Four prominent officials criminally charged in Flint water crisis

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At a Tuesday morning press conference in Flint, Michigan's attorney general Bill Schuette announced criminal charges against two former state-appointed Flint emergency managers and two ex-City of Flint officials for their roles in precipitating the water crisis.

Both former Emergency Managers, Darnell Earley and Gerald Ambrose, face up to 46 years in prison if proven guilty.

Earley, who served as Flint's emergency manager from November 2013 to January 2015, was in office during the April, 2014 switch of the city's water source from the safe Lake Huron treated water supplied by the Detroit Water and Sewerage Department (DWSD) to water from the toxic Flint River.

Ambrose was Flint's emergency manager from January to April 2013, when the decision was made to make the switch. That decision, along with the actions of other federal, state and local officials resulted in the 18 months of toxic water being pumped through and destroying the city's water infrastructure and the ongoing poisoning of the population of Flint. The outbreak of Legionnaires Disease, in which 12 people died, was a direct result of the switch.

Howard Croft, Flint's former director of public works from December 2011 to November 2015, and Daugherty Johnson, former utilities director, both face up to 40 years in prison.

All four officials are charged with felony counts of false pretenses and conspiracy to commit false pretenses related to their roles in a process that led to the issuance of bonds to pay for a portion of the Karegnondi Water Authority (KWA) pipeline project that motivated the switch away from water provided by DWSD and to the Flint River.

The announcement represents the third round of prosecutions announced by the state attorney general's office over the Flint water crisis.

The heart of the case against the latest four defendants is the fraudulent use of the state's Home Rule City Act emergency bond clause, legislated to address "fire, flood, or other calamity," to enable Flint, a city which was financially beyond its debt limit, "to borrow the tens of millions required to pay for Flint's portion of the KWA."

According to Schuette's official statement, "The clean-up of a troublesome lime sludge lagoon—holding by-products of water treatment—became the vehicle to get a state waiver for the bonds." The prosecution makes the case that the clean-up project was not an emergency and that in any case, is not what the borrowed funds would be used for.

Emails released last May revealed that Michigan Department of Environmental Quality (MDEQ) official Stephen Busch, who was among those charged this April by Schuette's office, was at the center of the issuing of the "sweetheart" ACO (administrative consent order) to override restrictions on Flint's ability get new bonds.

Schuette's official statement adds: "To make the situation even worse, tucked inside the 15-page Statement of Purpose for an upgrade of Flint's Water Treatment Plant system was a one-paragraph requirement that bound the city to use the Flint River as an interim water source, and the Flint Water Treatment Plant as the sanitizing and distribution center.

"The Flint Water Treatment Plant, however, was not ready to produce safe, clean water to the citizens of Flint. Regardless, the Defendants mandated the City to use the Flint Water Treatment Plant as part of the deal to get the ability to issue bonds."

Mike Glasgow, then head of the Flint Water Treatment Plant, was charged in April by Schuette's

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office. He pled no contest to a misdemeanor charge of willful neglect of duty so a felony charge of tampering with evidence would be dropped, pledging to cooperate with the investigation.

In emails uncovered in February of this year, Glasgow warned state water quality officials that the Flint Water Treatment Plant would not be ready to treat Flint River water in the timeframe demanded: “I was reluctant before, but after looking at the monitoring schedule and our current staffing, I do not anticipate giving the OK to begin sending water out anytime soon… If water is distributed from this plant in the next couple weeks, it will be against my direction.”

Schuette’s statement elaborates charges that Croft and Johnson “allegedly pressured employees of the Flint Water Treatment Plant to get the plant in working order before April of 2014, the scheduled date for re-start. When the deadline closed in, rather than sound the alarm, the defendants allegedly ignored warnings and test results and shut off the pipes pulling clean water from Detroit, and turned on the Flint River valves.”

Grandstanding at Tuesday’s press conference, Schuette described his team’s prosecution as “hitched to a wagon called justice for Flint.” Yet the crime against Flint is ongoing. While thousands of residents are still dealing with health effects from the use of Flint River water, the plan to move to the KWA pipeline is still going ahead despite the illegal and conspiratorial methods used to commit the City of Flint to the project in the first place.

A 36-inch pipeline, some two miles long, has been permitted by the MDEQ just days ago to connect Flint to the KWA pipeline. Construction on the 70-mile KWA pipeline, which will deliver raw water from Lake Huron, was completed last July. After weeks of waffling in the face of public opposition to the KWA pipeline last summer, Flint Mayor Karen Weaver announced that the city had no choice but to go ahead with the connection to KWA.

The charges announced Tuesday are essentially, albeit not legally, an indictment of the entire emergency manager setup, which was used to remove decision-making authority from the population in order to hand direct control to the corporate oligarchy that rules America.

As a matter of fact, the emergency manager law, which was signed into law by Michigan Governor Rick Snyder, a Republican, in March of 2011, was repudiated in a popular referendum in November 2012. Within seven weeks of the reactionary law being overturned, it was reincarnated in a veto-proof version and enacted before the end of 2012 against the will of Michigan voters.

Democrats and Republicans alike participated in the dictatorial measures carried out under the emergency manager law. State Treasurer Andy Dillon, a Democrat, conspired with Snyder in writing the law. Obama’s Attorney General’s office issued a brief endorsing the use of the emergency manager law to “monetize” Detroit’s assets during the bankruptcy proceedings. Slashing jobs, wages and robbing workers’ pensions and healthcare benefits were carried out under the auspices of this law.

The poisoning of Flint became the most public of the crimes committed under the law. Popular outrage has forced the political establishment to take measures to attempt to defuse the situation. Their political crisis should not be underestimated. It is possible that government officials will do prison time and the investigators may be compelled to file charges against Snyder.

Real justice for Flint will require billions of dollars in resources to provide a stable source of safe water to every citizen and to address health, nutrition and infrastructure needs in the city.

Even as Schuette denounces the “fixation on finances and balance sheets” over human lives, the forced connection to the KWA pipeline and a questionable water treatment infrastructure still moves forward. After years of trauma to the city’s water infrastructure and, more importantly, to its residents, another looming switch to an inferior water source could be a disaster. Considering the criminal and conspiratorial spawning of the KWA, it is telling that the attorney general’s office hasn’t issued an injunction against all its proceedings.

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