it leaves us to question what are they doing to help the victims recover from what they have caused. All these acts of displacing blame and pointing fingers does not do any good for

the victims who have been left to deal with the responsibility being displaced upon them. The more the media covers about the acts of blaming then the less attention that the victims, environment and destroyed livelihoods are getting within the media. This makes us question what relief efforts are actually being done.

Other blaming from BP also includes their attacks toward the compensation process victims for their lack of coordination in resolving the claims and payments. BP claims administrator, Kenneth Feinberg, has often been severely attacked for the slow process and blame that the claims officials have displaced on the public. An article articulates this when it explains,

“‘We have scores of applications for financial aid that appear to be fraudulent,’ and are being reviewed for possible forwarding to the Justice Department for criminal investigation, Feinberg said. Some of the suspect claims have obvious discrepancies, while others appear to be multiple filings for the same loss, he said. ‘Our resources are diverted, and we become skeptical and concerned,’ he added. ‘Fraud always slows the process down’” (*The Associated Press*, October 6, 2010).

Although claims can be fraudulent and not legitimate, the majority of victims who are claiming have to wait months, which is often too late, for their compensation payments. Angered by this long standing process, victims have often made statements, public announcements and voiced other concerns toward BP’s ability to handle the compensation process. The victims, rightfully so, are blaming BP and the claims administrators for their lack of organization and claims distribution. The article also depicted this when it described that, "The phones aren't ringing. The e-mails aren't coming in," he said. "Where will we be in a year from now? Nobody knows the answer to that so how can we accept a final payment?" (*The Associated Press*, October 6, 2010). These victims are not only subject to the compensation fund system but they also become integrated into this blame game because they are in dire need to financial compensation. The Louisiana resident’s blame BP for their failures that caused the spill and also their

allocation of the compensation process which has only alienated victims further away from accessing compensation. The blaming that the victims target towards BP is a different form of blaming than the type that BP, Transocean and Halliburton take part in. The people are innocent and have not caused the destruction and damages but they are trying to seek justice and using blame as a tool to do so can work in their favor to grab media and public attention toward BP's controversial compensation process.

The public and victims have joined this blame game, not for shifting attention away from themselves like these companies have done, but actually shifting attention toward the continued problems they are facing in acquiring compensation. In an article depicting blame within the oil spill, the writer concludes that "I'd like to join in n the blame game that has come to define our national approach to the ongoing environmental disaster in the Gulf of Mexico" (*The New York Times*, June 12, 2010). The victims who are joining in the blame game are actually blaming for the sake of trying to promote change or the ability to access these rights. It was claimed by people within the Gulf that "Every day we call the adjuster eight or 10 times. There's no answer no answering machine," (said Regina Shipp, who has filed \$33,000 in claims for lost business) and that "If BP doesn't pay us within two months, we'll be out of business" (*The Associated Press*, October 6, 2010). With reasonable cause and frustration, the blaming that the people have towards BP's allocation of money and resources signifies the claiming of legal rights and the abdication of responsibility to provide these rights. Although this compensation fund was organized to in fact exercise the legal rights of the victims, it has many conditions that limit these rights. The structure of the eligibility requirements and the process in which it is handled often systematically works against these victims and begins to exclude individuals based on the outline of the policy. This use of blaming

from the viewpoint of the victims is used as way to ignite power as a group who has systematically been denied rights through BP's handling of its rig and compensation process. It is also a way to further initiate solutions to these issues and target BP as being responsibility to provide financial restitution.

C. Compensation practices:

I have described how blaming takes place between different groups involved within the disputes of the debate over relief, compensation and recovery plans. What is important to understand is how the relationship between BP's responsibility to provide compensation and the actual distribution of compensation to the victims begins to play out throughout the relief process. These conflicts between the parties involved in the compensation process have become one of the most challenged and on going disputes of the entire oil spill. Victims are still dealing with long claims process where they are unaware if they are eligible for the claim or even able to receive as much as they claimed. With this said I will introduce the fund itself. The BP compensation fund is a \$20 billion oil spill fund that is administered by Kenneth Feinberg who was appointed by President Obama and BP. Feinberg promised to issue "emergency payments for up to six months of lost wages for individuals within 48 hours and half a year of losses to businesses within a week" (*The Times-Picayune*, September 7, 2010). These payments would soon to be found as controversial (as I will mention later). It was created to provide financial repayment toward any damages or losses that occurred directly from the oil spill. Within this section I will explore and analyze three different components of this fund. They include, 1] eligibility requirements, 2] eligibility conditions and 3] the implications of this fund. As one of the most important parts of the debate over citizenship, I think that these

sections explain how the legal rights of victims are dictated and allocated in regard to how BP is ultimately in charge of who receives what.

1. Eligibility requirements:

There are different eligibility requirements that must be met in order for someone to make a claim, be eligible for a claim and actually receive a claim. The claims process involves that individuals and businesses can make a claim against BP through an independent claims processor called the Gulf Coast Claims Facility (GCCF). Another claims processor is the U.S. Small Business Administration which works in conjunction with the GCCF. Feinberg makes determinations about what claims are eligible. The different eligibility requirements that fall under the claims protocols includes making claims over property damage, loss of income/earning capacity, net loss of profits from a business, subsistence loss, approved removal and clean-up costs and physical injury or death (*The Times-Picayune*, November 18, 2010). Some of these requirements are hard to determine in accordance to the claims process because some individuals or businesses do not have documentation or a way to prove this. The people experiencing different damages have to actually provide accurate and detailed information about their losses. This often is difficult and controversial for those victims who have no access to documentation which means they can't provide the essential evidence for their claim to be recognized. Ultimately if BP denies the claim or it goes unsettled for more then 90 days then the victims can apply for a claim with the National Pollution Fund which is handled by the U.S. Coast Guard. Many people have been waiting months for their claims and often this lengthy process has forced them out of their homes, away from their businesses and into further debt.

Another trivial aspect of the fund was its original designation toward compensation based on “geographic proximity as a determining factor for eligibility” as well as “the nature of industry and the dependence upon injured natural resources” (*The New York Times*, August 20, 2010). This structural component of the fund worked toward excluding individuals based on geographic locations which did not take into effect those who have been indirectly affected. This would cut out large sectors of business, tourism and industries and people who were indirectly but detrimentally impacted by the spill. There was so much debate about this that it was overturned as a requirement for making a claim but it is still a determining factor in whether or not a claimant will be eligible for receiving compensation. Even though the requirement was overturned, claims distributors still admit it is a worthy device to measure and allocate claims to those affected where the proximity of the individual or business is taken into account. This process began to determine that BP was not only responsible for what happened to them but they would be responsible for what would happen to them.

This depicts my argument that even if BP is held accountable for their actions and is responsible for the damages, they are still able to be responsible over when and how rights are distributed within the claims process. Victims not only find this unfair and unjust but they also feel as if they are being excluded for compensation by the party who has placed them in this position and caused them financial damages. In a news article it was documented that, “Legal experts said that the eligibility criteria for oil spill settlements, including the emphasis on proximity, make intuitive sense, but they cut out large sectors of businesses and people that were indirectly but nonetheless deeply affected by the spill” (*The Associated Press*, October 6, 2010). Even though geographic proximity was eventually found to be an unfair qualification, it is still taken into

consideration during the claims process. This can begin to cause consideration debates over how BP, as the responsible party for distributing funds, actually is able to further alienate individuals from compensation due to their eligibility requirements.

2. Eligibility conditions:

There are different eligibility conditions in the claims process. These include four separate payments options which are 1] emergency advanced payments, 2] quick payment option, 3] full review final payments and 4] interim payments. The emergency advanced payments were initial payments for the first several months of the spill. The deadline for this option passed on November 23rd, 2010 (*The Times-Picayune*, November 18, 2010). There was an enormous amount of criticism and complaints over the short duration of these claims to be filed, which eventually lead to the creation of interim payments (which I will discuss). Emergency payments stated that someone would apply for final or interim payments where upon settling on a payment an individual must waive their right to sue BP or any other party involved. In the beginning of the debate this was a crucial part of how individuals were subjected to this system because they found it necessary to take these payments to save their homes or businesses. But over time it was evident that they were eligible for more money as their damages grew and other types of payments were available. Other payment options included the quick payment that pays 5000 within 14 days to individuals and 25000 to businesses within 14 days but they must sign release to waive any claims they have now or in the future against any parties involved (*The New York Times*, May 4, 2010). This creates dilemmas for the people who must decide if they should take the money that they need through the claims process (if they get approved) or if they should wait for further compensation or litigation which could take years. Since most of these people don't have time to live without money they

have to resort to these quick payments which exclude them from being able to receive further payments. They are trapped within the compensation fund eligibility conditions, requirements and practices where they ultimately have no say in what legal rights they have or how much money they can or will receive. This can be important to understand how rights become distorted as this environmental disaster has weighed heavily on the lives of those who have faced irreparable damages. The compensation process is supposed to allow victims to obtain financial compensation but they find themselves unable to do so because BP is not taking full responsibility for compensating these victims fully. Their eligibility requirements, limitations to documenting proof and long waiting time periods to receive claims have left them almost rightless. BP to pay all financial damages has not only ignited ongoing disputes but it has been a stark reminder at how powerless the victims have become as the recovery process goes on. In terms of citizenship, it is necessary to examine how the relationship between these two groups becomes even more polarized as they both are trying to fulfill their own objectives. This includes how victims are trying to receive compensation as BP is trying to make this process as fast and exclusionary as possible to push this ongoing public dispute behind them.

The third payment option is full review final payments which one can apply to if eligible where they must again waive their right to sue upon final settlement. Interim payments are a relevantly new development that was created because of the dispute over the final payments that trapped individuals into signing off their right to sue. These payments are able to be claimed once each quarter of the calendar year where they do not have to release or waive any right while also being able to submit a claim for final payment (where you must release your rights). The provision in the final oil spill

settlement protocol requires people to waive their right to sue has been controversial. This limits the amount of money someone may receive in the future from impacts that have not surfaced and this takes away the right for those to further follow lawsuits against these corporations. This can directly show how the practice of citizenship becomes disrupted because those who are in fact responsible for the damages also have the power to distribute and structure who gets compensation, when they get it and how much they get.

Three of the four eligibility conditions of the Gulf Coast Claims Fund require that those who finalize their payments must release all waives and claims that they have now or in the future against those parties responsible (*The New York Times*, August 20, 2010). This directly limits the rights toward future compensation of unknown damages and has often convinced victims to sign final payments because they are in dire need of finances (save their home or business). This does not allow them to fully assess the long term impacts. This not only inhibits and subjects these victims into a system that works against their benefit but it actually is organized to limit the rights these people have in the wake of disaster, instead of providing these rights. BP has shown a lack of decisiveness for organizing a format that is more equal in distributing financial restitution. I think it is important to see how these administrators have complained and targeted victims for making this process harder while those who are awaiting their payments have been questioning what is actually being done, or more precisely, 'where is our money'. The long process of suing these companies would create years of litigation and processing in drawn-out lawsuits, so they are often are pushed into the direction of claiming final payments and interim payments (*The New York Times*, August 20, 2010).

C. Compensation Fund Implications:

Understanding that not all people are able to practice rights show that the compensation fund is based off the idea that those who are eligible for legal re-compensation will have a better chance at receiving it but the initial formation of this process reveals that not all victims can in fact access these rights, i.e. the fund would not be structured through eligibility requirements or conditions if the creators had planned to exclude individuals. The compensation process has generated media attention towards the continued disputes over the failure of the claims administrators to distribute funds timely and consistently. Much scrutiny has faced Kenneth Feinberg and the claims processors who have not been able to keep up with the flood of recent claims that piled up due to the introduction of the interim payment option. My analysis over this particular sphere of the debate allowed me to determine how the compensation eligibility requirements and conditions have become a legalized form of exclusion. This has surged public disputes over how this process has been unequal, unfair and an unorganized failure in financially compensation victims. The structure of this fund has systematically restricted individuals based on lack of proof, documentation, geographic proximity and has required those to waive their right to sue once accepting a final settlement. They not only document how BP's compensation fund unevenly distributes funds but how they use these requirements to selectively exclude victims based on the outlines of the fund (The Associated Press, April 20, 2011). This important concept further supports my analysis over how these legal rights are being claimed or obtained through the processes that BP has established. As the party responsible, BP ultimately is restricting all disaster-victims and therefore not making justice or compensation fully accessible to all individuals or businesses.

There are other trivial aspects to the distribution of the fund and the way it has exacerbated the effects of the oil spill even farther, in terms of emotional, economic and social stress on the victims awaiting their claim approval or payments. A recent controversy arose when it went public that the claims processors received a raise. It was stated that,

“Gulf Coast Claims Facility administrator Ken Feinberg has been perhaps the most hated man along the Gulf Coast. Now that Feinberg and his law firm will receive a 400-thousand dollar a month raise, oil spill victims like Orange Beach restaurant owner Jeff Price, who's still waiting on a claims check, says Feinberg won't win any popularity contests anytime soon” (*The Associated Press*, October 6, 2010).

This not only shows that those responsible for the damages inflicted upon Louisianans are actually receiving benefits but that they control the power over how these legal rights can be accessible or inaccessible, depending on if someones claim passes. This does not ensure that the individual or business will even receive the amount of money they have claimed and it could take months for these claims to be filed, while those who rely on this money don't have time. Other victims include, “Fishing guide Mike Garey, who got just \$21,000 in response to his request for \$70,000 in losses, isn't sure what he'll do” who is disappointed and does not know where to turn after waiting months for a small claim (*Huffington Post*, October 4, 2010). Other people simple don't have the time to wait around for this money. This concept was depicted within an article about the impacts of the fund.

"The Deepwater Horizon Oil Spill has disrupted the lives of thousands upon thousands of individuals, often cutting off the income on which they depend," the department said in a Sept. 17 letter to Feinberg. "Many of these individuals and businesses simply do not have the resources to get by while they await processing” (*Huffington Post*, October 4, 2010).

This has been the case for many struggling individuals in Louisiana. These victims have suffered enough and the lack of organization for claims to be filed for repayment has taken a toll on their livelihoods and their ability to recover in this process. Some have

said that, "The phones aren't ringing. The e-mails aren't coming in," he said. "Where will we be in a year from now? Nobody knows the answer to that so how can we accept a final payment?" (*The Associated Press*, October 6, 2010). As the party responsible for compensation for financial damages and losses, BP and the compensation fund have failed to live up to the expectations of the victims. BP has even shot back at the complaints about the process and have justified reasons for this, instead of moving forward in the distribute the claims. Skoloff again depicts this in his article by describing that, "Feinberg, however, said many of the claims are simply too flawed to pay out. 'We have thousands of claims where there is no documentation, none,' he said (*The Associated Press*, October 6, 2010). They address how no documentation has been the cause and that "claims are simply too flawed to pay out" and there is over 39,000 claims that need additional documentation so they remain on hold (*The Associated Press*, October 6, 2010). These excuses from BP do not provide reassurance to the victims but it actually brings further stress to their already struggling financial troubles.

These excuses have only depicted how BP and the claims process has created conflicts and disputes between these two groups. As BP does this they are shifting responsibility off of themselves and onto the compliants for their lack of proof and documentation which have led to a further chaotic claims process. As BP is under enough scrutiny and public controversy from the oil spill and the compensation process itself, it is not surprise that they are shifting responsibility onto the shoulders of the public in an effort to portray themselves as being productive and efficient in this process compared to how they say the victims are making the situation worse (*The Associated Press*, October 6, 2010). This shows how the claiming of rights becomes a difficult as those responsible for providing a timely and consistent claims process actually fail to due so. This can

highlight how the disputes between these groups becomes more prevalent within this aspect of the debate in regard to how rights and responsibilities are handled by the authority.

VI. Conclusion:

Louisiana is home to a historical environment that has been plagued by disaster and has been the center of debates over how victims are treated in the wake of crises. The debate of the oil spill must be thought about in relation to Hurricane Katrina because it caused a dramatic reconsideration of citizenship within both academia and the public. The current debate follows similar footsteps to what was argued over and presented through the media. The oil spill caused victims, the public and the media to begin to talk about rights, blaming, accountability and responsibility. These concepts are important in understanding how different groups begin to form opinions and perspectives over these issues in the debate. This leads to parties involved discussing who is wrong, who committed wrongdoing and what must be done to make it right. This can highlight how this disaster created animosity between those who caused it and those who experienced it. These groups disputed over who was to blame, what relief efforts were made, how compensation would be rationed, how those responsible would be handled and what were steps taken that failed. The theme present in these disputes is how the victims of the spill would be accounted for and who would be responsible for what actions would be taken, i.e. how the accessibility of rights to safety, protection, compensation and aid would be attained.

The way I used citizenship to emphasize and explore each of the three sections in my analysis allowed me to ground my work around this concept to where I could compare the discussions between different groups that become evident in the debate. I

used the notion of citizenship to unpack issues that are embedded into the debate and address concepts that I found particularly crucial to examine. These concepts are foundational to how I have analyzed the 1] way the debate was framed, 2] the variation of blaming and 3] the compensation fund. Through these sections I was able to decipher three important themes that arise through the framework of citizenship.

The first theme is how responsibilities are transferred onto the public. This theme in the debate has not only been a way to think of the response efforts but how the lack of urgency in these efforts was an example of how responsibility has been shifted onto the shoulders of the victims. The differing attitudes and actions by BP and the local and national government lead to discrepancies over the urgent actions taken toward providing aid or assistance. The second important theme that the framing of citizenship allows me to examine is how the victims of this disaster become alienated and excluded in the debate. Those that become focused on the abdication of responsibility are often doing so in the discussion over how the victims should be compensated and what relief efforts should be made. As more focus is placed on who isn't doing what and what should be done, then the discussions over these issues become even more distant from being attained. As the spill progressed throughout the media, we saw a quiet push of attention away from the stories, experiences and impacts that these people have faced. The third theme is how the Louisiana people have faced further difficulties in acquiring legal rights through the process of the compensation fund. The fund was established by BP to repay financial damages to victims because they had an obligation to this responsibility. This has surged public disputes over how this process has been unequal, unfair and an unorganized failure in financially compensating those who have been damaged. The structure of this fund restricted individuals based on lack of proof, documentation,

geographic proximity and has required those to waive their right to sue once accepting a final settlement.

With the multitude of disputes, controversies and diverse opinions over the implications of the spill, the use of citizenship can provide a way to easier talk about the public response to the disaster. My work on the topic of citizenship in the context of environmental disaster can begin to open up discussions over what policies could be implemented in preventing future destruction and oil spill disaster plans. This topic is important because it can lead to policy changes or laws that work to not only protect the environmental but also peoples ability to exercise their legal or social rights in the wake of disaster. Policy changes within the human rights and energy policy areas must be addressed and brought to the public's attention in order to bring about changes to prevent disasters. It takes disasters like this to restructure how our government handles disasters, human rights issues, compensation processes, drilling regulations and future energy policy changes. My project can begin to draw insight into an issue that has been controversial but yet crucial in understanding what social, economic and political implications that environmental hazards can have on a region.

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