

Court dismisses criminal charges against Flint water crisis defendants

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A circuit court judge on Tuesday dismissed criminal charges against seven state officials indicted in connection with the Flint, Michigan, water crisis. The officials faced felony charges that included involuntary manslaughter, misconduct in office and perjury.

Genesee Circuit Judge Elizabeth Kelly had been expected to dismiss the charges after the Michigan Supreme Court ruled in July that the indictments had been arrived at improperly. Kelly dismissed the charges without prejudice, meaning the defendants can be charged again.

The dismissals amount to one more betrayal by the state of the residents of Flint, who have seen justice delayed and denied repeatedly since the crisis began in 2014.

The problem with the indictments, according to the state Supreme Court, was that they had been decided upon by a one-person grand jury. While Michigan is one of three states that still on occasion submits cases to a one-person grand jury, in which a lone judge reviews evidence, the Supreme Court ruled that such judges are not entitled to issue indictments.

“Because the one-person grand jury does not have the power to issue indictments,” Kelly explained in her dismissal of the charges, “the indictments issued in the felony Flint water cases were void ab initio [from the beginning].”

The question arises, why did the state attorney general, Democrat Dana Nessel, choose to employ the one-person grand jury instead of bringing charges in open court?

Assuming office in 2019 as part of the administration of Michigan Governor Gretchen Whitmer, Nessel promptly voided the investigation and subsequent charges brought by former Attorney General Bill Schuette, an investigation that had taken years and cost Michigan taxpayers tens of millions of dollars. Vowing to open her own investigation into the Flint water crisis, Nessel arrogantly told Flint residents, “Justice delayed is not always justice denied.” So far it has proven to be just that.

The seven state officials whose charges Kelly dismissed are former Michigan Department of Health and Human

Services (MDHHS) Director Nick Lyon, former MDHHS medical executive Eden Wells, former MDHHS employee Nancy Peeler, former Governor Rick Snyder’s aides Jarrod Agen and Richard Baird, and former Flint emergency managers Gerald Ambrose and Darnell Earley.

Lyon and Wells each faced nine counts of involuntary manslaughter, punishable by up to 15 years in prison. Agen and Baird had been indicted on perjury charges, also punishable by 15 years in prison.

The Flint water crisis is one of the worst public health disasters in US history, and it was entirely preventable. In 2014, under an anti-democratic emergency manager regime, the state switched the city of Flint’s water source from the Detroit Water and Sewerage Department, whose water comes from Lake Huron to the industrially contaminated Flint River. The switch was made through a privatization scheme called the Karegnondi Water Authority (KWA). The water was improperly treated and, as a result, distribution pipes in Flint corroded and leached lead and other contaminants into the city’s drinking water.

Soon Flint residents were complaining that their water had turned brown and that they were feeling ill, all the while they were assured by state officials that the water was safe.

Investigative work by Flint pediatrician Dr. Mona Hanna-Attisha and Virginia Tech civil engineering professor Dr. Marc Edwards resulted in an independent study of Flint’s water and exposed the lies of Michigan water authorities and Republican and Democratic politicians. The study found that the water was contaminated with lead, a severe neurotoxin especially harmful to children.

Lead is particularly damaging to brain development, where its effects are irreversible. Lead can also cause damage to the kidneys and nervous system. In 2020, Dr. Hanna-Attisha estimated that as many as 14,000 children under the age of six may have been exposed to lead in Flint’s water.

In addition to the children suffering lead poisoning, 12 people in Flint died in an outbreak of Legionnaire’s disease in 2014 and 2015, caused by low chlorine levels in the water.

Another lasting harm from the water crisis was revealed last month, when a new study, conducted by researchers at the Medical University of South Carolina in Charleston, found that tens of thousands of Flint residents are suffering from post-traumatic stress disorder (PTSD) and depression. Nearly one in four Flint residents 18 and older suffers from PTSD, an incidence three times higher than the general US population, while nearly one in five suffers from depression, an incidence five times higher than the general population.

In November 2021, a federal judge approved a \$626 million settlement for Flint residents. District judge Judith Levy touted the agreement as a “remarkable achievement.” While the settlement establishes a formula for allotting award amounts, directing more money to claimants who were young children at the time of the poisoning and to those who can prove greater damage, no amount of money can make those children whole.

Flint’s residents were poisoned because government officials and business interests—that is, the capitalist class—placed profits ahead of human health and safety. It was a social crime of unprecedented proportion in the US until the bipartisan “let it rip” approach to the COVID-19 pandemic.

Once the damage was done in Flint, officials from the governor on down attempted to cover it up. Even President Barack Obama stopped in Flint one day in May of 2016 to sip a glass of water for the cameras and assure the city’s residents, and the nation, that all was well in Flint.

Obama made clear that he did not believe “that anybody consciously wanted to hurt the people in Flint” and took a swipe at Republicans by blaming the “corrosive attitude...that believes that less government is the highest good no matter what.” Of course, the idea that politicians “consciously wanted to hurt” anyone is unnecessary to the crime. Capitalism does its damage to workers knowingly and heedlessly. Harm is not the objective but the “externalized” cost of doing business. Consider the more than one million lives sacrificed to COVID-19 in the US and the 6.5 million lost worldwide, both figures almost certainly significant underestimates, all for the sake of corporate profits.

Just as the Trump administration’s murderous pandemic policies were not only excused but replicated by President Joe Biden, and Obama turned a blind eye to the war crimes of George W. Bush’s administration, so the Democratic administration of Governor Whitmer has, since it took office in 2019, given every appearance of sweeping the crimes of the Flint water crisis under the rug. Understandably so. The malfeasance and pro-corporate orientation of the Democrats are no less characteristic of that party than they are of the Republicans. To expose one party to public scrutiny is to expose both.

The ruling class, though riven itself between a feeble adherence to bourgeois democratic forms and an increasing turn to fascism, is of one mind where the working class is concerned. Workers are to be exploited to the breaking point for their labor, and any anti-establishment sentiment is to be suppressed. One result of this abusive policy of wealth extraction is the utter disregard for the welfare of workers, from the dismantling of COVID-19 mitigation to the neglect of social infrastructure.

Despite Biden’s talk of reviving the nation’s economy by refurbishing its infrastructure, the roadways, railways, water systems and electrical grids of the US continue to deteriorate, to say nothing of the condition of factories, warehouses, and schools. One of the most recent and alarming indications of this disrepair is the water crisis taking place in Jackson, Mississippi.

Since early summer, residents of Jackson have been subject to over 300 boil-water alerts, and last month went a week without running water. Jackson’s ongoing crisis is the result of many decades of neglect to the city’s water infrastructure, and the scene playing out in Jackson can and will be replicated throughout the country, where capitalism has placed the profit motive ahead of the health, safety, and welfare of workers. But workers have the power to change this situation.

Only a mass movement of the working class, based on an internationalist socialist perspective, can wrest control of the nation’s infrastructure and industrial production from the parasitical capitalist class and reorganize them in the service of human welfare rather than the profits of an oligarchy.



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