

Creation Cries
Hosea 4:1-3
Psalm 24:1-2
Rev. Heather Leslie Hammer
September 5, 2010

This spring I got a jury summons in the mail. So I called in on the night before my appointed morning and went in by BART from Livermore to the District Courthouse in San Francisco. A young woman was walking beside me on the pavement as we came up the escalator from BART onto Market Street. She was nervous about finding her destination and asked me for directions to the courthouse. We learned we were both on our way to jury duty. I asked her name—it was Maggie, and then the experience was a shared one from that point on.

It was a long morning—you know how it goes—you have role call, then the pep talk, then the video, then a lot of waiting. Then the clerk called 60 names, and we were asked to file into the courtroom. I'm thinking, "This is going to be a long day." Maggie was still with me in the group. The judge asked us questions one by one. They had to do with whether we'd ever worked for the Environmental Protection Agency, or belonged to activist groups, like the Sierra Club. Lots of people were dismissed due to hardship or some affiliation. Finally there were 14 left, 12 jurors and 2 alternates. I was on the end, so I wondered if I was an alternate, the last name read to go into the jury box.

After lunch it became clear what the trial was all about. The question was whether the defendant, Mark Guinn, had illegally dumped toxic dredge material from the ocean floor of the San Francisco Bay into the open bay and river waters of the Delta. We learned about the Clean Water Act. We learned about how cruise ships come into the Bay through the Golden Gate, requiring a deep channel. We learned about how the oil from these ships collects on the bottom of the ocean and is absorbed by the mud. We learned how this polluted mud is dredged up to make room for the big cruise ships and container ships, and then if it is illegally dumped into estuaries where salt water and fresh water mix, the delicate ecosystem that supports certain marine life is ruined.

Brusco Tug & Barge Company had a contract to dispose of materials from the SF Bay onto Winter Island, an island located where the Sacramento and San Joaquin Rivers empty into the Bay. (Winter Island is just northeast of Pittsburgh.) It has levies, and the intention is for dredge material to be lifted from the barge by crane and deposited onto the island, on the island-side of the levy. It takes a good 12-18 hours to unload a barge properly with a million gallons of spoils on each barge.

But in the barge log, between the years 2003-2007, there were some entries when the crane never arrived. And there were some entries when the barge departed empty from the island minutes after arriving full. The material could not have been disposed of properly without a crane or in such a short time. It must have been quickly dumped into the water.

The jury heard the testimony of marine scientists, tugboat hands, barge engineers and deck hands, and crane operators. Some individuals had been given immunity to testify, in order that the defendant, the head general manager of Brusco Tug & Barge, might be convicted.

It turned out, as I suspected, I was an alternate juror, and so when it came time for the jury to deliberate, I was excused. I waited to hear whether the jury would find Mark Guinn guilty of illegal dumping and conspiring with others to dump between the years 2003-2007. The verdict took another two days.

I called a juror who lives in Santa Rosa—we were thinking we might drive together. She told me about what happened. Maggie, the young woman I met on the street, was selected as foreman. There were two jurors who held out that the defendant *could* have been innocent. But, with careful review of the evidence, the other ten convinced them that on at least one occasion, the defendant had actually opened the hull of a barge himself to dump polluted dredge material into the bay and river water, and on at least one other occasion he had authorized others to dump the dredge material into the bay and river water in order to come back more quickly for another load....to make more money for the barge company that was paid by the load. Each load earned approximately \$280,000 for the barge company.

Mark Guinn was found guilty of one count of dumping and one count of conspiracy to dump. He was acquitted on another count of alleged dumping, and the jury was hung on the fourth count. This past Thursday, Mark Guinn was sentenced to one year and nine months in federal prison. He is also required to serve 200 hours of community service related to the environment. He will begin his prison term on October 22. It turns out, after the trial was over, I learned that Brusco Tug & Barge had already plead guilty to a felony violation of the Clean Water Act and had been charged a 1.5 million dollar fine.

I'm glad this man was convicted. He had broken a law that is designed to protect our environment. He deserved to be punished and, thereby, to send a message to other individuals and companies that illegal dumping will result in prison time.

But it's not so simple. The responsibility and "guilt" is really quite widespread. If we are going to have a busy Port of Oakland and major cruise ships dock at San Francisco piers, we are faced with the problem of disposal. The worst alternative is dumping the toxic dredge material into the Bay or river water; the second worst alternative is dumping it into the open ocean. The third, and best, alternative is disposal on land. Some environmentalists, though, say that, even though it is legal to dispose of the material onto the levees of an island, the soil will bring contamination into marshland where duck and other birds live. It is not clear whether the duck hunting that goes on on Winter Island, may produce contaminated duck for dinner.

So it's not so simple. Whose rights are most important? That of the duck hunter? The bird watcher? The barge company, or the 27-year-old deck hand who is just following orders to dump and will lose his job if he refuses? The managers of the Port of Oakland, or the people who buy the foods off container ships? The owners of the cruise lines, or the

travelers on the cruise ships? The oil companies whose oil runs the ships and also contaminates the dredge material, or we, the citizens, who elect officials who make laws either to protect or ignore the environment? What about the farmers and other residents whose land borders the shoreline and whose view of the Bay is now cluttered with barges and cranes? And what about the many fish and sea creatures—the crab and the salmon—and the 90 species of birds that inhabit the wetlands of the Bay? What about the plants?

What about the natural kingdom? What about God's creation?... Creation cries!

The BP oil spill has brought to our attention some of these same environmental issues—and also economic issues and political issues. And for us as religious people, we cannot hide from moral issues.

One writer has summarized the BP oil spill crisis as "human estrangement from the divine, from each other, and from nature" (Valerie Elverton Dixon "The BP oil spill and religious environmental ethics," *The Washington Post*, June 2, 2010). It's like, as human beings we have ceased to care about God, about each other, and about nature. This author says it's because people just want what matters to them. The big word for this is "anthropocentrism." In the vernacular, it's the "me first" philosophy. We view ourselves as "singular beings." Whatever is right for us, is the way to go. We have made idols of technology, and want whatever it can give us: products from around the world brought by ship to our port—produce like strawberries and peaches in winter from Chile, cruise vacations to distant destinations, gasoline for our commutes to places of work far from our homes. (I'm a guilty consumer right along with the best of them. This is really a sermon of confession, isn't it?)

But the BP oil spill makes us pause. Someone said BP really stands for "Bad Practice." Surely it's "bad practice" to operate for a profit, disregarding safety standards. It's "bad practice" not to have emergency plans in place.

Is it not also "bad practice" for all of us to live as if resources were unlimited? Pope John Paul II, a man with a heart for the world and God's entire creation, said, "The seriousness of ecological degradation lays bare the depth of man's moral crisis....Simplicity, moderation, and discipline as well as the spirit of sacrifice must become a part of everyday" (*Peace with God the Creator, Peace with All of Creation.*) This sounds like the way of Christ.

This week another offshore oil platform exploded off the Louisiana coast—this time there was no leak, and no one was killed, fortunately. As a take-off from the question, "What would Jesus do?" one columnist has asked, "Where would Jesus drill?" ("Green religion movement hopes spill wins converts," *Press Democrat*, July 10).

One thing we know about Jesus—he always stood up for the poor and downtrodden. He would now be standing up for the poor people along the Gulf of Mexico coast, who lost their homes by Hurricane Katrina 5 years ago and who have lost their jobs since the BP oil spill. He would be standing with the people of Pakistan today whose homes and businesses have been flooded away. (Do you notice how disasters impact the poor much more than the rich?) An earthquake in California has not nearly the social and economic destruction that

it has in Haiti, where more than 78 % of Haitians live in poverty, defined by the World Bank as living on \$US2 per day.

I don't know "where Jesus would drill." Jesus was the one who talked about considering the lilies of the field. He talked about lifting up the lowly and eating with poor people and sinners.

The Bible doesn't say we have the right to destroy creation. It says we have the responsibility to preserve and care for creation.

I have a new Bible—it's called the "Green Bible." Every passage about the natural world is printed in green. When you turn to Jeremiah, in green it says of a drought, "[The] nobles send their servants for water; they come to the cisterns, they find no water, they return with their vessels empty. They are ashamed and dismayed...because the ground is cracked....Even the doe in the field forsakes her newborn fawn because there is no grass. The wild asses stand on the bare heights, they pant for air like jackals; their eyes fail because there is no herbage" (14:3-6).

And Hosea says (p. 880), "There is no faithfulness...and no knowledge of God in the land...the land mourns, and all who live in it languish; together with the wild animals and the birds of the air, even the fish of the sea are perishing (4:1,3).

The prophets tell us things we really don't want to hear. The National Council of Churches has asked for "soul searching," since the BP oil spill. The United Methodist Social Principles, in the section on "The Natural World," say, "We support and encourage social policies that serve to reduce and control the creation of industrial byproducts and waste; facilitate the safe processing and disposal of toxic and nuclear waste and move toward the elimination of both; encourage reduction of municipal waste; provide for appropriate recycling and disposal of municipal waste; and assist the cleanup of polluted air, water, and soil" (pp. 14-15).

Creation cries out! Be careful! Be careful where you dump. Be careful when you drill. This is God's creation, and we are called to be God's stewards.