

## David takes on Goliath and loses -- again: Mann v. Ford

Sr. Rose Pacatte | Jul. 18, 2011 NCR Today

*The HBO documentary "Mann v. Ford" premieres tonight, Monday, at 9 p.m. EST.*

When I lived in Staten Island, N.Y., in the 1970s, I remember waking up many mornings, breathing deeply, and saying to the other nuns, "Ah, smell New Jersey." Of course, the Staten Island landfill took over the airways in the early 1990s when I lived in Staten Island once again. By then, the slaughterhouse in Elizabeth, N.J., at the end of the Goethals Bridge was closed, and the refineries did something to at least make the unbearable heavy smell of chemicals diminish so we could breathe New York's garbage.

In 1955 the Ford Motor Company built the largest auto manufacturing plant to date in U.S. history in Mahwah, N.J. Between 1967 and 1971 it dumped a deadly cocktail of toxic waste including paint sludge, Freon, lead and arsenic, and other industrial waste -- creating dioxin -- into abandoned mine shafts in Upper Ringwood, N.J., the backyard of the Ramapough Native American community. The waste saturated the ground causing fires and the toxins traveled through the air making people break out in sores and become sick.

The Ramapough recall playing in the landfill and making mud pies out of the pretty dirt; it even tasted good. Then people started getting sick: skin sores, miscarriages, bleeding disorders, cancer.

The federal EPA (Environmental Protection Agency) was formed in 1970 to "protect public health and the environment." In 1980, spurred by the Love Canal disaster, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act was passed enabling the EPA to identify, clean up, pay for through "superfunds", or cause perpetrators to clean up, toxic sites and pay for it. The Ringwood Mines Landfill was placed on the Superfund list in 1983 and taken off in 1994. However, the EPA placed it back on the Super Fund list in 2006, noting that only 20 percent of the clean up had been completed.

There are [more than 100 Superfund sites](#) [1] in New Jersey alone. The film states that today 74 million Americans live near Superfund toxic sites. You can visit the [EPA's Superfund site](#) [2] and locate the environmental disaster closest to you.

The new EPA Administrator under President Obama is Lisa Jackson, the former Department of Environmental Protection for Gov. Corzine of New Jersey. Some interviewed in the film do not trust that she has the moxie to stand up to offending corporations, although as the first African American woman to head the agency, the Ramapough people have great hopes. Time will tell.

In 2005, Wayne Mann led a group of the Ramapough in a lawsuit against the Ford Motor Company charging the company with deliberately poisoning the land. A week after the class action suit was filed in 2008, the economy went into free fall and Ford's stock fell to deep lows. With the threat of bankruptcy and a protracted and complicated legal process set out by the judge, the Ramapough took a settlement, with each plaintiff receiving about an average of \$8,000. Then, in 2009, Ford's profits hit 2.7 billion and 6.6 billion in 2010. But no one knew that at the end of September 2008. If the people who ran the Ford Motor Company had a conscience, they would share their bonuses with the people dying of cancer in Upper Ringwood, N.J., or the families of the 30 people

who died of cancer during the five years it took for the lawsuit to go forward.

The collective David of Upper Ringwood, N.J., lost to Goliath, the Ford Motor Company, a behemoth corporation.

Wayne Mann states that if he were to poison even 10 children, he would be on death row. But a corporation can poison hundreds and get away with it.

The crux of the film lies in the courage of the people, the two journalists who broke the story in the first place, the determination of lawyers willing to take risks for people whose rights have been so gravely denied and offended, the unwillingness of the judicial system to confront corporations, the collusion of government and big business. Ford refused to admit liability, stating that at the time the dumps were legal and/or in accord with permitted practices.

This film is by Maro Chermayeff and Micah Fink and is reminiscent of the 2000 film "Erin Brockovich" -- in fact one of the lead attorneys for the plaintiffs, Vicki Gilliam, explains how the trial process will work for the 650 plaintiffs, in almost the same words as Susannah Grant's Oscar-nominated script. Gilliam, who put herself through law school, was even called "lawyer Barbie" by the first public defender who hired her.

Personally, I feel like I wrote this story last month when I reviewed "The Last Mountain" about the human and environmental disaster perpetrated by Massey Energy and Big Coal in West Virginia. The Ford Motor Company, and the people who run it, and other large corporations who get away with hurting people for profit may be legal, but their actions here were and are immoral and unethical.

But how is it that we citizens permit our representatives to pass laws that let corporations hurt people -- for profit?

How many more movies will it take for Americans to realize what is happening in our names by people we elect? We can turn the channel, we can skip voting, we can be political cynics, and then someday, when the skin of our children starts peeling off their backs because of dirty water, maybe we will pay attention. And if this is happening here, imagine what is going on in other countries by U.S.-led multinational corporations.

Mann v. Ford is a cry for democracy.

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[1] [http://en.wikipedia.org/wiki/List\\_of\\_Superfund\\_sites\\_in\\_New\\_Jersey](http://en.wikipedia.org/wiki/List_of_Superfund_sites_in_New_Jersey)

[2] <http://www.epa.gov/superfund>