

Michigan governor secretly abolished Flint's right to sue

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The *Detroit Free Press* revealed on Monday that Michigan Governor Rick Snyder surreptitiously instigated a change six months ago that bars the city of Flint from suing the state. Just days after a routine legal filing by Flint Mayor Karen Weaver on March 24, Snyder submitted a change in the directive of the state-appointed body set up to replace the emergency manager that gave it full authority to quash any lawsuits by the city.

Weaver's March 24 filing of a "Notice of Intention to File Claim" was done at the last minute in advance of a legal deadline that would have forfeited the city's option to pursue legal action against the state over the water crisis. March 25 was the end of the 180-day legal window for the city to declare its intention to sue. That period began roughly with Snyder's public admission that it may have been a "mistake" to use the Flint River as the city's water source.

By the time of Snyder's belated admission, the city had been using Flint River water, untreated for corrosion control, for more than 18 months. Children's blood-lead levels and the number of Legionnaires Disease-related deaths had spiked. Illnesses related to lead poisoning were rampant. Since the time of the switch from Detroit-supplied water in April 2014, the state and its agencies conducted a continuous cover-up of toxic water being pumped into Flint homes.

Information was deliberately withheld from Flint citizens that would impugn the safety of the Flint River water. Protests and complaints from Flint residents were answered with lies from city and state officials.

In Weaver's submission to the Michigan Court of Claims, she blamed the state and its agencies for making the decision to switch Flint's water. She stated, "As a direct and proximate result, the city has suffered or will suffer damage to its municipal water distribution

system, emergency response costs arising out of the declaration of a state of emergency, attendant ongoing medical claims, lowered property values resulting in lower tax assessments, reputational damage..."

The filing was part of Weaver's attempt to posture as a critic of the decision to switch the water source to the Flint River, while obscuring the culpability of both Democrats and Republicans, at the local, state and national level, up to and including the Obama administration.

Weaver subsequently made clear that the city had no intention of suing the state last March. Nevertheless, the state strongly urged Weaver, who was elected mayor last November on her pledge to address the city's water crisis, to officially withdraw the city's threat of litigation.

Then, at a "special" March 31 meeting of the Receivership Transition Advisory Board, an amendment submitted by Snyder altered the rules of the body, giving it authority to quash any litigation the city of Flint would initiate or settle.

Though Flint has not technically been under an emergency manager since its last one, Gerald Ambrose, set up the "advisory board" on April 29, 2015, the city still functions under the diktats of the state by virtue of the emergency management law, Public Act 436 of 2012. There is enormous opposition to this law throughout the state, since Snyder signed it into law less than two months after the preceding emergency manager law was overturned in a statewide referendum. In Flint, it was a series of three emergency managers, along with state authorities, who made the decisions that led to the poisoning of the city's water supply.

The water is still unsafe to drink or cook with without expensive filters, and recent reports say "there is no end in sight."



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