

Former governor Rick Snyder charged over role in Flint, Michigan water poisoning

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Almost seven years after the crime began, Michigan's Flint Water Prosecution Team announced indictments Thursday of nine state officials for their roles in the poisoning of the city's population and then covering up the dangerous condition of the water. Flint has become known around the world for the odious crime carried out against the population in which its most basic necessity—clean water—was replaced with water laced with lead, sickening residents and resulting in numerous deaths.

Most significant in the indictments is that of former governor Rick Snyder who faces two willful neglect of duty charges, misdemeanors with potential sentences of one year each and/or a \$1,000 fine. The limited charges fly in the face of Flint residents who consider him chiefly responsible for the suffering they are still enduring. Snyder was governor when the switch over to Flint River water was made in 2014. His administration worked to downplay and cover up the ensuing crisis.

The state's prosecution team is led by Michigan Solicitor General Fadwa Hammoud and Wayne County Prosecutor Kym Worthy. Evidence was presented before a secret grand jury in January 2020 in order to bring the charges in the most "expedient and efficient" manner. In this way, preliminary hearings are avoided and charges will be brought directly to trial.

In announcing the 42 indictments against the nine defendants, the prosecutors asserted that they could not have announced them before their arraignments, which took place earlier Thursday morning, to which all defendants pleaded not guilty on all charges.

Worthy and Hammoud maintained that none of the evidence behind the indictments could be discussed publicly. The full list of indictments against the nine defendants in the order given today is as follows:

- **Nick Lyons**, former director of the Michigan Department of Health and Human Services (MDHHS): Nine counts of involuntary manslaughter, each a 15-year felony and/or \$7,500 fine; one count of willful neglect of duty, a one-year misdemeanor and/or \$1,000 fine.

- **Eden Wells**, former Chief Medical Executive of MDHHS: Nine counts of involuntary manslaughter, each a 15-year felony and/or \$7,500 fine; two counts of misconduct in office, each a five-year felony and/or \$10,000 fine; one count of willful neglect of duty, a one-year misdemeanor and/or \$1,000 fine.

- **Nancy Peeler**, current Childhood Health Section Manager of MDHHS: two counts of misconduct in office, each a five-year felony and/or \$10,000 fine; one count of willful neglect of duty, a one-year misdemeanor and/or \$1,000 fine.

- **Gerald Ambrose**, former Flint Emergency Manager (January 2015–April 2015): four counts of misconduct in office, each a five-year felony and/or \$10,000 fine.

- **Darnell Earley**, former Flint Emergency Manager (September 2013–January 2015): three counts of misconduct in office, each a five-year felony and/or \$10,000 fine.

- **Howard Croft**, former Director of Flint Public Works Department: two counts of willful neglect of duty, each a five-year misdemeanor and/or \$1,000 fine.

- **Rick Snyder**, former Michigan Governor: two counts of willful neglect of duty, each a five-year misdemeanor and/or \$1,000 fine.

- **Jerrold Agen**, former Director of Communications and former Chief of Staff, Executive Office of the Governor: one count of perjury, a 15-year felony.

- **Richard Baird**, former Transformation Manager and Senior Adviser, Executive Office of the Governor: one count of perjury, a 15-year felony; one count of official misconduct in office, a five-year felony and/or \$10,000 fine; one count of obstruction of justice, a five-year felony and/or \$10,000 fine; one count of extortion, a 20-year felony and/or \$10,000 fine.

The prosecutors asserted that this is not the final list and that they will go “where the evidence takes us.” Besides the addition of Snyder, Baird and Agen to the list, no new defendants other than those whose charges were previously dropped in June of 2019 have been named.

It is significant that Baird faces the longest possible prison time, up to 45 years if convicted on all counts. It is public knowledge that Snyder and Baird go way back and that he has the reputation as Snyder’s fixer. His role in Flint was that of enforcer and damage control. Baird presided over town hall meetings, in particular, an April 2017 meeting provocatively held in a church where six residents were arrested.

Just before Snyder, who was term-limited, left office at the end of 2018, key defendants were allowed to plea bargain, accepting minor charges and therefore are protected against being re-charged under the double-jeopardy clause of the Fifth Amendment of the US Constitution. This action could not be justified except for providing legal protection for Snyder.

These defendants were:

- **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.

- **Michael Prysby**, the MDEQ District Engineer 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 whistleblowing 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.

The inability to bring these four to trial may have meant

that Nessel’s prosecutors were unable to acquire enough evidence against Snyder to bring any felony charges.

When the original three defendants were named in 2016 by Republican Attorney General Bill Schuette and his appointed prosecutor Todd Flood, the *World Socialist Web Site* reported:

The most obvious question raised by the indictments is, what forces were behind the instructions to Busch and Prysby to falsify test results? The idea that the men indicted were alone responsible for the Flint tragedy is absurd. Evidence points to the involvement of officials at the highest levels of the state government and federal Environmental Protection Agency, who clearly knew of the dangers facing Flint residents, but covered them up.

The list of defendants announced this week has some glaring omissions. To name just one: State Treasurer Andy Dillon, a Democrat who worked closely with Snyder in the forced bankruptcy of Detroit and who signed the authorization for the city of Flint to switch its water source, despite his advisers urging not to. Perhaps outside the jurisdiction of the Michigan courts is EPA Region 5 Director Susan Hedman, who silenced expert Miguel Del Toral from warning that Flint was not using corrosion control.

The prosecutors claim that they conducted a “full and thorough investigation” and that all the charges brought are provable in court beyond a reasonable doubt. Without analysis of their evidence, that will remain to be seen.

Seven years after the poisoning began, it is clear that the social crime committed against the largely impoverished, multi-racial working class population of Flint was not the result of negligence, nor was it about “saving money.” It was the outcome of a scheme hatched by the state’s political establishment, Democrats and Republicans alike, to use the dire financial crisis of a municipality and its residents to make substantial profits for a layer of business elite.



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