

Six-year statute of limitations elapses with no criminal indictments by Flint Water Prosecution Team

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Saturday marked six years since the man-made health disaster hit the city of Flint, Michigan, which was set into motion by state officials at the highest levels and abetted by lower level functionaries in federal, state and local agencies responsible for the safety of drinking water. Not a single official has been convicted or served a single day of prison time for the lead poisoning of the population of almost 100,000 and one of the worst outbreaks of Legionnaire's disease in US history, likely causing the deaths of more than 100 people.

Solicitor General Fadwa Hammoud and Wayne County Prosecutor Kym Worthy, who head the Michigan Attorney General's Office Flint Water Prosecution Team, issued a statement on April 17 that the prosecutions "remain on track." They asserted "April 25, 2014, is a significant date in the history of the Flint Water Crisis. However, we want to correct the misconception that April 25, 2020 is the deadline to bring charges against those who may be criminally liable."

This contradicts the statement they themselves made last June at a Flint public meeting that the team had only nine months to file new charges due to the six-year statute of limitations. The Democratic Attorney General's Office was compelled to call that meeting weeks after dropping the charges on the remaining eight of the 15 defendants charged with crimes due to supposedly weak evidence.

Flint residents were outraged that after more than five years and tens of million of dollars, there remained no criminal prosecutions for the poisoning of their water. Now it is six years, and the claim that "we are delivering on our commitment to the people of Flint" remains a chimera.

The first criminal indictments relating to the water crisis were filed in April, 2016 with great fanfare by Michigan Republican Attorney General Bill Schuette. The state hired Todd Brooks as special prosecutor to lead the investigation, which, according to Schuette, would go as high in the chain of command as evidence would lead, declaring, "The laws apply to everyone, equally, no matter who you are. Period." Three lower-level officials were indicted. Flint residents, who were not allowed in the press conference, protested with signs demanding the indictment of Governor Rick Snyder.

By June, 2017 three more sets of indictments were announced, bringing the total number of defendants to 15. Based on emails and

communications that had already been made public, the professed "follow the evidence" strategy could have led to Snyder's inner circle, but the investigation took a different course after the June 2017 indictments of state health department officials Nick Lyon and Eden Wells.

Despite having no involvement with the decisions that resulted in the poisoning of Flint, Lyon and Wells became the entire focus of the investigation until the end of term of he Snyder administration. Obviously hoping to capitalize on the Flint investigation, Schuette ran a failed campaign for governor in 2018.

Democrat Gretchen Whitmer was elected to the governor's office in November and Dana Nessel, also a Democrat, was elected state Attorney General. The lame duck Schuette then oversaw the plea-bargaining of key defendants, severely damaging the prosecution of higher-level officials and letting these officials off the hook under double jeopardy protections. They included:

- Stephen Busch of the Michigan Department of Environmental Quality (MDEQ) who falsely reported to other agencies that corrosion control measures were being applied to Flint River water.
- MDEQ District Engineer Michael Prysby who ordered that corrosion control not be used in violation of federal drinking water laws.
- Liane Shekter-Smith, the MDEQ director of the Office of Drinking Water, who told Flint residents that a whistle-blowing Environmental Protection Agency expert was being silenced for exposing the malfeasance of the MDEQ, was fired in 2015.
- Adam Rosenthal from the MDEQ ordered the collection of falsified samples to supposedly prove that Flint water met federal safety standards.

Nessel appointed Hammoud and Worthy to prosecute Flint water crimes. Within six months of inauguration of the new Democratic administration, all charges for the eight remaining defendants were dropped "without prejudice," allowing them to be charged again at a later date.

In response to the dropping of charges, Dr. Marc Edwards, who led the 2015 independent water sampling effort to disprove authorities claims that the water was safe to drink, penned an editorial on his Flint Water Study website. He stated that he was not surprised at the dropping of all criminal prosecutions:

“There are possible crimes associated with the original decision to use Flint River water, elevated lead in children’s blood lead due to an acknowledged failure to follow Federal law, deaths from Legionnaire’s disease, and a cover up of water quality problems that occurred in 2014 and 2015. Yet Flood decided to prosecute a crime that allegedly occurred on a State-funded research grant after the Federal Emergency was declared, based on testimony of professors who did nothing of substance in Flint until late 2016.”

The professors Edwards refers to are members of FACHEP (Flint Area Community Health and Environment Partnership), the body awarded a grant of millions by the Snyder administration to provide independent scientific oversight over Flint water recovery. Interested readers can find more information on Edwards’ website.

Citing inability to comment on an ongoing investigation, the water prosecution team expects the public to accept as good coin the claim that they will be prosecuting those responsible and that the significance of the statute of limitations they had originally cited as a deadline is a “misconception.”

The day before the announcement by Hammoud and Worthy, the website VICE published an article, characterized as a “bombshell,” written by Jordan Chariton and Jenn Dize. The 9,000-word article is largely a recap of what is already publicly known about the Flint catastrophe, but it contains a couple of significant revelations.

The first new revelation is that former Flint mayor Karen Weaver was approached by Snyder during Whitmer’s inauguration in January, 2019 to request that Weaver use her influence to encourage US Congressman Elijah Cummings, who at the time was the incoming chairman of the US House Oversight Committee, to “back off” on his investigation.

As a subpoenaed witness before the March, 2016 oversight committee session, Snyder testified that he was unaware of problems with Flint’s water until one day before he announced the switch back to Detroit water, Cummings was very suspicious.

The *World Socialist Web Site* reported at the time:

“Snyder, one of the most culpable figures in the crisis, sought to spread the guilt around as widely as possible. “This was a failure of government at all levels,” Snyder declared. “Local, state and federal officials—we all failed the families of Flint.” On the state level, Snyder pointed to negligence by “career bureaucrats” for failing to inform him of the dangers.

“In reality, Snyder was warned—repeatedly. US Rep. Elijah Cummings, the Democrat from Maryland, noted that Snyder received an internal email in October 2014 from his head legal adviser recommending that Flint ‘get back on the Detroit (water) system’ as soon as possible ‘before this thing gets too far out of control.’ The governor did not order the city to switch its water source until a year later.”

Local media reported in February, 2016, that Valerie Brader, Snyder’s senior policy adviser, and Chief Legal Counsel Mike Gadola warned Snyder in October 2014, less than six months after the switch to Flint River water, that use of the water was “downright scary.” This was around the same time that the General Motors Engine Plant independently made its own arrangements to leave Flint’s water system due to its corrosive effect on engine parts.

This pamphlet presents a selection from the record of the WSWWS as the crisis unfolded.

When Snyder approached her, Weaver had already been speaking with Cummings about pursuing the investigation and had no intention of acceding to Snyder’s request. Cummings died last October and apparently so did his investigation. After the publication of the VICE report, Weaver did a video interview with local news that corroborated the account that she was approached by Snyder.

The VICE report also revealed that during a “confidential investigative subpoena interview” with Todd Flood in October, 2016, Brader revealed that Snyder’s right-hand man, Rich Baird, was involved in a conversation about the water, in contradiction to his public testimony.

The VICE article asserts that a “source familiar with the criminal investigation” said Brader also revealed that “afterward, Baird warned her to never again send an email like the water warning again.”

Today, six years after the start of the poisoning of Flint’s water, the trial and punishment of officials like Snyder and his henchmen like Baird, who are responsible for the class crime, is treated like a carrot perpetually dangled in front of the population to lure them with illusions in the progressive motivations of the Democratic Party.

Despite the dismal fiasco of their investigation, Attorney General Nessel said in a statement about the prosecutions: “their commitment to the people of Flint is as strong today as it was the day they took up this important cause. The people of Flint, like myself, are fortunate to have Fadwa and Kym working on their behalf.”

This is nonsense. Are workers to believe that six years after the start of the Flint water crisis that justice for Flint residents is any closer than it was on day one? The full exposure of the crimes committed against the people of Flint and the holding to account of those responsible can only be achieved by the independent mobilization of the working class based on a socialist program.



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