

A travesty of justice

Judge drops all charges against former Michigan Governor Snyder for his role in the Flint water crisis

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On Wednesday, December 7, Michigan Circuit Court Judge F. Kay Behm, a Democratic appointee, dismissed all charges against former Governor Rick Snyder, a Republican, for his role in the Flint water poisoning. Judge Behm issued her order one day after she was confirmed by the US Senate to become a federal judge in eastern Michigan, following her nomination to the federal judiciary by President Joe Biden.

Behm's ruling marks the culmination of a protracted process spanning more than eight years in which not one public figure or elected official has been held accountable for switching the water supply for the heavily working class and low-income city of Flint in April of 2014, resulting in the lead poisoning of tens of thousands of residents.

The Flint River water was so corrosive that it leached lead out of service pipe lines that fed water to the homes of Flint residents. In September 2015, a study by Hurley Medical Center found that Flint children were being poisoned by the lead.

A series of articles in the *Detroit Free Press*, the *Detroit News* and other media outlets published in early 2016 established that Snyder was informed of the toxicity of the Flint water supply within six months of the switch, exposing as lies his claims to have had no knowledge of the problem until much later.

The former venture capitalist served two terms as Michigan governor, from 2011 to 2019, during which he slashed corporate taxes and appointed several emergency managers to run Flint, the former center of General Motors production and site of the historic sit-down strike that sparked the establishment of mass

industrial unions in the US.

Despite the devastating impact on the health and lives of Flint residents, as well as the collapse of home values in the city, Snyder was charged only with two misdemeanors for willful neglect, and pleaded not guilty. The charges were brought in January 2021 during the first term of the current governor, Gretchen Whitmer, a Democrat, who was reelected in last month's midterm elections.

This past October, officials who faced more serious charges than Snyder, including felony charges of involuntary manslaughter, misconduct in office and perjury, were all let off the hook on the same grounds as Snyder, but by a higher court. Behm heard arguments calling for the dismissal of Snyder's charges six weeks ago, on October 26.

Behm's decision upholds a ruling issued by the Michigan Supreme Court in June of this year that the use of a one-judge grand jury to issue the indictments against Snyder and the other officials was unconstitutional. The one-judge grand jury is an unusual legal procedure, but was nevertheless used in the Flint prosecutions by Dana Nessel, the Democratic attorney general.

Snyder's dismissal essentially shuts the door on the prosecution of those responsible for a massive social crime, which resulted in at least 100 deaths, countless miscarriages, emotional and mental developmental problems in tens of thousands of children and countless lifelong illnesses. In addition, many Flint families remain in financial distress from plummeting home values and loss of income due to chronic health

problems.

The only people arrested in connection with the Flint water scandal are six residents who were jailed for protesting the inaction of public officials at a town hall meeting in April 2017.

No official explanation has been offered for Nessel's decision to use the one-person grand jury instead of impaneling a regular grand jury to bring charges. One explanation that suggests itself is a desire to maintain as much secrecy as possible so as to shield other politicians, Democrats as well as Republicans, and various corporate players from potential prosecution or liability for the mass poisoning of a largely working class city.

Despite promising during her 2018 gubernatorial campaign to hold those responsible for the poisoning of Flint's water accountable, Governor Whitmer has presided over the dropping of all criminal cases. The first action of her attorney general, Nessel, upon assuming office in 2019 was to toss out more serious charges, including involuntary manslaughter, which had been filed more than three years earlier.

The record shows that the Democratic Party on all levels has aided, abetted and covered up for a social crime involving officials from both capitalist parties.

The misdemeanor charges were filed in January 2021, seven years after the onset of the water catastrophe. The snail's pace of the case of Snyder and those of other Flint water defendants brings to mind Charles Dickens' masterpiece *Bleak House*, which recounts the case of *Jarndyce v. Jarndyce*, a byword for interminable legal proceedings.

The switch to the toxic Flint River was carried out without treating the water with anti-corrosion chemicals. Then followed a cover-up, which collapsed, and a visit to Flint by then-President Barack Obama for the purpose of smothering and diverting the seething anger of the residents. One tactic employed by the Democrats, in particular, was to promote the patently false notion that the water scandal was a racial question, under conditions where protests were being organized bringing together workers and youth of all races and ethnicities in the city and the region.

The following comment by Florlisa Fowler, a Flint resident, captures the sentiments of many Flint workers:

I'm not surprised. And of course, the dropping of charges comes right before Christmas. It's another slap in our face. Snyder along with the rest of them will not be held responsible for what they have done to us.

The court cases are all a show to make us think that justice will be served. But there will not be justice for us in their courtrooms. These criminals go free and the lawyers make millions of dollars. Snyder himself is still a player, attracting millions of dollars to his cybersecurity company.

Meanwhile, as far as I know, no resident has yet seen a dime from the measly \$626 million settlement. It's going to take an army of working class people to take them all down. And we outnumber them.



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